

FIRST REGULAR SESSION

HOUSE BILL NO. 58

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SASSMANN.

0194H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 324 and 331, RSMo, by adding thereto two new sections relating to emergency suspensions or restrictions of certain professional licenses.

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

Section A. Chapters 324 and 331, RSMo, are amended by adding thereto two new sections, to be known as sections 324.263 and 331.084, 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 related to the duties and responsibilities of the licensed occupation; 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

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 **administrative hearing commission. Within twenty-four hours of receiving the packet,**
19 **the board shall either personally serve the licensee the service packet or leave a copy of**
20 **the service packet at all of the licensee's current addresses on file with the board.**

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

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

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

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

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

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

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

3 **(1) The holder of the license is the subject of a pending criminal indictment,**
4 **criminal information, or other criminal charge related to the duties and responsibilities**
5 **of the licensed occupation; and**

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

8 **2. The board shall submit to the administrative hearing commission supporting**
9 **affidavits and certified court records, together with a complaint alleging the facts in**
10 **support of the board's request for an emergency suspension or restriction of a license,**
11 **and shall supply the administrative hearing commission with the last home or business**
12 **addresses on file with the board for the licensee. Within one business day of the filing of**
13 **the complaint, the administrative hearing commission shall return a service packet to**
14 **the board. The service packet shall include the board's complaint and any affidavits or**
15 **records the board intends to rely on that have been filed with the administrative hearing**
16 **commission. The service packet may contain other information in the discretion of the**
17 **administrative hearing commission. Within twenty-four hours of receiving the packet,**
18 **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**
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 this chapter and to**
32 **determine whether the initial order entered by the commission shall continue in effect.**
33 **Prior to the hearing, the licensee may file affidavits and certified court records for**

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

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

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

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

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

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