

FIRST REGULAR SESSION
[PERFECTED]
HOUSE BILL NO. 58
103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SASSMANN.

0194H.02P

JOSEPH ENGLER, 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

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.

17 commission. The service packet may contain other information in the discretion of the
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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