

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1719

99TH GENERAL ASSEMBLY

4489H.05T

2018

AN ACT

To repeal sections 324.001, 324.200, 324.205, 324.210, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.920, 324.925, 324.1108, 327.221, 327.312, 327.313, 327.321, 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, 329.130, 330.030, 331.030, 332.131, 332.321, 334.530, 334.655, 335.036, 335.066, 335.067, 336.030, 337.020, 337.025, 337.029, 337.033, 337.315, 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, 337.718, 338.315, 338.330, 338.333, 338.337, 338.340, 344.030, 374.715, 374.784, and 632.005, RSMo, and to enact in lieu thereof ninety-one new sections relating to professional registration, with existing penalty provisions and a contingent effective date for certain sections.

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

Section A. Sections 324.001, 324.200, 324.205, 324.210, 324.406, 324.409, 324.412,
2 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.920, 324.925, 324.1108, 327.221,
3 327.312, 327.313, 327.321, 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070,
4 329.080, 329.085, 329.130, 330.030, 331.030, 332.131, 332.321, 334.530, 334.655, 335.036,
5 335.066, 335.067, 336.030, 337.020, 337.025, 337.029, 337.033, 337.315, 337.320, 337.507,
6 337.510, 337.612, 337.618, 337.662, 337.712, 337.718, 338.315, 338.330, 338.333, 338.337,
7 338.340, 344.030, 374.715, 374.784, and 632.005, RSMo, are repealed and ninety-one new

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.

8 sections enacted in lieu thereof, to be known as sections 285.700, 285.705, 285.710, 285.715,
9 285.720, 285.725, 285.730, 285.740, 285.750, 324.001, 324.013, 324.046, 324.047, 324.200,
10 324.205, 324.210, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430,
11 324.436, 324.920, 324.925, 324.1108, 327.221, 327.312, 327.313, 327.321, 328.025, 328.080,
12 329.010, 329.032, 329.033, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, 329.130,
13 329.275, 330.030, 331.030, 332.131, 332.321, 334.530, 334.655, 335.036, 335.066, 335.067,
14 336.030, 337.020, 337.025, 337.029, 337.033, 337.100, 337.105, 337.110, 337.115, 337.120,
15 337.125, 337.130, 337.135, 337.140, 337.145, 337.150, 337.155, 337.160, 337.165, 337.315,
16 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, 337.718, 338.315, 338.330,
17 338.333, 338.337, 338.340, 344.030, 374.715, 374.784, and 632.005, to read as follows:

285.700. 1. Sections 285.700 to 285.750 shall be known and may be cited as the
2 **"Professional Employer Organization Act".**

3 **2. The secretary of state or any person designated by the secretary of state may**
4 **enforce the provisions of sections 285.700 to 285.750.**

285.705. As used in sections 285.700 to 285.750, the following terms mean:

2 **(1) "Client", any person who enters into a professional employer agreement with**
3 **a PEO;**

4 **(2) "Coemployer", either a PEO or a client;**

5 **(3) "Coemployment relationship", a relationship that is intended to be an ongoing**
6 **relationship rather than a temporary or project-specific relationship, wherein the rights,**
7 **duties, and obligations of an employer that arise out of an employment relationship have**
8 **been allocated between coemployers pursuant to a professional employer agreement and**
9 **sections 285.700 to 285.750. In such a coemployment relationship:**

10 **(a) The PEO is entitled to enforce only such employer rights and is subject to only**
11 **those obligations specifically allocated to the PEO by the professional employer agreement**
12 **or sections 285.700 to 285.750;**

13 **(b) The client is entitled to enforce those rights and obligated to provide and**
14 **perform those employer obligations allocated to such client by the professional employer**
15 **agreement and sections 285.700 to 285.750; and**

16 **(c) The client is entitled to enforce any right and obligated to perform any**
17 **obligation of an employer not specifically allocated to the PEO by the professional**
18 **employer agreement or sections 285.700 to 285.750;**

19 **(4) "Covered employee", an individual having a coemployment relationship with**
20 **a PEO and a client who meets the following criteria:**

21 **(a) The individual has received written notice of coemployment with the PEO; and**

22 **(b) The individual's coemployment relationship is pursuant to a professional**
23 **employer agreement subject to sections 285.700 to 285.750.**

24

25 **Individuals who are officers, directors, shareholders, partners, and managers of the client**
26 **will be covered employees, except to the extent the PEO and the client have expressly**
27 **agreed in the professional employer agreement that such individuals would not be covered**
28 **employees, provided such individuals meet the criteria of this subdivision and act as**
29 **operational managers or perform day-to-day operational services for the client;**

30 **(5) "PEO group", any two or more PEOs that are majority owned or commonly**
31 **controlled by the same entity, parent, or controlling person;**

32 **(6) "Person", any individual, partnership, corporation, limited liability company,**
33 **association, or any other form of legally recognized entity;**

34 **(7) "Professional employer agreement", a written contract by and between a client**
35 **and a PEO that provides:**

36 **(a) For the coemployment of covered employees;**

37 **(b) For the allocation of employer rights and obligations between the client and the**
38 **PEO with respect to the covered employees; and**

39 **(c) That the PEO and the client assume the responsibilities required under sections**
40 **285.700 to 285.750;**

41 **(8) "Professional employer organization" or "PEO", any person engaged in the**
42 **business of providing professional employer services. A person engaged in the business of**
43 **providing professional employer services shall be subject to registration and regulation**
44 **under sections 285.700 to 285.750 regardless of its use of the term or conducting business**
45 **as a professional employer organization, staff leasing company, registered staff leasing**
46 **company, employee leasing company, administrative employer, or any other name. The**
47 **following shall not be deemed to be professional employer organizations or the providing**
48 **of professional employment services for the purposes of sections 285.700 to 285.750:**

49 **(a) Arrangements wherein a person, whose principal business activity is not**
50 **entering into professional employer arrangements and does not hold itself out as a PEO,**
51 **shares employees with a commonly owned company within the meaning of Section 414(b)**
52 **and (c) of the Internal Revenue Code of 1986, as amended;**

53 **(b) Independent contractor arrangements by which a person assumes responsibility**
54 **for the product produced or service performed by such person or his or her agents and**
55 **retains and exercises primary direction and control over the work performed by the**
56 **individuals whose services are supplied under such arrangements; and**

57 **(c) Providing temporary help services;**

58 **(9) "Professional employer services", the service of entering into coemployment**
59 **relationships under sections 285.700 to 285.750 in which all or a majority of the employees**
60 **providing services to a client or to a division or work unit of a client are covered**
61 **employees;**

62 **(10) "Registrant", a PEO registered under sections 285.700 to 285.750;**

63 **(11) "Temporary help services", services consisting of a person:**

64 **(a) Recruiting and hiring its own employees;**

65 **(b) Finding other organizations that need the services of those employees;**

66 **(c) Assigning those employees to perform work at or services for the other**
67 **organizations to support or supplement the other organizations' workforces, or to provide**
68 **assistance in special work situations including, but not limited to, employee absences, skill**
69 **shortages, seasonal workloads, or to perform special assignments or projects; and**

70 **(d) Customarily attempting to reassign the employees to other organizations when**
71 **they finish each assignment.**

285.710. 1. Nothing contained in sections 285.700 to 285.750 or in any professional
2 **employer agreement shall affect, modify, or amend any collective bargaining agreement**
3 **or the rights or obligations of any client, PEO, or covered employee under the federal**
4 **National Labor Relations Act, the federal Railway Labor Act, or sections 105.500 to**
5 **105.530.**

6 **2. Nothing in sections 285.700 to 285.750 or in any professional employer agreement**
7 **shall:**

8 **(1) Diminish, abolish, or remove rights of covered employees to a client or**
9 **obligations of such client to a covered employee existing prior to the effective date of a**
10 **professional employer agreement;**

11 **(2) Affect, modify, or amend any contractual relationship or restrictive covenant**
12 **between a covered employee and any client in effect at the time a professional employer**
13 **agreement becomes effective. A professional employer agreement shall also not prohibit**
14 **or amend any contractual relationship or restrictive covenant that is entered into**
15 **subsequently between a client or a covered employee. A PEO shall have no responsibility**
16 **or liability in connection with, or arising out of, any such existing or new contractual**
17 **relationship or restrictive covenant unless the PEO has specifically agreed otherwise in**
18 **writing; or**

19 **(3) Create any new or additional enforceable right of a covered employee against**
20 **a PEO that is not specifically provided by the professional employer agreement or sections**
21 **285.700 to 285.750.**

22 **3. Nothing contained in sections 285.700 to 285.750 or any professional employer**
23 **agreement shall affect, modify, or amend any state, local, or federal licensing, registration,**
24 **or certification requirement applicable to any client or covered employee.**

25 **4. A covered employee who shall be licensed, registered, or certified according to**
26 **law or regulation is deemed solely an employee of the client for purposes of any such**
27 **license, registration, or certification requirement.**

28 **5. A PEO shall not be deemed to engage in any occupation, trade, profession, or**
29 **other activity that is subject to licensing, registration, or certification requirements, or is**
30 **otherwise regulated by a governmental entity solely by entering into and maintaining a**
31 **coemployment relationship with a covered employee who is subject to such requirements**
32 **or regulation.**

33 **6. A client shall have the sole right of direction and control of the professional or**
34 **licensed activities of covered employees and of the client's business. Such covered**
35 **employees and clients shall remain subject to regulation by the regulatory or governmental**
36 **entity responsible for licensing, registration, or certification of such covered employees or**
37 **clients.**

38 **7. For purposes of the determination of tax credits, economic incentives, or other**
39 **benefits provided by this state or any other government entity and based on employment,**
40 **covered employees shall be deemed employees solely of the client. A client shall be entitled**
41 **to the benefit of any tax credit, economic incentive, or other benefit arising as the result of**
42 **the employment of covered employees of such client. Notwithstanding that the PEO is the**
43 **W-2 reporting employer, the client shall continue to qualify for such benefit, incentive, or**
44 **credit. If the grant or amount of any such benefit, incentive, or credit is based on the**
45 **number of employees, then each client shall be treated as employing only those covered**
46 **employees coemployed by the client. Covered employees working for other clients of the**
47 **PEO shall not be counted. Each PEO shall provide, upon request by a client or an agency**
48 **or department of this state, employment information reasonably required by any agency**
49 **or department of this state responsible for administration of any such tax credit, economic**
50 **incentive, or other benefit that is necessary to support any request, claim, application, or**
51 **other action by a client seeking any such tax credit, economic incentive, or other benefit.**

52 **8. With respect to a bid, contract, purchase order, or agreement entered into with**
53 **the state or a political subdivision of the state, a client company's status or certification as**
54 **a minority business enterprise or a women's business enterprise, as those terms are defined**
55 **in section 37.020, shall not be affected because the client company has entered into an**
56 **agreement with a PEO or uses the services of a PEO.**

285.715. 1. Except as otherwise provided in sections 285.700 to 285.750, no person shall provide, advertise, or otherwise hold itself out as providing professional employer services in this state, unless such person is registered under sections 285.700 to 285.750.

2. Each applicant for registration under sections 285.700 to 285.750 shall provide the secretary of state with the following information:

(1) The name or names under which the PEO conducts business;

(2) The address of the principal place of business of the PEO and the address of each office it maintains in this state;

(3) The PEO's taxpayer or employer identification number;

(4) A list by jurisdiction of each name under which the PEO has operated in the preceding five years, including any alternative names, names of predecessors, and, if known, successor business entities;

(5) A statement of ownership, which shall include the name and evidence of the business experience of any person that, individually or acting in concert with one or more other persons, owns or controls, directly or indirectly, twenty-five percent or more of the equity interests of the PEO;

(6) A statement of management, which shall include the name and evidence of the business experience of any person who serves as president, chief executive officer, or otherwise has the authority to act as senior executive officer of the PEO; and

(7) A financial statement setting forth the financial condition of the PEO or PEO group. At the time of application for a new license, the applicant shall submit the most recent audit of the applicant, which shall not be older than thirteen months. Thereafter, a PEO or PEO group shall file on an annual basis, within one hundred eighty days after the end of the PEO's or PEO group's fiscal year, a succeeding audit. An applicant may apply for an extension with the secretary of state, but any such request shall be accompanied by a letter from the auditors stating the reasons for the delay and the anticipated audit completion date. The financial statement shall be prepared in accordance with generally accepted accounting principles and audited by an independent certified public accountant licensed to practice in the jurisdiction in which such accountant is located and shall be without qualification as to the going concern status of the PEO. A PEO or PEO group may submit combined or consolidated audited financial statements to meet the requirements of this section. A PEO that has not had sufficient operating history to have audited financials based upon at least twelve months of operating history shall meet the financial capacity requirements of sections 285.700 to 285.750 and present financial statements reviewed by a certified public accountant.

36 **3. (1) Each PEO operating within this state as of the effective date of sections**
37 **285.700 to 285.750 shall complete its initial registration not later than one hundred eighty**
38 **days after the effective date of sections 285.700 to 285.750. Such initial registration shall**
39 **be valid until one hundred eighty days from the end of the PEO's first fiscal year that is**
40 **more than one year after the effective date of sections 285.700 to 285.750.**

41 **(2) Each PEO not operating within this state as of the effective date of sections**
42 **285.700 to 285.750 shall complete its initial registration prior to initiating operations within**
43 **this state. In the event a PEO not registered in this state becomes aware that an existing**
44 **client not based in this state has employees and operations in this state, the PEO shall**
45 **either decline to provide PEO services for those employees or notify the secretary of state**
46 **within five business days of its knowledge of this fact and file a limited registration**
47 **application under subsection 6 of this section or a full business registration if there are**
48 **more than fifty covered employees. The secretary of state may issue an interim operating**
49 **permit for the period the registration applications are pending if the PEO is currently**
50 **registered or licensed by another state and the secretary of state determines it to be in the**
51 **best interest of the potential covered employees.**

52 **4. Within one hundred eighty days after the end of a registrant's fiscal year, such**
53 **registrant shall renew its registration by notifying the secretary of state of any changes in**
54 **the information provided in such registrant's most recent registration or renewal. A**
55 **registrant's existing registration shall remain in effect during the pendency of a renewal**
56 **application.**

57 **5. PEOs in a PEO group may satisfy the reporting and financial requirements of**
58 **sections 285.700 to 285.750 on a combined or consolidated basis, provided that each**
59 **member of the PEO group guarantees the financial capacity obligations under sections**
60 **285.700 to 285.750 of each other member of the PEO group. In the case of a PEO or PEO**
61 **group that submits a combined or consolidated audited financial statement including**
62 **entities that are not PEOs or that are not in the PEO group, the controlling entity of the**
63 **PEO group under the consolidated or combined statement shall guarantee the obligations**
64 **of the PEOs in the PEO group.**

65 **6. (1) A PEO is eligible for a limited registration under sections 285.700 to 285.750**
66 **if such PEO:**

67 **(a) Submits a properly executed request for limited registration on a form provided**
68 **by the secretary of state;**

69 **(b) Is domiciled outside this state and is licensed or registered as a professional**
70 **employer organization in another state;**

71 (c) Does not maintain an office in this state or directly solicit clients located or
72 domiciled within this state; and

73 (d) Does not have more than fifty covered employees employed or domiciled in this
74 state on any given day.

75 (2) A limited registration is valid for one year, and may be renewed.

76 (3) A PEO seeking limited registration under this section shall provide the secretary
77 of state with information and documentation necessary to show that the PEO qualifies for
78 a limited registration.

79 (4) The provisions of section 285.725 shall not apply to applicants for limited
80 registration.

81 7. The secretary of state shall maintain a list of professional employer organizations
82 registered under sections 285.700 to 285.750 that is readily available to the public by
83 electronic or other means.

84 8. The secretary of state may produce forms necessary to promote the efficient
85 administration of this section.

86 9. The secretary of state shall, to the extent practical, permit the acceptance of
87 electronic filings in conformance with sections 432.200 to 432.295, including applications,
88 documents, reports, and other filings required by sections 285.700 to 285.750. The
89 secretary of state may provide for the acceptance of electronic filings and other assurance
90 by an independent and qualified assurance organization approved by the secretary of state
91 that provides satisfactory assurance of compliance acceptable to the secretary of state
92 consistent with or in lieu of the requirements of sections 285.715 and 285.725 and other
93 requirements of sections 285.700 to 285.750. The secretary of state shall permit a PEO to
94 authorize such an approved assurance organization to act on the PEO's behalf in
95 complying with the registration requirements of sections 285.700 to 285.750, including
96 electronic filings of information and payment of registration fees. Use of such an approved
97 assurance organization shall be optional and not mandatory for a registrant. Nothing in
98 this subsection shall limit or change the secretary of state's authority to register or
99 terminate registration of a professional employer organization or to investigate or enforce
100 any provision of sections 285.700 to 285.750.

101 10. All records, reports, and other information obtained from a PEO under sections
102 285.700 to 285.750, except to the extent necessary for the proper administration of sections
103 285.700 to 285.750 by the secretary of state, shall be confidential and shall not be
104 considered a "public record" as that term is defined in section 610.010.

285.720. 1. Upon filing an initial registration statement under sections 285.700 to
2 285.750, a PEO shall pay an initial registration fee not to exceed five hundred dollars.

3 **2. Upon each annual renewal of a registration statement filed under sections**
4 **285.700 to 285.750, a PEO shall pay a renewal fee not to exceed two hundred fifty dollars.**

5 **3. The secretary of state shall determine any fee to be charged for a group**
6 **registration.**

7 **4. Each PEO seeking limited registration shall pay a fee in the amount not to exceed**
8 **two hundred fifty dollars upon initial application for limited registration and upon each**
9 **renewal of such limited registration.**

10 **5. No fee charged under sections 285.700 to 285.750 shall exceed the amount**
11 **reasonably necessary for the administration of sections 285.700 to 285.750.**

285.725. Except as provided by 285.715, each PEO or collectively each PEO group
2 **shall maintain either:**

3 **(1) Positive working capital as defined by generally accepted accounting principles**
4 **at registration as reflected in the financial statements submitted to the secretary of state**
5 **with the initial registration and each annual renewal; or**

6 **(2) A PEO or PEO group that does not have positive working capital may provide**
7 **a bond, irrevocable letter of credit, or securities with a minimum market value equaling**
8 **the deficiency plus one hundred thousand dollars to the secretary of state. Such bond is**
9 **to be held by a depository designated by the secretary of state securing payment by the**
10 **PEO of all taxes, wages, benefits, or other entitlement due to or with respect to covered**
11 **employees if the PEO does not make such payments when due.**

285.730. 1. Except as specifically provided in sections 285.700 to 285.750 or in the
2 **professional employer agreement, in each coemployment relationship:**

3 **(1) The client shall be entitled to exercise all rights, and shall be obligated to**
4 **perform all duties and responsibilities otherwise applicable to an employer in an**
5 **employment relationship;**

6 **(2) The PEO shall be entitled to exercise only those rights and obligated to perform**
7 **only those duties and responsibilities specifically required under sections 285.700 to**
8 **285.750 or set forth in the professional employer agreement. The rights, duties, and**
9 **obligations of the PEO as coemployer with respect to any covered employee shall be limited**
10 **to those arising pursuant to the professional employer agreement and sections 285.700 to**
11 **285.750 during the term of coemployment by the PEO of such covered employee; and**

12 **(3) Unless otherwise expressly agreed by the PEO and the client in a professional**
13 **employer agreement, the client retains the exclusive right to direct and control the covered**
14 **employees as is necessary to conduct the client's business, to discharge any of the client's**
15 **fiduciary responsibilities, or to comply with any licensure requirements applicable to the**
16 **client or to the covered employees.**

17 **2. Except as specifically provided under sections 285.700 to 285.750, the**
18 **coemployment relationship between the client and the PEO and between each coemployer**
19 **and each covered employee shall be governed by the professional employer agreement.**
20 **Each professional employer agreement shall include the following:**

21 **(1) The allocation of rights, duties, and obligations as described in subsection 1 of**
22 **this section;**

23 **(2) A requirement that the PEO shall have responsibility to:**

24 **(a) Pay wages to covered employees;**

25 **(b) Withhold, collect, report, and remit payroll-related and unemployment taxes;**
26 **and**

27 **(c) To the extent the PEO has assumed responsibility in the professional employer**
28 **agreement, to make payments for employee benefits for covered employees.**

29

30 **As used in this section, the term "wages" does not include any obligation between a client**
31 **and a covered employee for payments beyond or in addition to the covered employee's**
32 **salary, draw, or regular rate of pay, such as bonuses, commissions, severance pay, deferred**
33 **compensation, profit sharing, vacation, sick, or other paid-time off pay, unless the PEO has**
34 **expressly agreed to assume liability for such payments in the professional employer**
35 **agreement; and**

36 **(3) A requirement that the PEO shall have a right to hire, discipline, and terminate**
37 **a covered employee as may be necessary to fulfill the PEO's responsibilities under sections**
38 **285.700 to 285.750 and the professional employer agreement. The client shall have a right**
39 **to hire, discipline, and terminate a covered employee.**

40 **3. With respect to each professional employer agreement entered into by a PEO,**
41 **such PEO shall provide written notice to each covered employee affected by such**
42 **agreement of the general nature of the coemployment relationship between and among the**
43 **PEO, the client, and such covered employee.**

44 **4. Except to the extent otherwise expressly provided by the applicable professional**
45 **employer agreement:**

46 **(1) A client shall be solely responsible for the quality, adequacy, or safety of the**
47 **goods or services produced or sold in the client's business;**

48 **(2) A client shall be solely responsible for directing, supervising, training, and**
49 **controlling the work of the covered employees with respect to the business activities of the**
50 **client and solely responsible for the acts, errors, or omissions of the covered employees with**
51 **regard to such activities;**

52 **(3) A client shall not be liable for the acts, errors, or omissions of a PEO or of any**
53 **covered employee of the client and a PEO if such covered employee is acting under the**
54 **express direction and control of the PEO;**

55 **(4) A PEO shall not be liable for the acts, errors, or omissions of a client or of any**
56 **covered employee of the client if such covered employee is acting under the express**
57 **direction and control of the client;**

58 **(5) Nothing in this subsection shall serve to limit any contractual liability or**
59 **obligation specifically provided in the written professional employer agreement; and**

60 **(6) A covered employee is not, solely as the result of being a covered employee of**
61 **a PEO, an employee of the PEO for purposes of general liability insurance, fidelity bonds,**
62 **surety bonds, employer's liability that is not covered by workers' compensation, or liquor**
63 **liability insurance carried by the PEO unless the covered employees are included by**
64 **specific reference in the professional employer agreement and applicable prearranged**
65 **employment contract, insurance contract, or bond.**

66 **5. A PEO under sections 285.700 to 285.750 is not engaged in the sale of insurance**
67 **or in acting as a third party administrator by offering, marketing, selling, administering,**
68 **or providing professional employer services that include services and employee benefit**
69 **plans for covered employees. The provisions of this section shall not supersede or preempt**
70 **any requirements under section 375.014.**

71 **6. For purposes of this state or any county, municipality, or other political**
72 **subdivision thereof:**

73 **(1) Any tax or assessment imposed upon professional employer services or any**
74 **business license or other fee that is based upon "gross receipts" shall allow a deduction**
75 **from the gross income or receipts of the business derived from performing professional**
76 **employer services that is equal to that portion of the fee charged to a client that represents**
77 **the actual cost of wages and salaries, benefits, payroll taxes, withholding, or other**
78 **assessments paid to or on behalf of a covered employee by the professional employer**
79 **organization under a professional employer agreement;**

80 **(2) Any tax assessed or assessment or mandated expenditure on a per capita or per**
81 **employee basis shall be assessed against the client for covered employees and against the**
82 **professional employer organization for its employees who are not covered employees**
83 **coemployed with a client. Benefits or monetary consideration that meet the requirements**
84 **of mandates imposed on a client and that are received by covered employees through the**
85 **PEO either through payroll or through benefit plans sponsored by the PEO shall be**
86 **credited against the client's obligation to fulfill such mandates; and**

87 **(3) In the case of a tax or an assessment imposed or calculated upon the basis of**
88 **total payroll, the professional employer organization shall be eligible to apply any small**
89 **business allowance or exemption available to the client for the covered employees for**
90 **purposes of computing the tax.**

285.740. 1. The responsibility to obtain workers' compensation coverage for
2 **covered employees in compliance with all applicable laws shall be specifically allocated in**
3 **the professional employer agreement to either the client or the PEO.**

4 **2. (1) Coverage for both the directly employed workers of a client and the covered**
5 **employees of that client shall be all in the residual or all in the voluntary market with the**
6 **same carrier.**

7 **(2) Workers' compensation coverage for covered employees in the voluntary**
8 **market may be obtained by either:**

9 **(a) The client through a standard workers' compensation policy or through duly**
10 **authorized self-insurance under section 287.280; or**

11 **(b) The PEO through duly authorized self insurance under section 287.280,**
12 **through the type of policy referenced under the provisions of 20 CSR 500-6.800(5)(c)2**
13 **issued to the PEO by a carrier authorized to do business in this state, or through a multiple**
14 **coordinated workers' compensation policy issued by a carrier authorized to do business**
15 **in this state in the name of the PEO or the client.**

16
17 **A PEO authorized to self-insure under section 287.280 shall report to the insurer or the**
18 **appropriate state and rating authorities such client-based information as is necessary to**
19 **maintain the client's experience rating.**

20 **(3) Workers' compensation for covered employees in the residual market may be**
21 **obtained by the client through a residual market policy or by the PEO through a multiple**
22 **coordinated policy in either the name of the PEO or the client that provides to the**
23 **appropriate state and rating authorities the client-based information satisfactory to**
24 **maintain the client's experience rating.**

25 **3. A PEO that applies for coverage or is covered through the voluntary market**
26 **shall also maintain and furnish to the insurer sufficient information to permit the**
27 **calculation of an experience modification factor for each client upon termination of the**
28 **coemployment relationship. Information reported during the term of the coemployment**
29 **relationship which is used to calculate an experience modification factor for a client prior**
30 **to and upon termination of the professional employer agreement shall continue to be used**
31 **in the future experience ratings of the PEO. Such information shall include:**

32 **(1) The client's corporate name;**

- 33 **(2) The client's taxpayer or employer identification number;**
34 **(3) Payroll summaries and class codes applicable to each client, and, if requested**
35 **by the insurer, a listing of all covered employees associated with a given client; and**
36 **(4) Claims information grouped by client, and any other information maintained**
37 **by or readily available to the PEO that is necessary for the calculation of an experience**
38 **modification factor for each client.**
- 39 **4. In addition to any other provision of chapter 287, any material violations of this**
40 **section by a PEO is grounds for cancellation or nonrenewal of the PEO's insurance policy**
41 **by the insurer. If a PEO has received notice that its workers' compensation insurance**
42 **policy will be canceled or nonrenewed, the PEO shall notify by certified mail, within ten**
43 **days after the receipt of the notice, all of the clients for which there is a coemployment**
44 **relationship covered under the policy to be canceled, provided that notice shall not be**
45 **required if the PEO has obtained another insurance policy from a carrier authorized to do**
46 **business in this state, with an effective date that is the same as the date of cancellation or**
47 **nonrenewal.**
- 48 **5. If the coemployment relationship with a client is terminated, the client shall**
49 **utilize an experience modification factor which reflects its individual experience, including,**
50 **if applicable, experience incurred for covered employees under the professional employer**
51 **agreement. The PEO shall provide to the client the client's information that is maintained**
52 **under subsection 3 of this section within five business days of receiving notice from the**
53 **client or within five business days of providing notice to the client that the coemployment**
54 **relationship will terminate. The PEO shall also provide such information to any future**
55 **client insurer, if requested by such client. The PEO shall notify the insurer of its intent to**
56 **terminate any client relationship prior to termination when feasible. When prior notice**
57 **is not feasible, the PEO shall notify its insurer within five business days following actual**
58 **termination.**
- 59 **6. Both the client and the PEO shall be considered the employer for purposes of**
60 **coverage under chapter 287. The protection of the exclusive remedy provision under**
61 **section 287.120 shall apply to the PEO, the client, and to all covered employees and other**
62 **employees of the client irrespective of which coemployer obtains such workers'**
63 **compensation coverage. Nothing in this section shall be construed to exempt either the**
64 **client or the PEO from compliance with the provisions of chapter 287.**
- 65 **7. A client may request the information maintained under subsection 3 of this**
66 **section at any time and every PEO shall provide that information to such client within five**
67 **business days of receiving such a request.**

68 **8. In the case of a request for information by a third party requesting verification**
69 **of a client's experience modification factor for a client in the type of policy referenced**
70 **under the provisions of 20 CSR 500-6.800(5)(c)2, the PEO shall, within five business days**
71 **of receipt of receiving the client's consent, provide such third party with only the**
72 **information maintained by the PEO under subsection 3 of this section. If a client refuses**
73 **to grant consent to a request for information under this subsection, the PEO shall notify**
74 **the requesting third party that the client has refused to consent to the disclosure of the**
75 **information maintained by the PEO under subsection 3 of this section.**

76 **9. A client shall provide any prospective insurer with the information maintained**
77 **by the PEO under subsection 3 of this section upon receiving such information from the**
78 **PEO. Failure to provide a future insurer with such information shall be considered a**
79 **violation of subsection 6 of section 287.128.**

80 **10. (1) A client shall notify any prospective insurer of the client's previous or**
81 **current relationship with a PEO. Failure to provide a future insurer with such**
82 **information shall be considered a violation of subsection 6 of section 287.128.**

83 **(2) This subsection shall not apply if the PEO did not provide workers'**
84 **compensation coverage to a client during the coemployment relationship.**

85 **11. For purposes of chapter 288, a PEO registered under sections 285.700 to**
86 **285.750 shall be treated as a "lesser employing unit" under section 288.032.**

285.750. 1. A person shall not knowingly:

2 **(1) Offer or provide professional employer services or use the names PEO,**
3 **professional employer organization, staff leasing, employee leasing, administrative**
4 **employer, or other title representing professional employer services without first becoming**
5 **registered under sections 285.700 to 285.750; or**

6 **(2) Provide false or fraudulent information to the secretary of state in conjunction**
7 **with any registration, renewal, or in any report required under sections 285.700 to 285.750.**

8 **2. Disciplinary action shall be taken by the secretary of state for violation of this**
9 **section for:**

10 **(1) The conviction of a professional employer organization or a controlling person**
11 **of a PEO of a crime that relates to the operation of a PEO or the ability of the licensee or**
12 **a controlling person of a licensee to operate a PEO;**

13 **(2) Knowingly making a material misrepresentation to the secretary of state or**
14 **other governmental agency; or**

15 **(3) A willful violation of sections 285.700 to 285.750 or any order issued by the**
16 **secretary of state under sections 285.700 to 285.750.**

17 **3. Upon finding, after notice and opportunity for hearing, that a PEO, a controlling**
18 **person of a PEO, or a person offering PEO services has violated one or more provisions**
19 **of this section and subject to appeal, the secretary of state may:**

20 **(1) Deny an application for a license;**

21 **(2) Revoke, restrict, or refuse to renew a license;**

22 **(3) Impose an administrative penalty in an amount not to exceed one thousand**
23 **dollars for each material violation;**

24 **(4) Place the licensee on probation for the period and subject to conditions that the**
25 **secretary of state specifies; or**

26 **(5) Issue a cease and desist order.**

324.001. 1. For the purposes of this section, the following terms mean:

2 (1) "Department", the department of insurance, financial institutions and professional
3 registration;

4 (2) "Director", the director of the division of professional registration; and

5 (3) "Division", the division of professional registration.

6 2. There is hereby established a "Division of Professional Registration" assigned to the
7 department of insurance, financial institutions and professional registration as a type III transfer,
8 headed by a director appointed by the governor with the advice and consent of the senate. All
9 of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State
10 Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its
11 divisions, agencies, and personnel.

12 3. The director of the division of professional registration shall promulgate rules and
13 regulations which designate for each board or commission assigned to the division the renewal
14 date for licenses or certificates. After the initial establishment of renewal dates, no director of
15 the division shall promulgate a rule or regulation which would change the renewal date for
16 licenses or certificates if such change in renewal date would occur prior to the date on which the
17 renewal date in effect at the time such new renewal date is specified next occurs. Each board or
18 commission shall by rule or regulation establish licensing periods of one, two, or three years.
19 Registration fees set by a board or commission shall be effective for the entire licensing period
20 involved, and shall not be increased during any current licensing period. Persons who are
21 required to pay their first registration fees shall be allowed to pay the pro rata share of such fees
22 for the remainder of the period remaining at the time the fees are paid. Each board or
23 commission shall provide the necessary forms for initial registration, and thereafter the director
24 may prescribe standard forms for renewal of licenses and certificates. Each board or commission
25 shall by rule and regulation require each applicant to provide the information which is required
26 to keep the board's records current. Each board or commission shall have the authority to collect

27 and analyze information required to support workforce planning and policy development. Such
28 information shall not be publicly disclosed so as to identify a specific health care provider, as
29 defined in section 376.1350. Each board or commission shall issue the original license or
30 certificate.

31 4. The division shall provide clerical and other staff services relating to the issuance and
32 renewal of licenses for all the professional licensing and regulating boards and commissions
33 assigned to the division. The division shall perform the financial management and clerical
34 functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and
35 renewal of licenses and certificates" means the ministerial function of preparing and delivering
36 licenses or certificates, and obtaining material and information for the board or commission in
37 connection with the renewal thereof **to include verifying if the applicant has submitted all**
38 **required documentation and that the documentation is legible.** It does not include any
39 discretionary authority with regard to the original review of an applicant's qualifications for
40 licensure or certification, or the subsequent review of licensee's or certificate holder's
41 qualifications, or any disciplinary action contemplated against the licensee or certificate holder.
42 The division may develop and implement microfilming systems and automated or manual
43 management information systems.

44 5. The director of the division shall maintain a system of accounting and budgeting, in
45 cooperation with the director of the department, the office of administration, and the state
46 auditor's office, to ensure proper charges are made to the various boards for services rendered
47 to them. The general assembly shall appropriate to the division and other state agencies from
48 each board's funds moneys sufficient to reimburse the division and other state agencies for all
49 services rendered and all facilities and supplies furnished to that board.

50 6. For accounting purposes, the appropriation to the division and to the office of
51 administration for the payment of rent for quarters provided for the division shall be made from
52 the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for
53 the purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited
54 into it from each board's fund. Each board shall contribute a prorated amount necessary to fund
55 the division for services rendered and rent based upon the system of accounting and budgeting
56 established by the director of the division as provided in subsection 5 of this section. Transfers
57 of funds to the professional registration fees fund shall be made by each board on July first of
58 each year; provided, however, that the director of the division may establish an alternative date
59 or dates of transfers at the request of any board. Such transfers shall be made until they equal
60 the prorated amount for services rendered and rent by the division. The provisions of section
61 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed
62 to the credit of general revenue.

63 7. The director of the division shall be responsible for collecting and accounting for all
64 moneys received by the division or its component agencies. Any money received by a board or
65 commission shall be promptly given, identified by type and source, to the director. The director
66 shall keep a record by board and state accounting system classification of the amount of revenue
67 the director receives. The director shall promptly transmit all receipts to the department of
68 revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall
69 provide each board with all relevant financial information in a timely fashion. Each board shall
70 cooperate with the director by providing necessary information.

71 8. All educational transcripts, test scores, complaints, investigatory reports, and
72 information pertaining to any person who is an applicant or licensee of any agency assigned to
73 the division of professional registration by statute or by the department are confidential and may
74 not be disclosed to the public or any member of the public, except with the written consent of
75 the person whose records are involved. The agency which possesses the records or information
76 shall disclose the records or information if the person whose records or information is involved
77 has consented to the disclosure. Each agency is entitled to the attorney-client privilege and work-
78 product privilege to the same extent as any other person. Provided, however, that any board may
79 disclose confidential information without the consent of the person involved in the course of
80 voluntary interstate exchange of information, or in the course of any litigation concerning that
81 person, or pursuant to a lawful request, or to other administrative or law enforcement agencies
82 acting within the scope of their statutory authority. Information regarding identity, including
83 names and addresses, registration, and currency of the license of the persons possessing licenses
84 to engage in a professional occupation and the names and addresses of applicants for such
85 licenses is not confidential information.

86 9. Any deliberations conducted and votes taken in rendering a final decision after a
87 hearing before an agency assigned to the division shall be closed to the parties and the public.
88 Once a final decision is rendered, that decision shall be made available to the parties and the
89 public.

90 10. A compelling governmental interest shall be deemed to exist for the purposes of
91 section 536.025 for licensure fees to be reduced by emergency rule, if the projected fund balance
92 of any agency assigned to the division of professional registration is reasonably expected to
93 exceed an amount that would require transfer from that fund to general revenue.

94 11. (1) The following boards and commissions are assigned by specific type transfers
95 to the division of professional registration: Missouri state board of accountancy, chapter 326;
96 board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects,
97 professional engineers, professional land surveyors and landscape architects, chapter 327;
98 Missouri state board of chiropractic examiners, chapter 331; state board of registration for the

99 healing arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers and
100 funeral directors, chapter 333; state board of optometry, chapter 336; Missouri state board of
101 nursing, chapter 335; board of pharmacy, chapter 338; state board of podiatric medicine, chapter
102 330; Missouri real estate appraisers commission, chapter 339; and Missouri veterinary medical
103 board, chapter 340. The governor shall appoint members of these boards by and with the advice
104 and consent of the senate.

105 (2) The boards and commissions assigned to the division shall exercise all their
106 respective statutory duties and powers, except those clerical and other staff services involving
107 collecting and accounting for moneys and financial management relating to the issuance and
108 renewal of licenses, which services shall be provided by the division, within the appropriation
109 therefor. Nothing herein shall prohibit employment of professional examining or testing services
110 from professional associations or others as required by the boards or commissions on contract.
111 Nothing herein shall be construed to affect the power of a board or commission to expend its
112 funds as appropriated. However, the division shall review the expense vouchers of each board.
113 The results of such review shall be submitted to the board reviewed and to the house and senate
114 appropriations committees annually.

115 (3) Notwithstanding any other provisions of law, the director of the division shall
116 exercise only those management functions of the boards and commissions specifically provided
117 in the Reorganization Act of 1974, and those relating to the allocation and assignment of space,
118 personnel other than board personnel, and equipment.

119 (4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330,
120 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, shall mean personnel whose functions
121 and responsibilities are in areas not related to the clerical duties involving the issuance and
122 renewal of licenses, to the collecting and accounting for moneys, or to financial management
123 relating to issuance and renewal of licenses; specifically included are executive secretaries (or
124 comparable positions), consultants, inspectors, investigators, counsel, and secretarial support
125 staff for these positions; and such other positions as are established and authorized by statute for
126 a particular board or commission. Boards and commissions may employ legal counsel, if
127 authorized by law, and temporary personnel if the board is unable to meet its responsibilities with
128 the employees authorized above. Any board or commission which hires temporary employees
129 shall annually provide the division director and the appropriation committees of the general
130 assembly with a complete list of all persons employed in the previous year, the length of their
131 employment, the amount of their remuneration, and a description of their responsibilities.

132 (5) Board personnel for each board or commission shall be employed by and serve at the
133 pleasure of the board or commission, shall be supervised as the board or commission designates,
134 and shall have their duties and compensation prescribed by the board or commission, within

135 appropriations for that purpose, except that compensation for board personnel shall not exceed
136 that established for comparable positions as determined by the board or commission pursuant
137 to the job and pay plan of the department of insurance, financial institutions and professional
138 registration. Nothing herein shall be construed to permit salaries for any board personnel to be
139 lowered except by board action.

140 12. All the powers, duties, and functions of the division of athletics, chapter 317, and
141 others, are assigned by type I transfer to the division of professional registration.

142 13. Wherever the laws, rules, or regulations of this state make reference to the division
143 of professional registration of the department of economic development, such references shall
144 be deemed to refer to the division of professional registration.

145 14. (1) The state board of nursing, board of pharmacy, Missouri dental board, state
146 committee of psychologists, state board of chiropractic examiners, state board of optometry,
147 Missouri board of occupational therapy, or state board of registration for the healing arts may
148 individually or collectively enter into a contractual agreement with the department of health and
149 senior services, a public institution of higher education, or a nonprofit entity for the purpose of
150 collecting and analyzing workforce data from its licensees, registrants, or permit holders for
151 future workforce planning and to assess the accessibility and availability of qualified health care
152 services and practitioners in Missouri. The boards shall work collaboratively with other state
153 governmental entities to ensure coordination and avoid duplication of efforts.

154 (2) The boards may expend appropriated funds necessary for operational expenses of the
155 program formed under this subsection. Each board is authorized to accept grants to fund the
156 collection or analysis authorized in this subsection. Any such funds shall be deposited in the
157 respective board's fund.

158 (3) Data collection shall be controlled and approved by the applicable state board
159 conducting or requesting the collection. Notwithstanding the provisions of sections 324.010 and
160 334.001, the boards may release identifying data to the contractor to facilitate data analysis of
161 the health care workforce including, but not limited to, geographic, demographic, and practice
162 or professional characteristics of licensees. The state board shall not request or be authorized
163 to collect income or other financial earnings data.

164 (4) Data collected under this subsection shall be deemed the property of the state board
165 requesting the data. Data shall be maintained by the state board in accordance with chapter 610,
166 provided that any information deemed closed or confidential under subsection 8 of this section
167 or any other provision of state law shall not be disclosed without consent of the applicable
168 licensee or entity or as otherwise authorized by law. Data shall only be released in an aggregate
169 form by geography, profession or professional specialization, or population characteristic in a

170 manner that cannot be used to identify a specific individual or entity. Data suppression standards
171 shall be addressed and established in the contractual agreement.

172 (5) Contractors shall maintain the security and confidentiality of data received or
173 collected under this subsection and shall not use, disclose, or release any data without approval
174 of the applicable state board. The contractual agreement between the applicable state board and
175 contractor shall establish a data release and research review policy to include legal and
176 institutional review board, or agency-equivalent, approval.

177 (6) Each board may promulgate rules subject to the provisions of this subsection and
178 chapter 536 to effectuate and implement the workforce data collection and analysis authorized
179 by this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that
180 is created under the authority delegated in this section shall become effective only if it complies
181 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
182 This section and chapter 536 are nonseverable and if any of the powers vested with the general
183 assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a
184 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
185 proposed or adopted after August 28, 2016, shall be invalid and void.

324.013. 1. For purposes of this section, the following terms mean:

2 (1) "License", a license, certificate, registration, permit, or accreditation that
3 enables a person to legally practice an occupation, profession, or activity in the state;

4 (2) "Oversight body", any board, department, agency, or office of the state that
5 issues licenses. The term "oversight body" shall not include any political subdivision.

6 2. An oversight body shall not deny any person eighteen years of age or older a
7 license on the basis of age unless the license enables a person to operate a school bus owned
8 by or under contract with a public school or the state board of education, transport
9 hazardous material, use explosives, or engage in any activity associated with gaming.

324.046. 1. For the purposes of this section, the term "health care professional"
2 shall mean a physician, other health care practitioner, or mental health professional
3 licensed, accredited, or certified by the state of Missouri to perform specified health
4 services.

5 2. Any health care professional in the state of Missouri may annually complete
6 training in the areas of suicide assessment, referral, treatment, and management, which
7 may qualify as part of the continuing education requirements for his or her licensure.

324.047. 1. The purpose of this section is to promote general welfare by
2 establishing guidelines for the regulation of occupations and professions not regulated
3 prior to January 1, 2019, and guidelines for combining any additional occupations or
4 professions under a single license regulated by the state prior to January 1, 2019.

5 **2. For purposes of this section, the following terms mean:**

- 6 **(1) "Applicant group", any occupational or professional group or organization, any**
7 **individual, or any other interested party that seeks to be licensed or further regulated or**
8 **supports any bill that proposes to combine any additional occupations or professions under**
9 **a single license regulated by the state prior to January 1, 2019;**
- 10 **(2) "Certification", a program in which the government grants nontransferable**
11 **recognition to an individual who meets personal qualifications established by a regulatory**
12 **entity. Upon approval, the individual may use "certified" as a designated title. This term**
13 **shall not be synonymous with an occupational license;**
- 14 **(3) "Department", the department of insurance, financial institutions and**
15 **professional registration;**
- 16 **(4) "Director", the director of the division of professional registration;**
- 17 **(5) "Division", the division of professional registration;**
- 18 **(6) "General welfare", the concern of the government for the health, peace,**
19 **morality, and safety of its residents;**
- 20 **(7) "Lawful occupation", a course of conduct, pursuit, or profession that includes**
21 **the sale of goods or services that are not themselves illegal to sell irrespective of whether**
22 **the individual selling them is subject to an occupational regulation;**
- 23 **(8) "Least restrictive type of occupational regulation", the regulation that is least**
24 **restrictive, in which the following list of regulations in order from least to most restrictive**
25 **is used to make such determination:**
- 26 **(a) Bonding or insurance;**
- 27 **(b) Registration;**
- 28 **(c) Certification;**
- 29 **(d) Occupational license;**
- 30 **(9) "Occupational license", a nontransferable authorization in law for an**
31 **individual to perform a lawful occupation for compensation based on meeting personal**
32 **qualifications established by a regulatory entity and that, if not possessed, prohibits the**
33 **individual from performing the occupation for compensation;**
- 34 **(10) "Occupational regulation", a statute, ordinance, rule, practice, policy, or other**
35 **law requiring an individual to possess certain personal qualifications to work in a lawful**
36 **occupation;**
- 37 **(11) "Personal qualifications", criteria related to an individual's personal**
38 **background, including completion of an approved educational program, satisfactory**
39 **performance on an examination, work experience, criminal history, and completion of**
40 **continuing education;**

41 (12) "Practitioner", an individual who has achieved knowledge and skill by
42 practice and is actively engaged in a specified occupation or profession;

43 (13) "Registration", a requirement established by the general assembly in which
44 an individual:

45 (a) Submits notification to a state agency; and

46 (b) May use "registered" as a designated title.

47

48 Notification may include the individual's name and address, the individual's agent for
49 service of process, the location of the activity to be performed, and a description of the
50 service the individual provides. Registration may include a requirement to post a bond but
51 does not include education or experience requirements. If the requirement of registration
52 is not met, the individual is prohibited from performing the occupation for compensation
53 or using "registered" as a designated title. The term "registration" shall not be
54 synonymous with an occupational license;

55 (14) "Regulatory entity", any board, commission, agency, division, or other unit
56 or subunit of state government that regulates one or more professions, occupations,
57 industries, businesses, or other endeavors in this state;

58 (15) "State agency", every state office, department, board, commission, regulatory
59 entity, and agency of the state. The term "state agency" includes, if provided by law,
60 programs and activities involving less than the full responsibility of a state agency;

61 (16) "Substantial burden", a requirement in an occupational regulation that
62 imposes significant difficulty or cost on an individual seeking to enter into or continue in
63 a lawful occupation and is more than an incidental burden.

64 3. All individuals may engage in the occupation of their choice, free from
65 unreasonable government regulation. The state shall not impose a substantial burden on
66 an individual's pursuit of his or her occupation or profession unless there is a reasonable
67 interest for the state to protect the general welfare. If such an interest exists, the regulation
68 adopted by the state shall be the least restrictive type of occupational regulation consistent
69 with the public interest to be protected.

70 4. All bills introduced in the general assembly to regulate, pursuant to subsection
71 6 of this section, an occupation or profession shall be reviewed according to the following
72 criteria. An occupation or profession shall be regulated by the state if:

73 (1) Unregulated practice could cause harm and endanger the general welfare, and
74 the potential for further harm and endangerment is recognizable;

75 (2) The public can reasonably be expected to benefit from an assurance of personal
76 qualifications; and

77 **(3) The general welfare cannot be sufficiently protected by other means.**

78 **5. After evaluating the criteria in subdivision (3) of this subsection and considering**
79 **governmental, economic, and societal costs and benefits, if the general assembly finds that**
80 **the state has a reasonable interest in regulating, pursuant to subsection 6 of this section,**
81 **an occupation or profession not previously regulated by law, the most efficient form of**
82 **regulation shall be implemented, consistent with this section and with the need to protect**
83 **the general welfare, as follows:**

84 **(1) If the threat to the general welfare resulting from the practitioner's services is**
85 **easily predictable, the regulation shall implement a system of insurance, bonding, or**
86 **registration;**

87 **(2) If the consumer has challenges accessing credentialing information or possesses**
88 **significantly less information on how to report abuses such that the practitioner puts the**
89 **consumer in a disadvantageous position relative to the practitioner to judge the quality of**
90 **the practitioner's services, the regulation shall implement a system of certification; and**

91 **(3) If other regulatory structures, such as bonding, insurance, registration, and**
92 **certification, insufficiently protect the general welfare from recognizable harm, the**
93 **regulation shall implement a system of licensing.**

94 **6. After January 1, 2019, any relevant regulatory entity shall report, and the**
95 **department shall make available to the general assembly, upon the filing of a bill that**
96 **proposes additional regulation of a profession or occupation currently regulated by the**
97 **regulatory entity, the following factors to the department:**

98 **(1) A description of the professional or occupational group proposed for expansion**
99 **of regulation, including the number of individuals or business entities that would be**
100 **subject to regulation to the extent that such information is available; the names and**
101 **addresses of associations, organizations, and other groups representing the practitioners;**
102 **and an estimate of the number of practitioners in each group;**

103 **(2) Whether practice of the profession or occupation proposed for expansion of**
104 **regulation requires such a specialized skill that the public is not qualified to select a**
105 **competent practitioner without assurances that minimum qualifications have been met;**

106 **(3) The nature and extent of potential harm to the public if the profession or**
107 **occupation is not regulated as described in the bill, the extent to which there is a threat to**
108 **the general welfare, and production of evidence of potential harm, including a description**
109 **of any complaints filed with state law enforcement authorities, courts, departmental**
110 **agencies, professional or occupational boards, and professional and occupational**
111 **associations that have been lodged against practitioners of the profession or occupation in**
112 **this state within the past five years. Notwithstanding the provisions of this section or any**

113 other section, the relevant regulatory entity shall provide, and the department shall make
114 available to the general assembly, the information relating to such complaints even if the
115 information is considered a closed record or otherwise confidential; except that, the
116 regulatory entity and the department shall redact names and other personally identifiable
117 information from the information released;

118 (4) A description of the voluntary efforts made by practitioners of the profession
119 or occupation to protect the public through self-regulation, private certifications,
120 membership in professional or occupational associations, or academic credentials and a
121 statement of why these efforts are inadequate to protect the public;

122 (5) The extent to which expansion of regulation of the profession or occupation will
123 increase the cost of goods or services provided by practitioners and the overall cost-
124 effectiveness and economic impact of the proposed regulation, including the direct cost to
125 the government and the indirect costs to consumers;

126 (6) The extent to which expansion of regulation of the profession or occupation
127 would increase or decrease the availability of services to the public;

128 (7) The extent to which existing legal remedies are inadequate to prevent or redress
129 the kinds of harm potentially resulting from the lack of the requirements outlined in the
130 bill;

131 (8) Why bonding and insurance, registration, certification, occupational license to
132 practice, or another type of regulation is being proposed, why that regulatory alternative
133 was chosen, and whether the proposed method of regulation is appropriate;

134 (9) A list of other states that regulate the profession or occupation, the type of
135 regulation, copies of other states' laws, and available evidence from those states of the
136 effect of regulation on the profession or occupation in terms of a before-and-after analysis;

137 (10) The details of any previous efforts in this state to implement regulation of the
138 profession or occupation;

139 (11) Whether the proposed requirements for regulation exceed the national
140 industry standards of minimal competence, if such standards exist, and what those
141 standards are if they exist; and

142 (12) The method proposed to finance the proposed regulation and financial data
143 pertaining to whether the proposed regulation can be reasonably financed by current or
144 proposed licensees through dedicated revenue mechanisms.

145 7. If no existing regulatory entity regulates the occupation or profession to be
146 regulated in the bill, the department shall report and make available to the general
147 assembly, upon the filing of a bill after January 1, 2019, that proposes new regulation of
148 a profession or occupation, the following factors:

149 (1) A description of the professional or occupational group proposed for regulation,
150 including the number of individuals or business entities that would be subject to regulation
151 to the extent that such information is available; the names and addresses of associations,
152 organizations, and other groups representing the practitioners; and an estimate of the
153 number of practitioners in each group;

154 (2) The nature and extent of potential harm to the public if the profession or
155 occupation is not regulated, the extent to which there is a threat to the general welfare, and
156 production of evidence of potential harm, including a description of any complaints filed
157 with state law enforcement authorities, courts, departmental agencies, professional or
158 occupational boards, and professional and occupational associations that have been lodged
159 against practitioners of the profession or occupation in this state within the past five years.
160 Notwithstanding the provisions of this section or any other section, the department shall
161 release the information relating to such complaints even if the information is considered
162 a closed record or otherwise confidential; except that, the department shall redact names
163 and other personally identifiable information from the information released;

164 (3) A list of other states that regulate the profession or occupation, the type of
165 regulation, copies of other states' laws, and available evidence from those states of the
166 effect of regulation on the profession or occupation in terms of a before-and-after analysis;

167 (4) The details of any previous efforts in this state to implement regulation of the
168 profession or occupation; and

169 (5) Whether the proposed requirements for regulation exceed the national industry
170 standards of minimal competence, if such standards exist, and what those standards are
171 if they exist.

172 8. After January 1, 2019, applicant groups may report to the department, and the
173 department shall make available to the general assembly, any of the information required
174 in subsection 6 or 7 of this section and whether the profession or occupation plans to apply
175 for mandated benefits.

324.200. 1. Sections 324.200 to 324.225 shall be known and may be cited as the
2 "Dietitian Practice Act".

3 2. As used in sections 324.200 to 324.225, the following terms shall mean:

4 (1) "~~[Commission on Accreditation for Dietetics Education (CADE)], the American~~
5 ~~Dietetic Association's]~~ **Accreditation Council for Education in Nutrition and Dietetics**" or
6 **"ACEND"**, the **Academy of Nutrition and Dietetics** accrediting agency for education
7 programs preparing students for professions as registered dietitians;

8 (2) "Committee", the state committee of dietitians established in section 324.203;

9 (3) "Dietetics practice", the application of principles derived from integrating knowledge
10 of food, nutrition, biochemistry, physiology, management, and behavioral and social science to
11 achieve and maintain the health of people by providing nutrition assessment and nutrition care
12 services. The primary function of dietetic practice is the provision of nutrition care services that
13 shall include, but not be limited to:

14 (a) Assessing the nutrition needs of individuals and groups and determining resources
15 and constraints in the practice setting;

16 (b) Establishing priorities, goals, and objectives that meet nutrition needs and are
17 consistent with available resources and constraints;

18 (c) Providing nutrition counseling or education in health and disease;

19 (d) Developing, implementing, and managing nutrition care systems;

20 (e) Evaluating, making changes in, and maintaining appropriate standards of quality and
21 safety in food and in nutrition services;

22 (f) Engaged in medical nutritional therapy as defined in subdivision (8) of this section;

23 (4) "Dietitian", one engaged in dietetic practice as defined in subdivision (3) of this
24 section;

25 (5) "Director", the director of the division of professional registration;

26 (6) "Division", the division of professional registration;

27 (7) "Licensed dietitian", a person who is licensed pursuant to the provisions of sections
28 324.200 to 324.225 to engage in the practice of dietetics or medical nutrition therapy;

29 (8) "Medical nutrition therapy", nutritional diagnostic, therapy, and counseling services
30 which are furnished by a registered dietitian **or registered dietitian nutritionist**;

31 (9) "Registered dietitian" **or "registered dietitian nutritionist"**, a person who:

32 (a) Has completed a minimum of a baccalaureate degree granted by a United States
33 regionally accredited college or university or foreign equivalent;

34 (b) Completed the academic requirements of a didactic program in dietetics, as approved
35 by ~~[CADE]~~ **ACEND**;

36 (c) Successfully completed the registration examination for dietitians; and

37 (d) Accrued seventy-five hours of approved continuing professional units every five
38 years; as determined by the committee on dietetic registration.

324.205. 1. Any person who holds a license to practice dietetics in this state may use
2 the title "Dietitian" or the abbreviation "L.D." **or "L.D.N."**. No other person may use the title
3 "Dietitian" or the abbreviation "L.D." **or "L.D.N."**. No other person shall assume any title or use
4 any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the
5 person using the same is a licensed dietitian.

6 2. No person shall practice or offer to practice dietetics in this state for compensation or
7 use any title, sign, abbreviation, card, or device to indicate that such person is practicing dietetics
8 unless he or she has been duly licensed pursuant to the provisions of sections 324.200 to
9 324.225.

10 3. Any person who violates the provisions of subsection 1 of this section is guilty of a
11 class A misdemeanor.

 324.210. 1. An applicant for licensure as a dietitian shall be at least twenty-one years
2 of age.

3 2. Each applicant shall furnish evidence to the committee that:

4 (1) The applicant has completed a didactic program in dietetics which is approved or
5 accredited by the ~~[commission on accreditation for dietetic education]~~ **Accreditation Council**
6 **for Education in Nutrition and Dietetics** and a minimum of a baccalaureate degree from an
7 acceptable educational institution accredited by a regional accrediting body or accredited by an
8 accrediting body which has been approved by the United States Department of Education.
9 Applicants who have obtained their education outside of the United States and its territories must
10 have their academic degrees validated as equivalent to the baccalaureate or master's degree
11 conferred by a regionally accredited college or university in the United States. Validation of a
12 foreign degree does not eliminate the need for a verification statement of completion of a
13 didactic program in dietetics;

14 (2) The applicant has completed a supervised practice requirement from an institution
15 that is certified by a nationally recognized professional organization as having a dietetics
16 specialty or who meets criteria for dietetics education established by the committee. The
17 committee may specify those professional organization certifications which are to be recognized
18 and may set standards for education training and experience required for those without such
19 specialty certification to become dietitians.

20 3. The applicant shall successfully pass an examination as determined by the committee
21 and possess a current registration with the Commission on Dietetic Registration. The committee
22 may waive the examination requirement and grant licensure to an applicant for a license as a
23 dietitian who presents satisfactory evidence to the committee of current registration as a dietitian
24 with the commission on dietetic registration.

25 4. Prior to July 1, 2000, a person may apply for licensure without examination and shall
26 be exempt from the academic requirements of this section if the committee is satisfied that the
27 applicant has a bachelor's degree in a program approved by the committee and has work
28 experience approved by the committee.

29 5. The committee may determine the type of documentation needed to verify that an
30 applicant meets the qualifications provided in subsection 3 of this section.

324.406. 1. There is hereby created within the division of professional registration a council to be known as the "Interior Design Council". The council shall consist of four interior designers and one public member appointed by the ~~[governor with the advice and consent of the senate]~~ **director of the division**. The ~~[governor]~~ **director** shall give due consideration to the recommendations by state organizations of the interior design profession for the appointment of the interior design members to the council. Council members shall be appointed to serve a term of four years; except that of the members first appointed, one interior design member and the public member shall be appointed for terms of four years, one member shall be appointed for a term of three years, one member shall be appointed for a term of two years and one member shall be appointed for a term of one year. No member of the council shall serve more than two terms.

2. Each council member, other than the public member, shall be a citizen of the United States, a resident of the state of Missouri for at least one year, meet the qualifications for professional registration, practice interior design as the person's principal livelihood and, except for the first members appointed, be registered pursuant to sections 324.400 to 324.439 as an interior designer.

3. The public member shall be, at the time of such person's appointment, a citizen of the United States, a registered voter, a person who is not and never was a member of the profession regulated by sections 324.400 to 324.439 or the spouse of such a person and a person who does not have and never has had a material financial interest in the providing of the professional services regulated by sections 324.400 to 324.439. The duties of the public member shall not include the determination of the technical requirements for the registration of persons as interior designers.

4. The provisions of section 324.028 pertaining to ~~[public]~~ members of certain state boards and commissions shall apply to ~~[the public member]~~ **all members** of the council.

~~[4-]~~ 5. Members of the council may be removed from office for cause. Upon the death, resignation or removal from office of any member of the council, the appointment to fill the vacancy shall be for the unexpired portion of the term so vacated and shall be filled in the same manner as the first appointment and due notice be given to the state organizations of the interior design profession prior to the appointment.

~~[5-]~~ 6. Each member of the council may receive as compensation an amount set by the division not to exceed fifty dollars per day and shall be reimbursed for the member's reasonable and necessary expenses incurred in the official performance of the member's duties as a member of the council. The director shall establish by rule guidelines for payment.

~~[6-]~~ 7. The council shall meet at least twice each year and **guide, advise, and make recommendations to** the division on matters within the scope of sections 324.400 to 324.439. The organization of the council shall be established by the members of the council.

37 ~~[7. The council may sue and be sued as the interior design council and the council~~
 38 ~~members need not be named as parties. Members of the council shall not be personally liable~~
 39 ~~either jointly or severally for any act committed in the performance of their official duties as~~
 40 ~~council members. No council member shall be personally liable for any costs which accrue in~~
 41 ~~any action by or against the council.]~~

324.409. 1. To be a registered interior designer, a person:

2 (1) Shall take and pass or have passed the examination administered by the National
 3 Council for Interior Design Qualification or an equivalent examination approved by the ~~[council]~~
 4 **division**. In addition to proof of passage of the examination, the application shall provide
 5 substantial evidence to the ~~[council]~~ **division** that the applicant:

6 (a) Is a graduate of a five-year or four-year interior design program from an accredited
 7 institution and has completed at least two years of diversified and appropriate interior design
 8 experience; or

9 (b) Has completed at least three years of an interior design curriculum from an accredited
 10 institution and has completed at least three years of diversified and appropriate interior design
 11 experience; or

12 (c) Is a graduate of a two-year interior design program from an accredited institution and
 13 has completed at least four years of diversified and appropriate interior design experience; or

14 (2) May qualify who is currently registered pursuant to sections 327.091 to 327.171, and
 15 section 327.401 pertaining to the practice of architecture and registered with the ~~[council]~~
 16 **division**. Such applicant shall give authorization to the ~~[council]~~ **division** in order to verify
 17 current registration with sections 327.091 to 327.171 and section 327.401 pertaining to the
 18 practice of architecture.

19 2. ~~[Verification of experience required pursuant to this section shall be based on a~~
 20 ~~minimum of two client references, business or employment verification and three industry~~
 21 ~~references, submitted to the council.]~~

22 ~~3.]~~ The ~~[council]~~ **division** shall verify if an applicant has complied with the provisions
 23 of this section and has paid the required fees, then the ~~[council]~~ **division** shall recommend such
 24 applicant be registered as a registered interior designer by the ~~[council]~~ **division**.

324.412. ~~[1.]~~ The division shall:

2 (1) Employ, within the limits of the appropriations for that purpose, such employees as
 3 are necessary to carry out the provisions of sections 324.400 to 324.439;

4 (2) Exercise all budgeting, purchasing, reporting and other related management
 5 functions[;

6 ~~2. The council shall];~~

7 ~~[(4)]~~ (3) Recommend prosecution for violations of sections 324.400 to 324.439 to the
8 appropriate prosecuting or circuit attorney;

9 ~~[(2)]~~ (4) Promulgate such rules and regulations as are necessary to administer the
10 provisions of sections 324.400 to 324.439. Any rule or portion of a rule, as that term is defined
11 in section 536.010, that is promulgated to administer and enforce sections 324.400 to 324.439,
12 shall become effective only if the agency has fully complied with all of the requirements of
13 chapter 536, including but not limited to, section 536.028, if applicable, after August 28, 1998.
14 If the provisions of section 536.028 apply, the provisions of this section are nonseverable and
15 if any of the powers vested with the general assembly pursuant to section 536.028 to review, to
16 delay the effective date, or to disapprove and annul a rule or portion of a rule are held
17 unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed
18 and contained in the order of rulemaking shall be invalid and void, except that nothing in this
19 section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

 324.415. Applications for registration as a registered interior designer shall be
2 typewritten on forms prescribed by the ~~[council]~~ **division** and furnished to the applicant. The
3 application shall contain the applicant's statements showing the applicant's education, experience,
4 results of previous interior design certification, registration or licensing examinations, if any, and
5 such other pertinent information as the ~~[council]~~ **division** may require, or architect's registration
6 number and such other pertinent information as the ~~[council]~~ **division** may require. Each
7 application shall contain a statement that is made under oath or affirmation and that the
8 representations are true and correct to the best knowledge and belief of the person signing the
9 application. The person shall be subject to the penalties for making a false affidavit or
10 declaration and shall be accompanied by the required fee.

 324.421. The ~~[council]~~ **division** shall register without examination any interior designer
2 certified, licensed or registered in another state or territory of the United States or foreign country
3 if the applicant has qualifications which are at least equivalent to the requirements for
4 registration as a registered interior designer in this state and such applicant pays the required
5 fees.

 324.424. 1. The ~~[council]~~ **division** shall set the amount of the fees authorized by
2 sections 324.400 to 324.439 by rules and regulations. The fees shall be set at a level to produce
3 revenue which shall not substantially exceed the cost and expense of administering sections
4 324.400 to 324.439. All fees required pursuant to sections 324.400 to 324.439 shall be paid to
5 and collected by the division of professional registration and transmitted to the department of
6 revenue for deposit in the state treasury to the credit of the "Interior Designer Council Fund",
7 which is hereby created.

8 2. Notwithstanding the provisions of section 33.080 to the contrary, money in the fund
9 shall not be transferred and placed to the credit of general revenue until the amount in the fund
10 at the end of the biennium exceeds three times the amount of the appropriation to the council for
11 the preceding fiscal year. The amount, if any, in the fund which shall lapse is the amount in the
12 fund which exceeds the appropriate multiple of the appropriations to the council for the
13 preceding fiscal year.

 324.427. It is unlawful for any person to advertise or indicate to the public that the
2 person is a registered interior designer in this state, unless such person is registered as a
3 registered interior designer by the ~~[council]~~ **division** and is in good standing pursuant to sections
4 324.400 to 324.439.

 324.430. No person may use the designation registered interior designer in Missouri,
2 unless the ~~[council]~~ **division** has issued a current certificate of registration certifying that the
3 person has been duly registered as a registered interior designer in Missouri and unless such
4 registration has been renewed or reinstated as provided in section 324.418.

 324.436. 1. The ~~[council]~~ **division** may refuse to issue any certificate required pursuant
2 to sections 324.400 to 324.439, or renew or reinstate any such certificate, for any one or any
3 combination of the reasons stated in subsection 2 of this section. The ~~[council]~~ **division** shall
4 notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the
5 person's right to file a complaint with the administrative hearing commission as provided in
6 chapter 621.

7 2. The ~~[council]~~ **division** may cause a complaint to be filed with the administrative
8 hearing commission as provided by chapter 621 against any holder of a certificate of registration
9 required by sections 324.400 to 324.439 or any person who has failed to renew or has
10 surrendered the person's certificate of registration for any one or combination of the following
11 reasons:

12 (1) The person has been finally adjudicated and found guilty, or entered a plea of guilty
13 or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of
14 the United States, for any offense reasonably related to the qualifications, functions or duties of
15 the profession regulated by sections 324.400 to 324.439; for any offense for which an essential
16 element is fraud, dishonesty or an act of violence; or for a felony, whether or not sentence is
17 imposed;

18 (2) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
19 registration issued pursuant to sections 324.400 to 324.439 or in obtaining permission to take any
20 examination given or required pursuant to sections 324.400 to 324.439;

21 (3) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by
22 fraud, deception or misrepresentation;

23 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
 24 in the performance of the functions or duties of the profession regulated by sections 324.400 to
 25 324.439;

26 (5) Violation of, or assisting or enabling any person to violate, any provision of sections
 27 324.400 to 324.439, or of any lawful rule or regulation adopted pursuant to such sections;

28 (6) Impersonation of any person holding a certificate of registration or authority, permit
 29 or license or allowing any person to use the person's certificate or diploma from any school;

30 (7) Disciplinary action against the holder of a certificate of registration or other right to
 31 perform the profession regulated by sections 324.400 to 324.439 granted by another state,
 32 territory, federal agency or country upon grounds for which revocation or suspension is
 33 authorized in this state;

34 (8) A person is finally adjudged insane or incompetent by a court of competent
 35 jurisdiction;

36 (9) Issuance of a certificate of registration based upon a material mistake of fact;

37 (10) Use of any advertisement or solicitation which is false, misleading or deceptive to
 38 the general public or persons to whom the advertisement or solicitation is primarily directed, as
 39 it relates to the interior design profession.

40 3. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings
 41 shall be conducted in accordance with the provisions of chapter 536 and chapter 621. Upon a
 42 finding by the administrative hearing commission that the grounds, provided in subsection 2 of
 43 this section, for disciplinary action are met, the ~~[council]~~ **division** shall censure or place the
 44 person named in the complaint on probation for a period not to exceed five years or may suspend
 45 the person's certificate for a period not to exceed three years or may revoke the person's
 46 certificate of registration.

324.920. 1. The applicant for a statewide electrical contractor's license shall satisfy the
 2 following requirements:

3 (1) ~~[Be at least twenty-one years of age;~~

4 ~~—(2)]~~ Provide proof of liability insurance in the amount of five hundred thousand dollars,
 5 and post a bond with each political subdivision in which he or she will perform work, as required
 6 by that political subdivision;

7 ~~[(3)]~~ (2) Pass a standardized and nationally accredited electrical assessment examination
 8 that has been created and administered by a third party and that meets current national industry
 9 standards, as determined by the division;

10 ~~[(4)]~~ (3) Pay for the costs of such examination; and

11 ~~[(5)]~~ (4) Have completed one of the following:

12 (a) Twelve thousand verifiable practical hours installing equipment and associated
13 wiring;

14 (b) Ten thousand verifiable practical hours installing equipment and associated wiring
15 and have received an electrical journeyman certificate from a United States Department of
16 Labor-approved electrical apprenticeship program;

17 (c) Eight thousand verifiable practical hours installing equipment and associated wiring
18 and have received an associate's degree from a state-accredited program; or

19 (d) Four thousand verifiable practical hours supervising the installation of equipment and
20 associated wiring and have received a four-year electrical engineering degree.

21 2. Electrical contractors who hold an electrical contractor **or master electrician**
22 **occupational or business** license ~~[in good standing that was]~~ issued by any ~~[authority]~~ **political**
23 **subdivision** in this state ~~[that required prior to January 1, 2018, the passing of a]~~ **shall be**
24 **eligible for a statewide license if the applicant:**

25 (1) **Provides evidence of having passed a** standardized ~~[and nationally accredited]~~
26 written electrical assessment examination that is based upon the National Electrical Code **and**
27 **administered by an independent competent professional testing agency not affiliated with**
28 **a political subdivision or the state of Missouri;** ~~[and who have completed]~~

29 (2) **Provides evidence of** twelve thousand hours of verifiable practical experience ~~[shall~~
30 ~~be issued a statewide license]~~ **or evidence of having been licensed by any Missouri political**
31 **subdivision that requires examination as specified in subdivision (1) of this subsection as**
32 **an electrical contractor or master electrician for six of the previous eight calendar years;**

33 (3) **Provides proof of insurance as required by this chapter; and**

34 (4) **Provides proof that the local license was current and active and not subject to**
35 **discipline on the date the applicant applied for a statewide license.**

36

37 The provisions of this subsection shall apply only to electrical contractor licenses issued by a
38 political subdivision with the legal authority to issue such licenses.

39 3. ~~[Each]~~ **If a** corporation, firm, institution, organization, company, or representative
40 thereof ~~[engaging]~~ **desires to engage** in electrical contracting **licensed under this chapter, then**
41 **it** shall have in its employ, at a supervisory level, at least one electrical contractor who possesses
42 a statewide license in accordance with sections 324.900 to 324.945. A statewide licensed
43 electrical contractor shall represent only one firm, company, corporation, institution, or
44 organization at one time.

45 4. Any person operating as an electrical contractor in a political subdivision that does
46 not require the contractor to hold a local license, **or that operates as an electrical contractor**
47 **in a political subdivision that requires a local license possessed by that person,** shall not be

48 required to possess a statewide license under sections 324.900 to 324.945 to continue to operate
49 as an electrical contractor in such political subdivision.

50 5. The division may negotiate reciprocal agreements with other states, the District of
51 Columbia, or territories of the United States which require standards for licensure, registration,
52 or certification considered to be equivalent or more stringent than the requirements for licensure
53 under sections 324.900 to 324.945.

324.925. 1. Political subdivisions shall not be prohibited from establishing their own
2 local electrical contractor's license, but shall recognize a statewide license in lieu of a local
3 license for the purposes of performing contracting work or obtaining permits to perform work
4 within such political subdivision. **No political subdivision shall require the holder of a
5 statewide license to obtain a local business or occupation license that requires passing of
6 any examination or any special requirements to assess proficiency or mastery of the
7 electrical trades. The holder of a statewide license shall be deemed eligible to perform
8 electrical contracting work and to obtain permits to perform said work from any political
9 subdivision within the state of Missouri.**

10 2. If a political subdivision does not recognize a statewide license in lieu of a local
11 license for the purposes of performing contracting work or obtaining permits to perform work
12 within the political subdivision, then a statewide licensee may file a complaint with the division.
13 The division shall perform an investigation into the complaint, and if the division finds that the
14 political subdivision failed to recognize a statewide license in accordance with this section, then
15 the division shall notify the political subdivision that the political subdivision has violated the
16 provisions of this section and has thirty days to comply with the law. If after thirty days the
17 political subdivision still does not recognize a statewide license, then the division shall notify
18 the director of the department of revenue who shall withhold any moneys the noncompliant
19 political subdivision would otherwise be entitled to from local sales tax as defined in section
20 32.085 until the director has received notice from the division that the political subdivision is in
21 compliance with this section. Upon the political subdivision coming into compliance with the
22 provisions of this section, the division shall notify the director of the department of revenue who
23 shall disburse all funds held under this subsection. Moneys held by the director of the
24 department of revenue under this subsection shall not be deemed to be state funds and shall not
25 be commingled with any funds of the state.

26 3. The provisions of this section shall not prohibit any political subdivision in this state
27 from:

- 28 (1) Enforcing any code or law contained in this section;
29 (2) Implementing an electrical code based upon the National Electrical Code;

30 (3) Issuing an electrical contractor license or communication contractor license valid for
31 that political subdivision;

32 (4) Requiring a business license to perform electrical contracting work;

33 (5) Issuing electrical contracting permits;

34 (6) Enforcing codes of the political subdivision;

35 (7) Inspecting the work of a statewide license holder; and

36 (8) Licensing electricians provided that such licenses are based upon professional
37 experience and passage of a nationally accredited Electrical Assessment Examination that is
38 administered on a routine and accessible schedule.

39 4. Political subdivisions that do not have the authority to issue or require electrical
40 licenses prior to August 28, 2017, shall not be granted such authority under the provisions of this
41 section.

324.1108. 1. Every person desiring to be licensed in this state as a private investigator,
2 private investigator agency, private fire investigator, or private fire investigator agency shall
3 make application therefor to the board. An application for a license under the provisions of
4 sections 324.1100 to 324.1148 shall be on a form prescribed by the board and accompanied by
5 the required application fee. An application shall be verified and shall include:

6 (1) The full name and business address of the applicant;

7 (2) The name under which the applicant intends to conduct business;

8 (3) A statement as to the general nature of the business in which the applicant intends
9 to engage;

10 (4) A statement as to the classification or classifications under which the applicant
11 desires to be qualified;

12 (5) Two recent photographs of the applicant, of a type prescribed by the board, and two
13 classifiable sets of the applicant's fingerprints processed in a manner approved by the Missouri
14 state highway patrol, central repository, under section 43.543;

15 (6) A verified statement of the applicant's experience qualifications; and

16 (7) Such other information, evidence, statements, or documents as may be required by
17 the board.

18 2. Before an application for a license may be granted, the applicant shall:

19 (1) ~~Be at least twenty-one years of age;~~

20 ~~—(2) Be a citizen of the United States;~~

21 ~~[(3)]~~ (2) Provide proof of liability insurance with amount to be no less than two hundred
22 fifty thousand dollars in coverage and proof of workers' compensation insurance if required
23 under chapter 287. The board shall have the authority to raise the requirements as deemed
24 necessary; and

25 [(4)] (3) Comply with such other qualifications as the board adopts by rules and
26 regulations.

 327.221. Any person may apply to the board for licensure as a professional engineer
2 ~~[who is over the age of twenty-one,]~~ who is of good moral character, and who is a graduate of
3 and holds a degree in engineering from an accredited school of engineering, or who possesses
4 an education which includes at the minimum a baccalaureate degree in engineering, and which
5 in the opinion of the board, equals or exceeds the education received by a graduate of an
6 accredited school, and has acquired at least four years of satisfactory engineering experience,
7 after such person has graduated and has received a degree or education as provided in this
8 section; provided that the board shall by rule provide what shall constitute satisfactory
9 engineering experience based upon recognized education and training equivalents, but in any
10 event such rule shall provide that no more than one year of satisfactory postgraduate work in
11 engineering subjects and that each year of satisfactory teaching of engineering subjects
12 accomplished after a person has graduated from and has received a degree from an accredited
13 school of engineering or after receiving an education as provided in this section shall count as
14 equivalent years of satisfactory engineering experience.

 327.312. 1. Any person may apply to the board for enrollment as a land
2 surveyor-in-training ~~[who is over the age of twenty-one,]~~ who is of good moral character, who
3 is a high school graduate, or who holds a Missouri certificate of high school equivalence (GED),
4 and either:

5 (1) Has graduated and received a baccalaureate degree in an approved curriculum as
6 defined by board regulation which shall include at least twelve semester hours of approved
7 surveying course work as defined by board regulation of which at least two semester hours shall
8 be in the legal aspects of boundary surveying; or

9 (2) Has passed at least sixty hours of college credit which shall include credit for at least
10 twenty semester hours of approved surveying course work as defined by board regulation of
11 which at least two semester hours shall be in legal aspects of boundary surveying and present
12 evidence satisfactory to the board that in addition thereto such person has at least one year of
13 combined professional office and field experience in land surveying projects under the
14 immediate personal supervision of a professional land surveyor; or

15 (3) Has passed at least twelve semester hours of approved surveying course work as
16 defined by board regulation of which at least two semester hours shall be in legal aspects of land
17 surveying and in addition thereto has at least two years of combined professional office and field
18 experience in land surveying projects under the immediate personal supervision of a professional
19 land surveyor. Pursuant to this provision, not more than one year of satisfactory postsecondary

20 education work shall count as equivalent years of satisfactory land surveying work as
21 aforementioned.

22 2. The board shall issue a certificate of completion to each applicant who satisfies the
23 requirements of the aforementioned land surveyor-in-training program and passes such
24 examination or examinations as shall be required by the board.

327.313. Applications for enrollment as a land surveyor-in-training shall be typewritten
2 on prescribed forms furnished to the applicant. The application shall contain applicant's
3 statements showing the applicant's education, experience, and such other pertinent information
4 as the board may require~~[-, including but not limited to three letters of reference, one of which~~
5 ~~shall be from a professional land surveyor who has personal knowledge of the applicant's land~~
6 ~~surveying education or experience]~~. Each application shall contain a statement that it is made
7 under oath or affirmation and that the representations are true and correct to the best knowledge
8 and belief of the applicant, subject to the penalties of making a false affidavit or declaration and
9 shall be accompanied by the required fee.

327.321. Applications for licensure as a professional land surveyor shall be typewritten
2 on prescribed forms furnished to the applicant. The application shall contain the applicant's
3 statements showing the applicant's education, experience, results of prior land surveying
4 examinations, if any, and such other pertinent information as the board may require~~[-, including~~
5 ~~but not limited to three letters of reference from professional land surveyors with personal~~
6 ~~knowledge of the experience of the applicant's land surveying education or experience]~~. Each
7 application shall contain a statement that it is made under oath or affirmation and that its
8 representations are true and correct to the best knowledge and belief of the person signing same,
9 subject to the penalties of making a false affidavit or declaration and shall be accompanied by
10 the required fee.

**328.025. If a license issued under this chapter has been destroyed, lost, mutilated
2 beyond practical usage, or was never received, the licensee shall obtain a duplicate license
3 from the board by appearing in person at the board's office or mailing, by certified mail,
4 return receipt requested, a notarized affidavit stating that the license has been destroyed,
5 lost, mutilated beyond practical usage, or was never received.**

328.080. 1. Any person desiring to practice barbering in this state shall make application
2 for a license to the board and shall pay the required barber examination fee.

3 2. The board shall examine each qualified applicant and, upon successful completion of
4 the examination and payment of the required license fee, shall issue the applicant a license
5 authorizing him or her to practice the occupation of barber in this state. The board shall admit
6 an applicant to the examination, if it finds that he or she:

7 (1) Is seventeen years of age or older ~~[and of good moral character];~~

8 (2) Is free of contagious or infectious diseases **that are capable of being transmitted**
9 **during the ordinary course of business for a person licensed under this chapter;**

10 (3) Has studied for at least one thousand hours in a period of not less than six months
11 in a properly appointed and conducted barber school under the direct supervision of a licensed
12 instructor; or, if the applicant is an apprentice, the applicant shall have served and completed no
13 less than two thousand hours under the direct supervision of a licensed barber apprentice
14 supervisor;

15 (4) Is possessed of requisite skill in the trade of barbering to properly perform the duties
16 thereof, including the preparation of tools, shaving, haircutting and all the duties and services
17 incident thereto; and

18 (5) Has sufficient knowledge of the common diseases of the face and skin to avoid the
19 aggravation and spread thereof in the practice of barbering.

20 3. The board shall be the judge of whether the barber school, the barber apprenticeship,
21 or college is properly appointed and conducted under proper instruction to give sufficient training
22 in the trade.

23 4. The sufficiency of the qualifications of applicants shall be determined by the board.

24 ~~[5. For the purposes of meeting the minimum requirements for examination, the~~
25 ~~apprentice training shall be recognized by the board for a period not to exceed five years.]~~

26 329.010. As used in this chapter, unless the context clearly indicates otherwise, the
27 following words and terms mean:

28 (1) "Accredited school of cosmetology or school of manicuring", an establishment
29 operated for the purpose of teaching cosmetology as defined in this section and meeting the
30 criteria set forth under 34 C.F.R. Part 600, sections 600.1 and 600.2;

31 (2) "Apprentice" or "student", a person who is engaged in training within a cosmetology
32 establishment or school, and while so training performs any of the practices of the classified
33 occupations within this chapter under the immediate direction and supervision of a licensed
34 cosmetologist or instructor;

35 (3) "Board", the state board of cosmetology and barber examiners;

36 (4) "Cosmetologist", any person who, for compensation, engages in the practice of
37 cosmetology, as defined in subdivision (5) of this section;

38 (5) "Cosmetology" includes performing or offering to engage in any acts of the classified
39 occupations of cosmetology for compensation, which shall include:

40 (a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving,
41 permanent waving, cleansing, cutting, bleaching, tinting, coloring or similar work upon the hair
42 of any person by any means; or removing superfluous hair from the body of any person by means
43 other than electricity, or any other means of arching or tinting eyebrows or tinting eyelashes.

19 Class CH - hairdresser also includes any person who either with the person's hands or with
20 mechanical or electrical apparatuses or appliances, or by the use of cosmetic preparations,
21 antiseptics, tonics, lotions or creams engages for compensation in any one or any combination
22 of the following: massaging, cleaning, stimulating, manipulating, exercising, beautifying or
23 similar work upon the scalp, face, neck, arms or bust;

24 (b) "Class MO - manicurist" includes cutting, trimming, polishing, coloring, tinting,
25 cleaning or otherwise beautifying a person's fingernails, applying artificial fingernails,
26 massaging, cleaning a person's hands and arms; pedicuring, which includes cutting, trimming,
27 polishing, coloring, tinting, cleaning or otherwise beautifying a person's toenails, applying
28 artificial toenails, massaging and cleaning a person's legs and feet;

29 (c) "Class CA - hairdressing and manicuring" includes all practices of cosmetology, as
30 defined in paragraphs (a) and (b) of this subdivision;

31 (d) "Class E - estheticians" includes the use of mechanical, electrical apparatuses or
32 appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, not to
33 exceed ten percent phenol, engages for compensation, either directly or indirectly, in any one,
34 or any combination, of the following practices: massaging, cleansing, stimulating, manipulating,
35 exercising, beautifying or similar work upon the scalp, face, neck, ears, arms, hands, bust, torso,
36 legs or feet and removing superfluous hair by means other than electric needle or any other
37 means of arching or tinting eyebrows or tinting eyelashes, of any person;

38 (6) "Cosmetology establishment", that part of any building wherein or whereupon any
39 of the classified occupations are practiced including any space rented within a licensed
40 establishment by a person licensed under this chapter, for the purpose of rendering cosmetology
41 services;

42 (7) "Cross-over license", a license that is issued to any person who has met the licensure
43 and examination requirements for both barbering and cosmetology;

44 (8) "**Hair braider**", any person who, for compensation, engages in the practice of
45 **hair braiding**;

46 (9) "**Hair braiding**", in accordance with the requirements of section 329.275, the
47 use of techniques that result in tension on hair strands or roots by twisting, wrapping,
48 waving, extending, locking, or braiding of the hair by hand or mechanical device, but does
49 not include the application of dyes, reactive chemicals, or other preparations to alter the
50 color of the hair or to straighten, curl, or alter the structure of the hair;

51 (10) "Hairdresser", any person who, for compensation, engages in the practice of
52 cosmetology as defined in paragraph (a) of subdivision (5) of this section;

53 [~~9~~] (11) "Instructor", any person who is licensed to teach cosmetology or any practices
54 of cosmetology pursuant to this chapter;

55 ~~[(10)]~~ (12) "Manicurist", any person who, for compensation, engages in any or all of the
56 practices in paragraph (b) of subdivision (5) of this section;

57 ~~[(11)]~~ (13) "Parental consent", the written informed consent of a minor's parent or legal
58 guardian that must be obtained prior to providing body waxing on or near the genitalia;

59 ~~[(12)]~~ (14) "School of cosmetology" or "school of manicuring", an establishment
60 operated for the purpose of teaching cosmetology as defined in subdivision (5) of this section.

**329.032. 1. Nothing in this chapter shall apply to hairdressing, manicuring, or
2 facial treatments given in the home to members of a person's family or friends for which
3 no charge is made.**

**4 2. Nothing in this chapter or chapter 328, except for the provisions of sections
5 329.010 and 329.275, shall apply to persons engaged in the practice of hair braiding who
6 have met the requirements in section 329.275.**

**329.033. If a license issued under this chapter has been destroyed, lost, mutilated
2 beyond practical usage, or was never received, the licensee shall obtain a duplicate license
3 from the board by appearing in person at the board's office or mailing, by certified mail,
4 return receipt requested, a notarized affidavit stating that the license has been destroyed,
5 lost, mutilated beyond practical usage, or was never received.**

329.040. 1. Any person ~~[of]~~ in good ~~[moral character]~~ **standing with the board** may
2 make application to the board for a license to own a school of cosmetology on a form provided
3 upon request by the board. Every school of cosmetology in which any of the classified
4 occupations of cosmetology are taught shall be required to obtain a license from the board prior
5 to opening. The license shall be issued upon approval of the application by the board, the
6 payment of the required fees, and the applicant meets other requirements provided in this
7 chapter. The license shall be kept posted in plain view within the school at all times.

8 2. A school license renewal fee shall be due on or before the renewal date of any school
9 license issued pursuant to this section. If the school license renewal fee is not paid on or before
10 the renewal date, a late fee shall be added to the regular school license fee.

11 3. No school of cosmetology shall be granted a license pursuant to this chapter unless
12 it:

13 (1) Employs and has present in the school a competent licensed instructor for every
14 twenty-five students in attendance for a given class period and one to ten additional students may
15 be in attendance with the assistance of an instructor trainee. One instructor is authorized to teach
16 up to three instructor trainees immediately after being granted an instructor's license;

17 (2) Requires all students to be enrolled in a course of study of no less than three hours
18 per day and no more than twelve hours per day with a weekly total that is no less than fifteen
19 hours and no more than seventy-two hours;

20 (3) Requires for the classified occupation of cosmetologist, the course of study shall be
21 no less than one thousand five hundred hours or, for a student in public vocational/technical
22 school no less than one thousand two hundred twenty hours; provided that, a school may elect
23 to base the course of study on credit hours by applying the credit hour formula in Subpart A of
24 Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The
25 student must earn a minimum of one hundred and sixty hours or equivalent credits of classroom
26 training before the student may perform any of the acts of the classified occupation of
27 cosmetology on any patron or customer of the school of cosmetology;

28 (4) Requires for the classified occupation of manicurist, the course of study shall be no
29 less than four hundred hours or the credit hours determined by the formula in Subpart A of Part
30 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student
31 must earn a minimum of fifty hours or equivalent credits of classroom training before the student
32 may perform any of the acts of the classified occupation of manicurist on any patron or customer
33 of the school of cosmetology;

34 (5) Requires for the classified occupation of esthetician, the course of study shall be no
35 less than seven hundred fifty hours or the credit hours determined by the formula in Subpart A
36 of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The
37 student shall earn a minimum of seventy-five hours or equivalent credits of classroom training
38 before the student may perform any of the acts of the classified occupation of esthetics on any
39 patron or customer of the school of cosmetology or an esthetics school.

40 4. The subjects to be taught for the classified occupation of cosmetology shall be as
41 follows and the hours required for each subject shall be not less than those contained in this
42 subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section
43 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- 44 (1) Shampooing of all kinds, forty hours;
- 45 (2) Hair coloring, bleaches and rinses, one hundred thirty hours;
- 46 (3) Hair cutting and shaping, one hundred thirty hours;
- 47 (4) Permanent waving and relaxing, one hundred twenty-five hours;
- 48 (5) Hairsetting, pin curls, fingerwaves, thermal curling, two hundred twenty-five hours;
- 49 (6) Combouts and hair styling techniques, one hundred five hours;
- 50 (7) Scalp treatments and scalp diseases, thirty hours;
- 51 (8) Facials, eyebrows and arches, forty hours;
- 52 (9) Manicuring, hand and arm massage and treatment of nails, one hundred ten hours;
- 53 (10) Cosmetic chemistry, twenty-five hours;
- 54 (11) Salesmanship and shop management, ten hours;
- 55 (12) Sanitation and sterilization, thirty hours;

56 (13) Anatomy, twenty hours;

57 (14) State law, ten hours;

58 (15) Curriculum to be defined by school, not less than four hundred seventy hours.

59 5. The subjects to be taught for the classified occupation of manicurist shall be as
60 follows and the hours required for each subject shall be not less than those contained in this
61 subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section
62 668.8 of Title 34 of the Code of Federal Regulations, as amended:

63 (1) Manicuring, hand and arm massage and treatment of nails, two hundred twenty
64 hours;

65 (2) Salesmanship and shop management, twenty hours;

66 (3) Sanitation and sterilization, twenty hours;

67 (4) Anatomy, ten hours;

68 (5) State law, ten hours;

69 (6) Study of the use and application of certain chemicals, forty hours; and

70 (7) Curriculum to be defined by school, not less than eighty hours.

71 6. The subjects to be taught for the classified occupation of esthetician shall be as
72 follows, and the hours required for each subject shall not be less than those contained in this
73 subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section
74 668.8 of Title 34 of the Code of Federal Regulations, as amended:

75 (1) Facials, cleansing, toning, massaging, one hundred twenty hours;

76 (2) Makeup application, all phases, one hundred hours;

77 (3) Hair removal, thirty hours;

78 (4) Body treatments, aromatherapy, wraps, one hundred twenty hours;

79 (5) Reflexology, thirty-five hours;

80 (6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;

81 (7) Cosmetic chemistry, products and ingredients, seventy-five hours;

82 (8) Salon management and salesmanship, fifty-five hours;

83 (9) Sanitation and sterilization, safety, forty-five hours;

84 (10) State law, ten hours; and

85 (11) Curriculum to be defined by school, not less than seventy-five hours.

86 7. Training for all classified occupations shall include practical demonstrations, written
87 and/or oral tests, and practical instruction in sanitation, sterilization and the use of antiseptics,
88 cosmetics and electrical appliances consistent with the practical and theoretical requirements as
89 applicable to the classified occupations as provided in this chapter.

90 8. No school of cosmetology shall operate within this state unless a proper license
91 pursuant to this chapter has first been obtained.

92 9. Nothing contained in this chapter shall prohibit a licensee within a cosmetology
93 establishment from teaching any of the practices of the classified occupations for which the
94 licensee has been licensed for not less than two years in the licensee's regular course of business,
95 if the owner or manager of the business does not hold himself or herself out as a school and does
96 not hire or employ or personally teach regularly at any one and the same time, more than one
97 apprentice to each licensee regularly employed within the owner's business, not to exceed one
98 apprentice per establishment, and the owner, manager, or trainer does not accept any fee for
99 instruction.

100 10. Each licensed school of cosmetology shall provide a minimum of two thousand
101 square feet of floor space, adequate rooms and equipment, including lecture and demonstration
102 rooms, lockers, an adequate library and two restrooms. The minimum equipment requirements
103 shall be: six shampoo bowls, ten hair dryers, two master dustproof and sanitary cabinets, wet
104 sterilizers, and adequate working facilities for twenty students.

105 11. Each licensed school of cosmetology for manicuring only shall provide a minimum
106 of one thousand square feet of floor space, adequate room for theory instruction, adequate
107 equipment, lockers, an adequate library, two restrooms and a clinical working area for ten
108 students. Minimum floor space requirement proportionately increases with student enrollment
109 of over ten students.

110 12. Each licensed school of cosmetology for esthetics only shall provide a minimum of
111 one thousand square feet of floor space, adequate room for theory instruction, adequate
112 equipment, lockers, an adequate library, two restrooms and a clinical working area for ten
113 students. Minimum floor space requirement increases fifty square feet per student with student
114 enrollment of over ten.

115 13. No school of cosmetology may have a greater number of students enrolled and
116 scheduled to be in attendance for a given class period than the total floor space of that school will
117 accommodate. Floor space required per student shall be no less than fifty square feet per
118 additional student beyond twenty students for a school of cosmetology, beyond ten students for
119 a school of manicuring and beyond ten students for a school of esthetics.

120 14. Each applicant for a new school shall file a written application with the board upon
121 a form approved and furnished upon request by the board. The applicant shall include a list of
122 equipment, the proposed curriculum, and the name and qualifications of any and all of the
123 instructors.

124 15. Each school shall display in a conspicuous place, visible upon entry to the school,
125 a sign stating that all cosmetology services in this school are performed by students who are in
126 training.

127 16. Any student who wishes to remain in school longer than the required training period
128 may make application for an additional training license and remain in school. A fee is required
129 for such additional training license.

130 17. All contractual fees that a student owes to any cosmetology school shall be paid
131 before such student may be allowed to apply for any examination required to be taken by an
132 applicant applying for a license pursuant to the provisions of this chapter.

 329.050. 1. Applicants for examination or licensure pursuant to this chapter shall
2 possess the following qualifications:

3 (1) They ~~[must be persons of good moral character,]~~ **shall provide documentation of**
4 **successful completion of courses approved by the board,** have an education equivalent to the
5 successful completion of the tenth grade, and be at least seventeen years of age;

6 (2) If the applicants are apprentices, they shall have served and completed, as an
7 apprentice under the supervision of a licensed cosmetologist, the time and studies required by
8 the board which shall be no less than three thousand hours for cosmetologists, and no less than
9 eight hundred hours for manicurists and no less than fifteen hundred hours for esthetics.
10 However, when the classified occupation of manicurist is apprenticed in conjunction with the
11 classified occupation of cosmetologist, the apprentice shall be required to successfully complete
12 an apprenticeship of no less than a total of three thousand hours;

13 (3) If the applicants are students, they shall have had the required time in a licensed
14 school of no less than one thousand five hundred hours training or the credit hours determined
15 by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal
16 Regulations, as amended, for the classification of cosmetologist, with the exception of public
17 vocational technical schools in which a student shall complete no less than one thousand two
18 hundred twenty hours training. All students shall complete no less than four hundred hours or
19 the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34
20 of the Code of Federal Regulations, as amended, for the classification of manicurist. All students
21 shall complete no less than seven hundred fifty hours or the credit hours determined by the
22 formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal
23 Regulations, as amended, for the classification of esthetician. However, when the classified
24 occupation of manicurist is taken in conjunction with the classified occupation of cosmetologist,
25 the student shall not be required to serve the extra four hundred hours or the credit hours
26 determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of
27 Federal Regulations, as amended, otherwise required to include manicuring of nails; and

28 (4) They shall have passed an examination to the satisfaction of the board.

29 2. A person may apply to take the examination required by subsection 1 of this section
30 if the person is a graduate of a school of cosmetology or apprentice program in another state or

31 territory of the United States which has substantially the same requirements as an educational
32 establishment licensed pursuant to this chapter. A person may apply to take the examination
33 required by subsection 1 of this section if the person is a graduate of an educational
34 establishment in a foreign country that provides training for a classified occupation of
35 cosmetology, as defined by section 329.010, and has educational requirements that are
36 substantially the same requirements as an educational establishment licensed under this chapter.
37 The board has sole discretion to determine the substantial equivalency of such educational
38 requirements. The board may require that transcripts from foreign schools be submitted for its
39 review, and the board may require that the applicant provide an approved English translation of
40 such transcripts.

41 3. Each application shall contain a statement that, subject to the penalties of making a
42 false affidavit or declaration, the application is made under oath or affirmation and that its
43 representations are true and correct to the best knowledge and belief of the person signing the
44 application.

45 4. The sufficiency of the qualifications of applicants shall be determined by the board,
46 but the board may delegate this authority to its executive director subject to such provisions as
47 the board may adopt.

48 5. ~~[For the purpose of meeting the minimum requirements for examination, training~~
49 ~~completed by a student or apprentice shall be recognized by the board for a period of no more~~
50 ~~than five years from the date it is received.] **Applications for examination or licensure may**
51 **be denied if the applicant has pleaded guilty to, entered a plea of nolo contendere to, or**
52 **been found guilty of any of the following offenses or offenses of a similar nature established**
53 **under the laws of this state, any other state, the United States, or any other country,**
54 **notwithstanding whether sentence is imposed:**~~

55 (1) **Any dangerous felony as defined under section 556.061 or murder in the first**
56 **degree;**

57 (2) **Any of the following sexual offenses: rape in the first degree, forcible rape,**
58 **rape, statutory rape in the first degree, statutory rape in the second degree, rape in the**
59 **second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory**
60 **sodomy in the first degree, statutory sodomy in the second degree, child molestation in the**
61 **first degree, child molestation in the second degree, sodomy in the second degree, deviate**
62 **sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree**
63 **under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section**
64 **566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree,**
65 **enticement of a child, or attempting to entice a child;**

66 **(3) Any of the following offenses against the family and related offenses: incest,**
67 **abandonment of a child in the first degree, abandonment of a child in the second degree,**
68 **endangering the welfare of a child in the first degree, abuse of a child, using a child in a**
69 **sexual performance, promoting sexual performance by a child, or trafficking in children;**
70 **and**

71 **(4) Any of the following offenses involving child pornography and related offenses:**
72 **promoting obscenity in the first degree, promoting obscenity in the second degree when the**
73 **penalty is enhanced to a class E felony, promoting child pornography in the first degree,**
74 **promoting child pornography in the second degree, possession of child pornography in the**
75 **first degree, possession of child pornography in the second degree, furnishing child**
76 **pornography to a minor, furnishing pornographic materials to minors, or coercing**
77 **acceptance of obscene material.**

329.060. 1. Every person desiring to sit for the examination for any of the occupations
2 provided for in this chapter shall file with the board a written application on a form supplied to
3 the applicant, and shall submit proof of the required age[,] **and** educational qualifications, [~~and~~
4 ~~of good moral character~~] together with the required cosmetology examination fee. Each
5 application shall contain a statement that it is made under oath or affirmation and that its
6 representations are true and correct to the best knowledge and belief of the person signing same,
7 subject to the penalties of making a false affidavit or declaration.

8 2. Upon the filing of the application and the payment of the fee, the board shall, upon
9 request, issue to the applicant, if the applicant is qualified to sit for the examination, a temporary
10 license for the practicing of the occupations as provided in this chapter. Any person receiving
11 a temporary license shall be entitled to practice the occupations designated on the temporary
12 license, under the supervision of a person licensed in [~~cosmetology~~] **the occupation**, until the
13 expiration of the temporary license. Any person continuing to practice the occupation beyond
14 the expiration of the temporary license without being licensed in [~~cosmetology~~] **that occupation**
15 as provided in this chapter is guilty of an infraction.

329.070. 1. Apprentices or students shall be [~~licensed~~] **registered** with the board and
2 shall pay a student fee or an apprentice fee prior to beginning their course, and shall [~~be of good~~
3 ~~moral character and~~] have an education equivalent to the successful completion of the tenth
4 grade.

5 2. An apprentice or student shall not be enrolled in a course of study that shall exceed
6 twelve hours per day or that is less than three hours per day. The course of study shall be no
7 more than seventy-two hours per week and no less than fifteen hours per week.

8 3. Every person desiring to act as an apprentice in any of the classified occupations
9 within this chapter shall file with the board a written application on a form supplied to the
10 applicant, together with the required apprentice fee.

329.080. 1. An instructor trainee shall be a licensed cosmetologist, esthetician or
2 manicurist and shall hold a license as an instructor trainee in cosmetology, esthetics or
3 manicuring. An applicant for a license to practice as an instructor trainee shall submit to the
4 board the required fee and a written application on a form supplied by the board upon request
5 that the applicant ~~[is of good moral character, in good physical and mental health,]~~ has
6 successfully completed at least a four-year high school course of study or the equivalent, and
7 holds a Missouri license to practice as a cosmetologist, esthetician or manicurist. Each
8 application shall contain a statement that it is made under oath or affirmation and that its
9 representations are true and correct to the best knowledge and belief of the person signing the
10 application, subject to the penalties of making a false affidavit or declaration.

11 2. An applicant approved by the board shall be issued an instructor trainee license. The
12 license shall be issued for a definite period needed to complete training requirements to become
13 eligible for taking the examinations. An applicant shall be approved for an instructor trainee
14 license only for those classified occupations ~~[of cosmetology]~~ for which the applicant is licensed
15 at the time the instructor trainee application is submitted to the board.

16 3. The instructor trainee shall be required to complete six hundred hours of instructor
17 training within a Missouri licensed school of cosmetology consisting of a curriculum including
18 both theory and practical training to include the following:

19 (1) Two hundred hours to be devoted to basic principles of student teaching to include
20 teaching principles, lesson planning, curriculum planning and class outlines, teaching methods,
21 teaching aids, testing and evaluation;

22 (2) Fifty hours of psychology as applied to cosmetology, personality and teaching,
23 teacher evaluation, counseling, theories of learning, and speech;

24 (3) Fifty hours of business experience or management including classroom management,
25 record keeping, buying and inventorying supplies, and state law; and

26 (4) Three hundred hours of practice teaching in both theory and practical application.

27 4. ~~[For the purpose of meeting the minimum requirements for examination, training
28 completed within a school of cosmetology by an instructor trainee shall be recognized by the
29 board for a period of no more than five years from the date it is received.]~~

30 ~~5.]~~ The six hundred hours required pursuant to subsection 3 of this section may be
31 reduced as follows:

32 (1) Three years of experience as a ~~[practicing]~~ **licensed cosmetologist, esthetician, or**
33 **manicurist** may be substituted for three hundred hours of training. The three hundred hours will

34 be partially reduced in proportion to experience **as a licensee** greater than six months but less
35 than three; or

36 (2) Four and one-half college credit hours in teaching methodology, as defined by rule,
37 may be substituted for three hundred hours of training. Applicants requesting credit shall submit
38 to the board a certified transcript together with a course description certified by the
39 administrating education institution as being primarily directed to teaching methodology. The
40 three hundred hours will be partially reduced in proportion to college credit hours in teaching
41 methodology of less than four and one-half hours; or

42 (3) Applicants who apply from states where the requirements are not substantially equal
43 to those in force in Missouri at the time of application, may be eligible for the examination if
44 they provide[:

45 ~~——(a)] an affidavit verifying a current, valid instructor license in another state, territory of~~
46 ~~the United States, District of Columbia, or foreign country, state or province[; and~~

47 ~~——(b) Proof of full-time work experience of not less than one year as a cosmetology~~
48 ~~instructor within the three-year period immediately preceding the application for examination].~~

329.085. 1. Any person desiring an instructor license shall submit to the board a written
2 application on a form supplied by the board showing that the applicant has met the requirements
3 set forth in section 329.080. An applicant who has met all requirements as determined by the
4 board shall be allowed to take the instructor examination, including any person who has been
5 licensed three or more years as a cosmetologist, manicurist or esthetician. If the applicant passes
6 the examination to the satisfaction of the board, the board shall issue to the applicant an
7 instructor license.

8 2. The instructor examination fee and the instructor license fee for an instructor license
9 shall be nonrefundable.

10 3. The instructor license renewal fee shall be in addition to the regular cosmetologist,
11 esthetician or manicurist license renewal fee. For each renewal the instructor shall submit proof
12 of having attended a teacher training seminar or workshop at least once every two years,
13 sponsored by any university, or Missouri vocational association, or bona fide state cosmetology
14 association specifically approved by the board to satisfy the requirement for continued training
15 of this subsection. Renewal fees shall be due and payable on or before the renewal date and, if
16 the fee remains unpaid thereafter in such license period, there shall be a late fee in addition to
17 the regular fee.

18 4. Instructors duly licensed as physicians or attorneys or lecturers on subjects not directly
19 pertaining to the practice pursuant to this chapter need not be holders of licenses provided for
20 in this chapter.

21 5. The board shall grant instructor licensure upon application and payment of a fee
22 equivalent to the sum of the instructor examination fee and the instructor license fee, provided
23 the applicant establishes compliance with the [~~cosmetology~~] instructor requirements of another
24 state, territory of the United States, or District of Columbia [~~wherein the requirements are~~
25 ~~substantially equal or superior to those in force in Missouri at the time the application for~~
26 ~~licensure is filed~~] and the applicant holds a current instructor license in the other jurisdiction at
27 the time of making application.

28 6. Any person licensed as a cosmetology instructor prior to the training requirements
29 which became effective January 1, 1979, may continue to be licensed as such, provided such
30 license is maintained and the licensee complies with the continued training requirements as
31 provided in subsection 3 of this section. Any person with an expired instructor license that is not
32 restored to current status within two years of the date of expiration shall be required to meet the
33 training and examination requirements as provided in this section and section 329.080.

 329.130. [~~1-~~] The board shall grant without examination a license to practice
2 cosmetology to any applicant who holds a current license that is issued by another state, territory
3 of the United States, or the District of Columbia whose requirements for licensure are
4 [~~substantially equal~~] **similar** to the licensing requirements in Missouri at the time the application
5 is filed or who has practiced cosmetology for at least two consecutive years in another state,
6 territory of the United States, or the District of Columbia. The applicant under this [~~subsection~~]
7 **section** shall pay the appropriate application and licensure fees at the time of making application.
8 A licensee who is currently under disciplinary action with another board of cosmetology shall
9 not be licensed by reciprocity under the provisions of this chapter.

10 [~~2-~~ Any person who lawfully practiced or received training in another state who does not
11 qualify for licensure without examination may apply to the board for licensure by examination.
12 Upon application to the board, the board shall evaluate the applicant's experience and training
13 to determine the extent to which the applicant's training and experience satisfies current Missouri
14 licensing requirements and shall notify the applicant regarding his or her deficiencies and inform
15 the applicant of the action that he or she must take to qualify to take the examination. The
16 applicant for licensure under this subsection shall pay the appropriate examination and licensure
17 fees.]

329.275. 1. The practices of cosmetology and barbering shall not include hair
2 **braiding, except that, nothing in this section shall be construed as prohibiting a licensed**
3 **cosmetologist or barber from performing the service of hair braiding.**

4 **2. No person shall engage in hair braiding for compensation in the state of Missouri**
5 **without first registering with the board. Applicants for a certificate of registration to**
6 **engage in hair braiding shall submit to the board an application and a required fee, as set**

7 by the board. Such fee shall not exceed twenty dollars. Prior to receiving a certificate,
8 each applicant shall also watch an instructional video prepared by the board in accordance
9 with subsection 4 of this section. An applicant for a certificate of registration may be
10 denied such certificate if the applicant has pleaded guilty to, entered a plea of nolo
11 contendere to, or been found guilty of any of the offenses set forth in subsection 6 of section
12 329.050.

13 3. Registered hair braiders shall keep their information that the board requires for
14 initial registration current and up to date with the board.

15 4. The board shall develop and prepare an instructional video, at least four hours
16 but no more than six hours in length, that contains information about infection control
17 techniques and diseases of the scalp that are appropriate for hair braiding in or outside of
18 a salon setting and any other information to be determined by the board. The instructional
19 video shall be made available to applicants through the division of professional
20 registration's website. The board shall also develop and prepare a brochure that contains
21 a summary of the information contained in the instructional video. The brochure shall be
22 made available through the division of professional registration's website, or by mail, upon
23 request, for a fee to cover the board's mailing costs.

24 5. Any person who registers as a hair braider under this section shall post a copy
25 of his or her certificate of registration in a conspicuous place at his or her place of business.
26 If the person is operating outside his or her place of business he or she shall provide to the
27 client or customer a copy of his or her certificate of registration upon the client's or
28 customer's request.

29 6. (1) The board may inspect hair braiding establishments or facilities where hair
30 braiding occurs one time per year during business hours to ensure:

31 (a) Persons registered as hair braiders are not operating outside the scope of
32 practice of hair braiding; and

33 (b) Compliance with this section and rules promulgated thereunder.

34 (2) Additionally, if a customer or client submits a complaint to the board about a
35 hair braider, the board may inspect such hair braider's establishment during regular
36 business hours. This inspection shall not count toward the one time inspection limit set
37 forth in subdivision (1) of this subsection.

38 (3) In addition to the causes listed in section 329.140, the board may also suspend
39 or revoke a certificate of registration if a person registered as a hair braider is found to be
40 operating outside the scope of practice of hair braiding.

41 7. Nothing in this section shall apply to any cosmetologists licensed to practice in
42 this state in their respective classifications.

330.030. Any person desiring to practice podiatric medicine in this state shall furnish the board with satisfactory proof, including a statement under oath or affirmation that all representations are true and correct to the best knowledge and belief of the person submitting and signing same, subject to the penalties of making a false affidavit or declaration, that he or she is ~~[twenty-one years of age or over, and]~~ of good moral character, and that he or she has received at least four years of high school training, or the equivalent thereof, and has received a diploma or certificate of graduation from an approved college of podiatric medicine, recognized and approved by the board, having a minimum requirement of two years in an accredited college and four years in a recognized college of podiatric medicine. Upon payment of the examination fee, and making satisfactory proof as aforesaid, the applicant shall be examined by the board, or a committee thereof, under such rules and regulations as said board may determine, and if found qualified, shall be licensed, upon payment of the license fee, to practice podiatric medicine as licensed; provided, that the board shall, under regulations established by the board, admit without examination legally qualified practitioners of podiatric medicine who hold licenses to practice podiatric medicine in any state or territory of the United States or the District of Columbia or any foreign country with equal educational requirements to the state of Missouri upon the applicant paying a fee equivalent to the license and examination fees required above.

331.030. 1. No person shall engage in the practice of chiropractic without having first secured a chiropractic license as provided in this chapter.

2. Any person desiring to procure a license authorizing the person to practice chiropractic in this state shall ~~[be at least twenty-one years of age and shall]~~ make application on the form prescribed by the board. The application shall contain a statement that it is made under oath or affirmation and that representations contained thereon are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration, and shall give the applicant's name, address, age, sex, name of chiropractic schools or colleges which the person attended or of which the person is a graduate, and such other reasonable information as the board may require. The applicant shall give evidence satisfactory to the board of the successful completion of the educational requirements of this chapter, that the applicant is of good moral character, and that the chiropractic school or college of which the applicant is a graduate is teaching chiropractic in accordance with the requirements of this chapter. The board may make a final determination as to whether or not the school from which the applicant graduated is so teaching.

3. Before an applicant shall be eligible for licensure, the applicant shall furnish evidence satisfactory to the board that the applicant has received the minimum number of semester credit hours, as required by the Council on Chiropractic Education, or its successor, prior to beginning the doctoral course of study in chiropractic. The minimum number of semester credit hours

20 applicable at the time of enrollment in a doctoral course of study must be in those subjects, hours
21 and course content as may be provided for by the Council on Chiropractic Education or, in the
22 absence of the Council on Chiropractic Education or its provision for such subjects, such hours
23 and course content as adopted by rule of the board; however in no event shall fewer than ninety
24 semester credit hours be accepted as the minimum number of hours required prior to beginning
25 the doctoral course of study in chiropractic. The examination applicant shall also provide
26 evidence satisfactory to the board of having graduated from a chiropractic college having status
27 with the Commission on Accreditation of the Council on Chiropractic Education or its successor.
28 Any senior student in a chiropractic college having status with the Commission on Accreditation
29 on the Council on Chiropractic Education or its successor may take a practical examination
30 administered or approved by the board under such requirements and conditions as are adopted
31 by the board by rule, but no license shall be issued until all of the requirements for licensure have
32 been met.

33 4. Each applicant shall pay upon application an application or examination fee. All
34 moneys collected pursuant to the provisions of this chapter shall be nonrefundable and shall be
35 collected by the director of the division of professional registration who shall transmit it to the
36 department of revenue for deposit in the state treasury to the credit of the chiropractic board fund.
37 Any person failing to pass a practical examination administered or approved by the board may
38 be reexamined upon fulfilling such requirements, including the payment of a reexamination fee,
39 as the board may by rule prescribe.

40 5. Every applicant for licensure by examination shall have taken and successfully passed
41 all required and optional parts of the written examination given by the National Board of
42 Chiropractic Examiners, including the written clinical competency examination, under such
43 conditions as established by rule of the board, and all applicants for licensure by examination
44 shall successfully pass a practical examination administered or approved by the board and a
45 written examination testing the applicant's knowledge and understanding of the laws and
46 regulations regarding the practice of chiropractic in this state. The board shall issue to each
47 applicant who meets the standards and successful completion of the examinations, as established
48 by rule of the board, a license to practice chiropractic. The board shall not recognize any
49 correspondence work in any chiropractic school or college as credit for meeting the requirements
50 of this chapter.

51 6. The board shall issue a license without examination to persons who have been
52 regularly licensed to practice chiropractic in any other state, territory, or the District of Columbia,
53 or in any foreign country, provided that the regulations for securing a license in the other
54 jurisdiction are equivalent to those required for licensure in the state of Missouri, when the
55 applicant furnishes satisfactory evidence that the applicant has continuously practiced

56 chiropractic for at least one year immediately preceding the applicant's application to the board
57 and that the applicant is of good moral character, and upon the payment of the reciprocity license
58 fee as established by rule of the board. The board may require an applicant to successfully
59 complete the Special Purposes Examination for Chiropractic (SPEC) administered by the
60 National Board of Chiropractic Examiners if the requirements for securing a license in the other
61 jurisdiction are not equivalent to those required for licensure in the state of Missouri at the time
62 application is made for licensure under this subsection.

63 7. Any applicant who has failed any portion of the practical examination administered
64 or approved by the board three times shall be required to return to an accredited chiropractic
65 college for a semester of additional study in the subjects failed, as provided by rule of the board.

66 8. A chiropractic physician currently licensed in Missouri shall apply to the board for
67 certification prior to engaging in the practice of meridian therapy/acupressure/acupuncture. Each
68 such application shall be accompanied by the required fee. The board shall establish by rule the
69 minimum requirements for the specialty certification under this subsection. "Meridian
70 therapy/acupressure/acupuncture" shall mean methods of diagnosing and the treatment of a
71 patient by stimulating specific points on or within the body by various methods including but not
72 limited to manipulation, heat, cold, pressure, vibration, ultrasound, light, electrocurrent, and
73 short-needle insertion for the purpose of obtaining a biopositive reflex response by nerve
74 stimulation.

75 9. The board may through its rulemaking process authorize chiropractic physicians
76 holding a current Missouri license to apply for certification in a specialty as the board may deem
77 appropriate and charge a fee for application for certification, provided that:

78 (1) The board establishes minimum initial and continuing educational requirements
79 sufficient to ensure the competence of applicants seeking certification in the particular specialty;
80 and

81 (2) The board shall not establish any provision for certification of licensees in a
82 particular specialty which is not encompassed within the practice of chiropractic as defined in
83 section 331.010.

332.131. Any person who is [~~at least twenty-one years of age,~~] of good moral character
2 and reputation, and who is a graduate of and has a degree in dentistry from an accredited dental
3 school may apply to the board for examination and registration as a dentist in Missouri.

332.321. 1. The board may refuse to issue or renew a permit or license required pursuant
2 to this chapter for one or any combination of causes stated in subsection 2 of this section or the
3 board may, as a condition to issuing or renewing any such permit or license, require a person to
4 submit himself or herself for identification, intervention, treatment or rehabilitation by the
5 well-being committee as provided in section 332.327. The board shall notify the applicant in

6 writing of the reasons for the refusal and shall advise the applicant of his or her right to file a
7 complaint with the administrative hearing commission as provided by chapter 621.

8 2. The board may cause a complaint to be filed with the administrative hearing
9 commission as provided by chapter 621 against any holder of any permit or license required by
10 this chapter or any person who has failed to renew or has surrendered his or her permit or license
11 for any one or any combination of the following causes:

12 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to
13 an extent that such use impairs a person's ability to perform the work of any profession licensed
14 or regulated by this chapter;

15 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
16 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United
17 States, for any offense reasonably related to the qualifications, functions or duties of any
18 profession licensed or regulated pursuant to this chapter, for any offense an essential element of
19 which is fraud, dishonesty or an act of violence, or any offense involving moral turpitude,
20 whether or not sentence is imposed;

21 (3) Use of fraud, deception, misrepresentation or bribery in securing any permit or
22 license issued pursuant to this chapter or in obtaining permission to take any examination given
23 or required pursuant to this chapter;

24 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by
25 fraud, deception or misrepresentation; or increasing charges when a patient utilizes a third-party
26 payment program; or for repeated irregularities in billing a third party for services rendered to
27 a patient. For the purposes of this subdivision, irregularities in billing shall include:

28 (a) Reporting charges for the purpose of obtaining a total payment in excess of that
29 usually received by the dentist for the services rendered;

30 (b) Reporting incorrect treatment dates for the purpose of obtaining payment;

31 (c) Reporting charges for services not rendered;

32 (d) Incorrectly reporting services rendered for the purpose of obtaining payment that is
33 greater than that to which the person is entitled;

34 (e) Abrogating the co-payment or deductible provisions of a third-party payment
35 contract. Provided, however, that this paragraph shall not prohibit a discount, credit or reduction
36 of charges provided under an agreement between the licensee and an insurance company, health
37 service corporation or health maintenance organization licensed pursuant to the laws of this state;
38 or governmental third-party payment program; or self-insurance program organized, managed
39 or funded by a business entity for its own employees or labor organization for its members;

40 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
41 in the performance of, or relating to one's ability to perform, the functions or duties of any
42 profession licensed or regulated by this chapter;

43 (6) Violation of, or assisting or enabling any person to violate, any provision of this
44 chapter, or any lawful rule or regulation adopted pursuant to this chapter;

45 (7) Impersonation of any person holding a permit or license or allowing any person to
46 use his or her permit, license or diploma from any school;

47 (8) Disciplinary action against the holder of a license or other right to practice any
48 profession regulated by this chapter imposed by another state, province, territory, federal agency
49 or country upon grounds for which discipline is authorized in this state;

50 (9) A person is finally adjudicated incapacitated or disabled by a court of competent
51 jurisdiction;

52 (10) Assisting or enabling any person to practice or offer to practice, by lack of
53 supervision or in any other manner, any profession licensed or regulated by this chapter who is
54 not registered and currently eligible to practice pursuant to this chapter;

55 (11) Issuance of a permit or license based upon a material mistake of fact;

56 (12) Failure to display a valid certificate, permit or license if so required by this chapter
57 or by any rule promulgated hereunder;

58 (13) Violation of any professional trust or confidence;

59 (14) Use of any advertisement or solicitation that is false, misleading or deceptive to the
60 general public or persons to whom the advertisement or solicitation is primarily directed. **For**
61 **purposes of this section, the term "advertisement" shall mean any announcement as**
62 **described in subdivision (9) of section 332.071.** False, misleading or deceptive advertisements
63 or solicitations shall include, but not be limited to:

64 (a) Promises of cure, relief from pain or other physical or mental condition, or improved
65 physical or mental health;

66 (b) Any misleading or deceptive statement offering or promising a free service. Nothing
67 herein shall be construed to make it unlawful to offer a service for no charge if the offer is
68 announced as part of a full disclosure of routine fees including consultation fees;

69 (c) Any misleading or deceptive claims of patient cure, relief or improved **health**
70 condition; superiority in service, treatment or materials; new or improved service, treatment or
71 material; or reduced costs or greater savings. Nothing herein shall be construed to make it
72 unlawful to use any such claim if it is readily verifiable by existing documentation, data or other
73 substantial evidence. Any claim that exceeds or exaggerates the scope of its supporting
74 documentation, data or evidence is misleading or deceptive;

75 (d) Any announced fee for a specified service where that fee does not include the charges
76 for necessary related or incidental services, or where the actual fee charged for that specified
77 service may exceed the announced fee, but it shall not be unlawful to announce only the
78 maximum fee that can be charged for the specified service, including all related or incidental
79 services, modified by the term "up to" if desired;

80 (e) Any announcement in any form including the term "specialist" or the phrase "limited
81 to the specialty of" unless each person named in conjunction with the term or phrase, or
82 responsible for the announcement, holds a valid Missouri certificate and license evidencing that
83 the person is a specialist in that area;

84 (f) Any announcement containing any of the terms denoting recognized specialties, or
85 other descriptive terms carrying the same meaning, unless the announcement clearly designates
86 by list each dentist not licensed as a specialist in Missouri who is sponsoring or named in the
87 announcement, or employed by the entity sponsoring the announcement, after the following
88 clearly legible or audible statement: "Notice: the following dentist(s) in this practice is (are) not
89 licensed in Missouri as specialists in the advertised dental specialty(s) of _____". **For**
90 **purposes of this paragraph, a statement that is "clearly legible" shall have print that is**
91 **equal or larger in size than the announcement of services, and a statement that is "clearly**
92 **audible" shall have speech volume and pace equal to the announcement of services;**

93 (g) Any announcement containing any terms denoting or implying specialty areas that
94 are not recognized by the American Dental Association;

95 (h) **Any advertisement that does not contain the name of one or more of the duly**
96 **registered and currently licensed dentists regularly employed in and responsible for the**
97 **management, supervision, and operation of each office location listed in the advertisement;**
98 **or**

99 (i) **Any advertisement denoting the use of sedation services permitted by the board**
100 **in accordance with section 332.362 using any term other than deep sedation, general**
101 **anesthesia, or moderate sedation. Such terms shall only be used in the announcement or**
102 **advertisement of sedation services with the possession of a deep sedation, general**
103 **anesthesia, or moderate sedation permit or license;**

104 (15) Violation of the drug laws or rules and regulations of this state, any other state or
105 the federal government;

106 (16) Failure or refusal to properly guard against contagious, infectious or communicable
107 diseases or the spread thereof;

108 (17) Failing to maintain his or her office or offices, laboratory, equipment and
109 instruments in a safe and sanitary condition;

110 (18) Accepting, tendering or paying "rebates" to or "splitting fees" with any other person;
111 provided, however, that nothing herein shall be so construed as to make it unlawful for a dentist
112 practicing in a partnership or as a corporation organized pursuant to the provisions of chapter 356
113 to distribute profits in accordance with his or her stated agreement;

114 (19) Administering, or causing or permitting to be administered, nitrous oxide gas in any
115 amount to himself or herself, or to another unless as an adjunctive measure to patient
116 management;

117 (20) Being unable to practice as a dentist, specialist or hygienist with reasonable skill
118 and safety to patients by reasons of professional incompetency, or because of illness,
119 drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical
120 condition. In enforcing this subdivision the board shall, after a hearing before the board, upon
121 a finding of probable cause, require the dentist or specialist or hygienist to submit to a
122 reexamination for the purpose of establishing his or her competency to practice as a dentist,
123 specialist or hygienist, which reexamination shall be conducted in accordance with rules adopted
124 for this purpose by the board, including rules to allow the examination of the dentist's, specialist's
125 or hygienist's professional competence by at least three dentists or fellow specialists, or to submit
126 to a mental or physical examination or combination thereof by at least three physicians. One
127 examiner shall be selected by the dentist, specialist or hygienist compelled to take examination,
128 one selected by the board, and one shall be selected by the two examiners so selected. Notice
129 of the physical or mental examination shall be given by personal service or registered mail.
130 Failure of the dentist, specialist or hygienist to submit to the examination when directed shall
131 constitute an admission of the allegations against him or her, unless the failure was due to
132 circumstances beyond his or her control. A dentist, specialist or hygienist whose right to practice
133 has been affected pursuant to this subdivision shall, at reasonable intervals, be afforded an
134 opportunity to demonstrate that he or she can resume competent practice with reasonable skill
135 and safety to patients.

136 (a) In any proceeding pursuant to this subdivision, neither the record of proceedings nor
137 the orders entered by the board shall be used against a dentist, specialist or hygienist in any other
138 proceeding. Proceedings pursuant to this subdivision shall be conducted by the board without
139 the filing of a complaint with the administrative hearing commission;

140 (b) When the board finds any person unqualified because of any of the grounds set forth
141 in this subdivision, it may enter an order imposing one or more of the following: denying his or
142 her application for a license; permanently withholding issuance of a license; administering a
143 public or private reprimand; placing on probation, suspending or limiting or restricting his or her
144 license to practice as a dentist, specialist or hygienist for a period of not more than five years;
145 revoking his or her license to practice as a dentist, specialist or hygienist; requiring him or her

146 to submit to the care, counseling or treatment of physicians designated by the dentist, specialist
147 or hygienist compelled to be treated; or requiring such person to submit to identification,
148 intervention, treatment or rehabilitation by the well-being committee as provided in section
149 332.327. For the purpose of this subdivision, "license" includes the certificate of registration,
150 or license, or both, issued by the board.

151 3. After the filing of such complaint, the proceedings shall be conducted in accordance
152 with the provisions of chapter 621. Upon a finding by the administrative hearing commission
153 that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly
154 or in combination:

155 (1) Censure or place the person or firm named in the complaint on probation on such
156 terms and conditions as the board deems appropriate for a period not to exceed five years; or

157 (2) Suspend the license, certificate or permit for a period not to exceed three years; or

158 (3) Revoke the license, certificate, or permit. In any order of revocation, the board may
159 provide that the person shall not apply for licensure for a period of not less than one year
160 following the date of the order of revocation; or

161 (4) Cause the person or firm named in the complaint to make restitution to any patient,
162 or any insurer or third-party payer who shall have paid in whole or in part a claim or payment for
163 which they should be reimbursed, where restitution would be an appropriate remedy, including
164 the reasonable cost of follow-up care to correct or complete a procedure performed or one that
165 was to be performed by the person or firm named in the complaint; or

166 (5) Request the attorney general to bring an action in the circuit court of competent
167 jurisdiction to recover a civil penalty on behalf of the state in an amount to be assessed by the
168 court.

169 4. If the board concludes that a dentist or dental hygienist has committed an act or is
170 engaging in a course of conduct that would be grounds for disciplinary action and constitutes a
171 clear and present danger to the public health and safety, the board may file a complaint before
172 the administrative hearing commission requesting an expedited hearing and specifying the
173 conduct that gives rise to the danger and the nature of the proposed restriction or suspension of
174 the dentist's or dental hygienist's license. Within fifteen days after service of the complaint on
175 the dentist or dental hygienist, the administrative hearing commission shall conduct a preliminary
176 hearing to determine whether the alleged conduct of the dentist or dental hygienist appears to
177 constitute a clear and present danger to the public health and safety that justifies that the dentist's
178 or dental hygienist's license be immediately restricted or suspended. The burden of proving that
179 a dentist or dental hygienist is a clear and present danger to the public health and safety shall be
180 upon the Missouri dental board. The administrative hearing commission shall issue its decision

181 immediately after the hearing and shall either grant to the board the authority to suspend or
182 restrict the license or dismiss the action.

183 5. If the administrative hearing commission grants temporary authority to the board to
184 restrict or suspend a dentist's or dental hygienist's license, the dentist or dental hygienist named
185 in the complaint may request a full hearing before the administrative hearing commission. A
186 request for a full hearing shall be made within thirty days after the administrative hearing
187 commission issues a decision. The administrative hearing commission shall, if requested by a
188 dentist or dental hygienist named in the complaint, set a date to hold a full hearing under chapter
189 621 regarding the activities alleged in the initial complaint filed by the board. The administrative
190 hearing commission shall set the date for full hearing within ninety days from the date its
191 decision was issued. Either party may request continuances, which shall be granted by the
192 administrative hearing commission upon a showing of good cause by either party or consent of
193 both parties. If a request for a full hearing is not made within thirty days, the authority to impose
194 discipline becomes final and the board shall set the matter for hearing in accordance with section
195 621.110.

196 6. If the administrative hearing commission dismisses without prejudice the complaint
197 filed by the board under subsection 4 of this section or dismisses the action based on a finding
198 that the board did not meet its burden of proof establishing a clear and present danger, such
199 dismissal shall not bar the board from initiating a subsequent action on the same grounds in
200 accordance with this chapter and chapters 536 and 621.

201 7. Notwithstanding any other provisions of section 332.071 or of this section, a currently
202 licensed dentist in Missouri may enter into an agreement with individuals and organizations to
203 provide dental health care, provided such agreement does not permit or compel practices that
204 violate any provision of this chapter.

205 8. At all proceedings for the enforcement of these or any other provisions of this chapter
206 the board shall, as it deems necessary, select, in its discretion, either the attorney general or one
207 of the attorney general's assistants designated by the attorney general or other legal counsel to
208 appear and represent the board at each stage of such proceeding or trial until its conclusion.

209 9. If at any time when any discipline has been imposed pursuant to this section or
210 pursuant to any provision of this chapter, the licensee removes himself or herself from the state
211 of Missouri, ceases to be currently licensed pursuant to the provisions of this chapter, or fails to
212 keep the Missouri dental board advised of his or her current place of business and residence, the
213 time of his or her absence, or unlicensed status, or unknown whereabouts shall not be deemed
214 or taken as any part of the time of discipline so imposed.

334.530. 1. A candidate for license to practice as a physical therapist shall ~~[be at least~~
2 ~~twenty-one years of age. A candidate shall]~~ furnish evidence of such person's good moral

3 character and the person's educational qualifications by submitting satisfactory evidence of
4 completion of a program of physical therapy education approved as reputable by the board. A
5 candidate who presents satisfactory evidence of the person's graduation from a school of physical
6 therapy approved as reputable by the American Medical Association or, if graduated before
7 1936, by the American Physical Therapy Association, or if graduated after 1988, the Commission
8 on Accreditation for Physical Therapy Education or its successor, is deemed to have complied
9 with the educational qualifications of this subsection.

10 2. Persons desiring to practice as physical therapists in this state shall appear before the
11 board at such time and place as the board may direct and be examined as to their fitness to
12 engage in such practice. Applications for examination shall be in writing, on a form furnished
13 by the board and shall include evidence satisfactory to the board that the applicant possesses the
14 qualifications set forth in subsection 1 of this section. Each application shall contain a statement
15 that it is made under oath or affirmation and that its representations are true and correct to the
16 best knowledge and belief of the applicant, subject to the penalties of making a false affidavit
17 or declaration.

18 3. The examination of qualified candidates for licenses to practice physical therapy shall
19 test entry-level competence as related to physical therapy theory, examination and evaluation,
20 physical therapy diagnosis, prognosis, treatment, intervention, prevention, and consultation.

21 4. The examination shall embrace, in relation to the human being, the subjects of
22 anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy
23 theory and procedures as related to medicine, surgery and psychiatry, and such other subjects,
24 including medical ethics, as the board deems useful to test the fitness of the candidate to practice
25 physical therapy.

26 5. The applicant shall pass a test administered by the board on the laws and rules related
27 to the practice of physical therapy in Missouri.

334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall
2 ~~[be at least nineteen years of age. A candidate shall]~~ furnish evidence of the person's good moral
3 character and of the person's educational qualifications. The educational requirements for
4 licensure as a physical therapist assistant are:

5 (1) A certificate of graduation from an accredited high school or its equivalent; and

6 (2) Satisfactory evidence of completion of an associate degree program of physical
7 therapy education accredited by the commission on accreditation of physical therapy education.

8 2. Persons desiring to practice as a physical therapist assistant in this state shall appear
9 before the board at such time and place as the board may direct and be examined as to the
10 person's fitness to engage in such practice. Applications for examination shall be on a form
11 furnished by the board and shall include evidence satisfactory to the board that the applicant

12 possesses the qualifications provided in subsection 1 of this section. Each application shall
13 contain a statement that the statement is made under oath of affirmation and that its
14 representations are true and correct to the best knowledge and belief of the person signing the
15 statement, subject to the penalties of making a false affidavit or declaration.

16 3. The examination of qualified candidates for licensure to practice as physical therapist
17 assistants shall embrace an examination which shall cover the curriculum taught in accredited
18 associate degree programs of physical therapy assistant education. Such examination shall be
19 sufficient to test the qualification of the candidates as practitioners.

20 4. The examination shall include, as related to the human body, the subjects of anatomy,
21 kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as
22 related to medicine and such other subjects, including medical ethics, as the board deems useful
23 to test the fitness of the candidate to practice as a physical therapist assistant.

24 5. The applicant shall pass a test administered by the board on the laws and rules related
25 to the practice as a physical therapist assistant in this state.

26 6. The board shall license without examination any legally qualified person who is a
27 resident of this state and who was actively engaged in practice as a physical therapist assistant
28 on August 28, 1993. The board may license such person pursuant to this subsection until ninety
29 days after the effective date of this section.

30 7. A candidate to practice as a physical therapist assistant who does not meet the
31 educational qualifications may submit to the board an application for examination if such person
32 can furnish written evidence to the board that the person has been employed in this state for at
33 least three of the last five years under the supervision of a licensed physical therapist and such
34 person possesses the knowledge and training equivalent to that obtained in an accredited school.
35 The board may license such persons pursuant to this subsection until ninety days after rules
36 developed by the state board of healing arts regarding physical therapist assistant licensing
37 become effective.

335.036. 1. The board shall:

2 (1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and
3 the board may appoint, employ and fix the compensation of a legal counsel and such board
4 personnel as defined in subdivision (4) of subsection 10 of section 324.001 as are necessary to
5 administer the provisions of sections 335.011 to 335.096;

6 (2) Adopt and revise such rules and regulations as may be necessary to enable it to carry
7 into effect the provisions of sections 335.011 to 335.096;

8 (3) Prescribe minimum standards for educational programs preparing persons for
9 licensure pursuant to the provisions of sections 335.011 to 335.096;

10 (4) Provide for surveys of such programs every five years and in addition at such times
11 as it may deem necessary;

12 (5) Designate as "approved" such programs as meet the requirements of sections 335.011
13 to 335.096 and the rules and regulations enacted pursuant to such sections; and the board shall
14 annually publish a list of such programs;

15 (6) Deny or withdraw approval from educational programs for failure to meet prescribed
16 minimum standards;

17 (7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

18 (8) Cause the prosecution of all persons violating provisions of sections 335.011 to
19 335.096, and may incur such necessary expenses therefor;

20 (9) Keep a record of all the proceedings; and make an annual report to the governor and
21 to the director of the department of insurance, financial institutions and professional registration[;

22 ~~——(10) Establish an impaired nurse program].~~

23 2. The board shall set the amount of the fees which this chapter authorizes and requires
24 by rules and regulations. The fees shall be set at a level to produce revenue which shall not
25 substantially exceed the cost and expense of administering this chapter.

26 3. All fees received by the board pursuant to the provisions of sections 335.011 to
27 335.096 shall be deposited in the state treasury and be placed to the credit of the state board of
28 nursing fund. All administrative costs and expenses of the board shall be paid from
29 appropriations made for those purposes. The board is authorized to provide funding for the
30 nursing education incentive program established in sections 335.200 to 335.203.

31 4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund
32 shall not be transferred and placed to the credit of general revenue until the amount in the fund
33 at the end of the biennium exceeds two times the amount of the appropriation from the board's
34 funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently
35 than yearly, then three times the appropriation from the board's funds for the preceding fiscal
36 year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds
37 the appropriate multiple of the appropriations from the board's funds for the preceding fiscal
38 year.

39 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
40 under the authority delegated in this chapter shall become effective only if it complies with and
41 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All
42 rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed.
43 Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or
44 adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This
45 section and chapter 536 are nonseverable and if any of the powers vested with the general

46 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
47 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
48 any rule proposed or adopted after August 28, 1999, shall be invalid and void.

335.066. 1. The board may refuse to issue or reinstate any certificate of registration or
2 authority, permit or license required pursuant to chapter 335 for one or any combination of
3 causes stated in subsection 2 of this section or the board may, as a condition to issuing or
4 reinstating any such permit or license, require a person to submit himself or herself for
5 identification, intervention, treatment, or ~~[rehabilitation]~~ **monitoring** by the ~~[impaired-nurse]~~
6 **intervention program and alternative program** as provided in section 335.067. The board
7 shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant
8 of his or her right to file a complaint with the administrative hearing commission as provided by
9 chapter 621.

10 2. The board may cause a complaint to be filed with the administrative hearing
11 commission as provided by chapter 621 against any holder of any certificate of registration or
12 authority, permit or license required by sections 335.011 to 335.096 or any person who has failed
13 to renew or has surrendered his or her certificate of registration or authority, permit or license
14 for any one or any combination of the following causes:

15 (1) Use or unlawful possession of any controlled substance, as defined in chapter 195,
16 **by the federal government, or by the department of health and senior services by**
17 **regulation, regardless of impairment,** or alcoholic beverage to an extent that such use impairs
18 a person's ability to perform the work of any profession licensed or regulated by sections 335.011
19 to 335.096. **A blood alcohol content of .08 shall create a presumption of impairment;**

20 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
21 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United
22 States, for any offense reasonably related to the qualifications, functions or duties of any
23 profession licensed or regulated pursuant to sections 335.011 to 335.096, for any offense an
24 essential element of which is fraud, dishonesty or an act of violence, or for any offense involving
25 moral turpitude, whether or not sentence is imposed;

26 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
27 registration or authority, permit or license issued pursuant to sections 335.011 to 335.096 or in
28 obtaining permission to take any examination given or required pursuant to sections 335.011 to
29 335.096;

30 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by
31 fraud, deception or misrepresentation;

32 (5) Incompetency, gross negligence, or repeated negligence in the performance of the
33 functions or duties of any profession licensed or regulated by chapter 335. For the purposes of

34 this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that
35 degree of skill and learning ordinarily used under the same or similar circumstances by the
36 member of the applicant's or licensee's profession;

37 (6) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or
38 unprofessional conduct in the performance of the functions or duties of any profession licensed
39 or regulated by this chapter, including, but not limited to, the following:

40 (a) Willfully and continually overcharging or overtreating patients; or charging for visits
41 which did not occur unless the services were contracted for in advance, or for services which
42 were not rendered or documented in the patient's records;

43 (b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to
44 obtain or retain a patient or discourage the use of a second opinion or consultation;

45 (c) Willfully and continually performing inappropriate or unnecessary treatment,
46 diagnostic tests, or nursing services;

47 (d) Delegating professional responsibilities to a person who is not qualified by training,
48 skill, competency, age, experience, or licensure to perform such responsibilities;

49 (e) Performing nursing services beyond the authorized scope of practice for which the
50 individual is licensed in this state;

51 (f) Exercising influence within a nurse-patient relationship for purposes of engaging a
52 patient in sexual activity;

53 (g) Being listed on any state or federal sexual offender registry;

54 (h) Failure of any applicant or licensee to cooperate with the board during any
55 investigation;

56 (i) Failure to comply with any subpoena or subpoena duces tecum from the board or an
57 order of the board;

58 (j) Failure to timely pay license renewal fees specified in this chapter;

59 (k) Violating a probation agreement, order, or other settlement agreement with this board
60 or any other licensing agency;

61 (l) Failing to inform the board of the nurse's current residence **within thirty days of**
62 **changing residence**;

63 (m) Any other conduct that is unethical or unprofessional involving a minor;

64 (n) **A departure from or failure to conform to nursing standards**;

65 (o) **Failure to establish, maintain, or communicate professional boundaries with the**
66 **patient. A nurse may provide health care services to a person with whom the nurse has a**
67 **personal relationship as long as the nurse otherwise meets the standards of the profession**;

68 (p) **Violating the confidentiality or privacy rights of the patient, resident, or client**;

69 **(q) Failing to assess, accurately document, or report the status of a patient, resident,**
70 **or client, or falsely assessing, documenting, or reporting the status of a patient, resident,**
71 **or client;**

72 **(r) Intentionally or negligently causing physical or emotional harm to a patient,**
73 **resident, or client;**

74 **(s) Failing to furnish appropriate details of a patient's, client's, or resident's**
75 **nursing needs to succeeding nurses legally qualified to provide continuing nursing services**
76 **to a patient, client, or resident;**

77 (7) Violation of, or assisting or enabling any person to violate, any provision of sections
78 335.011 to 335.096, or of any lawful rule or regulation adopted pursuant to sections 335.011 to
79 335.096;

80 (8) Impersonation of any person holding a certificate of registration or authority, permit
81 or license or allowing any person to use his or her certificate of registration or authority, permit,
82 license or diploma from any school;

83 (9) Disciplinary action against the holder of a license or other right to practice any
84 profession regulated by sections 335.011 to 335.096 granted by another state, territory, federal
85 agency or country upon grounds for which revocation or suspension is authorized in this state;

86 (10) A person is finally adjudged insane or incompetent by a court of competent
87 jurisdiction;

88 (11) Assisting or enabling any person to practice or offer to practice any profession
89 licensed or regulated by sections 335.011 to 335.096 who is not registered and currently eligible
90 to practice pursuant to sections 335.011 to 335.096;

91 (12) Issuance of a certificate of registration or authority, permit or license based upon
92 a material mistake of fact;

93 (13) Violation of any professional trust or confidence;

94 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to
95 the general public or persons to whom the advertisement or solicitation is primarily directed;

96 (15) Violation of the drug laws or rules and regulations of this state, any other state or
97 the federal government;

98 (16) Placement on an employee disqualification list or other related restriction or finding
99 pertaining to employment within a health-related profession issued by any state or federal
100 government or agency following final disposition by such state or federal government or agency;

101 (17) Failure to successfully complete the ~~[impaired nurse program]~~ **intervention or**
102 **alternative program for substance use disorder;**

103 (18) Knowingly making or causing to be made a false statement or misrepresentation of
104 a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or
105 chapter 630, or for payment from Title XVIII or Title XIX of the federal Medicare program;

106 (19) Failure or refusal to properly guard against contagious, infectious, or communicable
107 diseases or the spread thereof; maintaining an unsanitary office or performing professional
108 services under unsanitary conditions; or failure to report the existence of an unsanitary condition
109 in the office of a physician or in any health care facility to the board, in writing, within thirty
110 days after the discovery thereof;

111 (20) A pattern of personal use or consumption of any controlled substance **or any**
112 **substance which requires a prescription** unless it is prescribed, dispensed, or administered by
113 a provider who is authorized by law to do so **or a pattern of abuse of any prescription**
114 **medication;**

115 (21) Habitual intoxication or dependence on alcohol, evidence of which may include
116 more than one alcohol-related enforcement contact as defined by section 302.525;

117 (22) Failure to comply with a treatment program or an aftercare program entered into as
118 part of a board order, settlement agreement, or licensee's professional health program;

119 (23) **Failure to submit to a drug or alcohol screening when requested by an**
120 **employer or by the board. Failure to submit to a drug or alcohol screening shall create the**
121 **presumption that the test would have been positive for a drug for which the individual did**
122 **not have a prescription in a drug screening or positive for alcohol in an alcohol screening;**

123 (24) **Adjudged by a court in need of a guardian or conservator, or both, obtaining**
124 **a guardian or conservator, or both, and who has not been restored to capacity;**

125 (25) **Diversion or attempting to divert any medication, controlled substance, or**
126 **medical supplies;**

127 (26) **Failure to answer, failure to disclose, or failure to fully provide all information**
128 **requested on any application or renewal for a license. This includes disclosing all pleas of**
129 **guilt or findings of guilt in a case where the imposition of sentence was suspended, whether**
130 **or not the case is now confidential;**

131 (27) **Physical or mental illness, including but not limited to deterioration through**
132 **the aging process or loss of motor skill, or disability that impairs the licensee's ability to**
133 **practice the profession with reasonable judgment, skill, or safety. This does not include**
134 **temporary illness which is expected to resolve within a short period of time;**

135 (28) **Any conduct that constitutes a serious danger to the health, safety, or welfare**
136 **of a patient or the public.**

137 3. After the filing of such complaint, the proceedings shall be conducted in accordance
138 with the provisions of chapter 621. Upon a finding by the administrative hearing commission

139 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the
140 board may, singly or in combination, censure or place the person named in the complaint on
141 probation on such terms and conditions as the board deems appropriate for a period not to exceed
142 five years, or may suspend, for a period not to exceed three years, or revoke the license,
143 certificate, or permit.

144 4. For any hearing before the full board, the board shall cause the notice of the hearing
145 to be served upon such licensee in person or by certified mail to the licensee at the licensee's last
146 known address. If service cannot be accomplished in person or by certified mail, notice by
147 publication as described in subsection 3 of section 506.160 shall be allowed; any representative
148 of the board is authorized to act as a court or judge would in that section; any employee of the
149 board is authorized to act as a clerk would in that section.

150 5. An individual whose license has been revoked shall wait one year from the date of
151 revocation to apply for relicensure. Relicensure shall be at the discretion of the board after
152 compliance with all the requirements of sections 335.011 to 335.096 relative to the licensing of
153 an applicant for the first time.

154 6. The board may notify the proper licensing authority of any other state concerning the
155 final disciplinary action determined by the board on a license in which the person whose license
156 was suspended or revoked was also licensed of the suspension or revocation.

157 7. Any person, organization, association or corporation who reports or provides
158 information to the board of nursing pursuant to the provisions of sections 335.011 to 335.259 and
159 who does so in good faith shall not be subject to an action for civil damages as a result thereof.

160 8. The board may apply to the administrative hearing commission for an emergency
161 suspension or restriction of a license for the following causes:

162 (1) Engaging in sexual conduct as defined in section 566.010, with a patient who is not
163 the licensee's spouse, regardless of whether the patient consented;

164 (2) Engaging in sexual misconduct with a minor or person the licensee believes to be a
165 minor. "Sexual misconduct" means any conduct of a sexual nature which would be illegal under
166 state or federal law;

167 (3) Possession of a controlled substance in violation of chapter 195 or any state or federal
168 law, rule, or regulation, excluding record-keeping violations;

169 (4) Use of a controlled substance without a valid prescription;

170 (5) The licensee is adjudicated incapacitated or disabled by a court of competent
171 jurisdiction;

172 (6) Habitual intoxication or dependence upon alcohol or controlled substances or failure
173 to comply with a treatment or aftercare program entered into pursuant to a board order,
174 settlement agreement, or as part of the licensee's professional health program;

175 (7) A report from a board-approved facility or a professional health program stating the
176 licensee is not fit to practice. For purposes of this section, a licensee is deemed to have waived
177 all objections to the admissibility of testimony from the provider of the examination and
178 admissibility of the examination reports. The licensee shall sign all necessary releases for the
179 board to obtain and use the examination during a hearing; or

180 (8) Any conduct for which the board may discipline that constitutes a serious danger to
181 the health, safety, or welfare of a patient or the public.

182 9. The board shall submit existing affidavits and existing certified court records together
183 with a complaint alleging the facts in support of the board's request for an emergency suspension
184 or restriction to the administrative hearing commission and shall supply the administrative
185 hearing commission with the last home or business addresses on file with the board for the
186 licensee. Within one business day of the filing of the complaint, the administrative hearing
187 commission shall return a service packet to the board. The service packet shall include the
188 board's complaint and any affidavits or records the board intends to rely on that have been filed
189 with the administrative hearing commission. The service packet may contain other information
190 in the discretion of the administrative hearing commission. Within twenty-four hours of
191 receiving the packet, the board shall either personally serve the licensee or leave a copy of the
192 service packet at all of the licensee's current addresses on file with the board. Prior to the
193 hearing, the licensee may file affidavits and certified court records for consideration by the
194 administrative hearing commission.

195 10. Within five days of the board's filing of the complaint, the administrative hearing
196 commission shall review the information submitted by the board and the licensee and shall
197 determine based on that information if probable cause exists pursuant to subsection 8 of this
198 section and shall issue its findings of fact and conclusions of law. If the administrative hearing
199 commission finds that there is probable cause, the administrative hearing commission shall enter
200 the order requested by the board. The order shall be effective upon personal service or by
201 leaving a copy at all of the licensee's current addresses on file with the board.

202 11. (1) The administrative hearing commission shall hold a hearing within forty-five
203 days of the board's filing of the complaint to determine if cause for discipline exists. The
204 administrative hearing commission may grant a request for a continuance, but shall in any event
205 hold the hearing within one hundred twenty days of the board's initial filing. The board shall be
206 granted leave to amend its complaint if it is more than thirty days prior to the hearing. If less
207 than thirty days, the board may be granted leave to amend if public safety requires.

208 (2) If no cause for discipline exists, the administrative hearing commission shall issue
209 findings of fact, conclusions of law, and an order terminating the emergency suspension or
210 restriction.

211 (3) If cause for discipline exists, the administrative hearing commission shall issue
212 findings of fact and conclusions of law and order the emergency suspension or restriction to
213 remain in full force and effect pending a disciplinary hearing before the board. The board shall
214 hold a hearing following the certification of the record by the administrative hearing commission
215 and may impose any discipline otherwise authorized by state law.

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

218 13. If the administrative hearing commission does not find probable cause and does not
219 grant the emergency suspension or restriction, the board shall remove all reference to such
220 emergency suspension or restriction from its public records. Records relating to the suspension
221 or restriction shall be maintained in the board's files. The board or licensee may use such records
222 in the course of any litigation to which they are both parties. Additionally, such records may be
223 released upon a specific, written request of the licensee.

224 14. If the administrative hearing commission grants temporary authority to the board to
225 restrict or suspend the nurse's license, such temporary authority of the board shall become final
226 authority if there is no request by the nurse for a full hearing within thirty days of the preliminary
227 hearing. The administrative hearing commission shall, if requested by the nurse named in the
228 complaint, set a date to hold a full hearing under the provisions of chapter 621 regarding the
229 activities alleged in the initial complaint filed by the board.

230 15. If the administrative hearing commission refuses to grant temporary authority to the
231 board or restrict or suspend the nurse's license under subsection 8 of this section, such dismissal
232 shall not bar the board from initiating a subsequent disciplinary action on the same grounds.

233 16. (1) The board may initiate a hearing before the board for discipline of any licensee's
234 license or certificate upon receipt of one of the following:

235 (a) Certified court records of a finding of guilt or plea of guilty or nolo contendere in a
236 criminal prosecution under the laws of any state or of the United States for any offense involving
237 the qualifications, functions, or duties of any profession licensed or regulated under this chapter,
238 for any offense involving fraud, dishonesty, or an act of violence, or for any offense involving
239 moral turpitude, whether or not sentence is imposed;

240 (b) Evidence of final disciplinary action against the licensee's license, certification, or
241 registration issued by any other state, by any other agency or entity of this state or any other state,
242 or the United States or its territories, or any other country;

243 (c) Evidence of certified court records finding the licensee has been judged incapacitated
244 or disabled under Missouri law or under the laws of any other state or of the United States or its
245 territories.

246 (2) The board shall provide the licensee not less than ten days' notice of any hearing held
247 pursuant to chapter 536.

248 (3) Upon a finding that cause exists to discipline a licensee's license, the board may
249 impose any discipline otherwise available.

335.067. 1. The state board of nursing may establish an ~~[impaired nurse]~~ **intervention
2 program and an alternative** program to promote the ~~[early]~~ identification, intervention,
3 treatment, and ~~[rehabilitation]~~ **monitoring of nurses or applicants for a nursing license** who
4 may be impaired by ~~[reasons of illness,]~~ **reason of substance abuse**~~[-or as a result of any mental
5 condition. This program shall be available to anyone holding a current license and may be
6 entered voluntarily, as part of an agreement with the board of nursing, or as a condition of a
7 disciplinary order entered by the board of nursing]~~ **or the potential for substance abuse.**

8 2. ~~[The board may enter into a contractual agreement with a nonprofit corporation or a
9 nursing association for the purpose of creating, supporting, and maintaining a program to be
10 designated as the impaired nurse program.]~~ **The intervention program is available, upon
11 board discretion, to licensees and applicants for licensure who self-refer, test positive in a
12 pre-employment or for-cause drug or alcohol screen, individuals who have pled guilty to
13 or been found guilty of any drug offense, whether felony or misdemeanor, or individuals
14 who have pled guilty to or been found guilty of three or more criminal offenses resulting
15 from or related to the use of drugs or alcohol, whether a felony or misdemeanor. The
16 program shall be a minimum of one year in duration and require random drug and alcohol
17 testing at the participant's expense.**

18 3. The alternative program is available, upon board discretion, to licensees and
19 applicants for licensure who admit to having a substance use disorder. The program shall
20 be from three to five years in duration and at a minimum require random drug and alcohol
21 testing at the participant's expense.

22 4. Upon receiving a complaint or an application, the board shall screen the
23 information submitted to determine whether the individual may be eligible for the
24 intervention or alternative program. If eligible for one of the programs, the board may
25 contact the individual and offer the program. If accepted, the board and individual may
26 enter into a written agreement setting forth the requirements of the program. If declined,
27 the board may proceed with its regular process of investigating a complaint or application
28 as set forth in this chapter and chapter 324. The board shall retain sole discretion to offer
29 the program at any time.

30 5. Upon successful completion of the intervention or alternative program, the
31 licensee shall be deemed to have no disciplinary action against his or her license and shall
32 not be required to disclose participation in the program. All records shall be deemed

33 confidential and not public records under chapter 610 and not subject to court or
34 administration subpoena or subject to discovery or introduction as evidence in any civil,
35 criminal, or administrative proceedings.

36 6. If a licensee or applicant violates any term of the intervention program and the
37 licensee or applicant denies the violation, the board may convene a hearing, after due
38 notice to the licensee or applicant to determine whether such violation has occurred. The
39 hearing shall be confidential and not open to the public under chapter 610. Records from
40 the program shall be deemed admissible in the hearing. If the licensee or applicant admits
41 to the violation, no hearing is required. If a violation is found by the board or admitted to
42 by the licensee or applicant, the licensee's license shall be indefinitely suspended or the
43 applicant's application shall not be acted upon until the licensee or applicant continues to
44 fully participate in the program, has one year with no positive drug or alcohol screens, and
45 completes a sobriety notebook. The licensee may then request that his or her license be
46 reinstated or the applicant may then request the board act upon his or her application.

47 7. If a licensee does not successfully complete the intervention program, the board
48 may pursue disciplinary action as set forth in section 335.066 and chapter 621. If an
49 applicant does not successfully complete the intervention program, the board may issue an
50 order pursuant to the provisions of chapters 324, 335, 536, and 621. Records from the
51 program may be used as evidence in any such proceedings initiated under chapters 324,
52 335, 536, and 621. Any such licensee disciplined by the board pursuant to this section or
53 applicant subject to an order pursuant to this section shall not be eligible to participate in
54 the alternative program.

55 8. If a licensee or applicant violates any term of the alternative program and the
56 licensee or applicant denies the violation, the board may convene a hearing, after due
57 notice to the licensee or applicant to determine whether such violation has occurred. The
58 hearing shall be confidential and not open to the public under chapter 610. Records from
59 the program shall be deemed admissible in the hearing. If the licensee or applicant admits
60 to the violation, no hearing is required. If a violation is found by the board or admitted to
61 by the licensee or applicant, the licensee's license shall be indefinitely suspended or the
62 applicant's application shall not be acted upon until the licensee or applicant continues to
63 fully participate in the program, has one year with no positive drug or alcohol screens, and
64 completes a sobriety notebook. The licensee may then request that his or her license be
65 reinstated or the applicant may then request the board act upon his or her application.

66 9. If a licensee does not successfully complete the alternative program, the board
67 may pursue disciplinary action as set forth in section 335.066 and chapter 621. If an
68 applicant does not successfully complete the alternative program, the board may issue an

69 **order pursuant to the provisions of chapters 324, 335, and 621. Records from the program**
70 **may be used as evidence in any such proceedings conducted pursuant to the provisions of**
71 **chapters 324, 335, and 621.**

72 **10.** The board may promulgate administrative rules subject to the provisions of this
73 section and chapter 536 to effectuate and implement any ~~[program]~~ **programs** formed pursuant
74 to this section.

75 ~~[3-]~~ **11.** The board may expend appropriated funds necessary to provide for operational
76 expenses of the ~~[program]~~ **programs** formed pursuant to this section.

77 ~~[4-]~~ **12.** Any **board member, board staff member, members** of the ~~[program]~~
78 **programs**, as well as any administrator, staff member, consultant, agent, or employee of the
79 ~~[program]~~ **programs**, acting within the scope of his or her duties and without actual malice, and
80 all other persons who furnish information to the ~~[program]~~ **programs** in good faith and without
81 actual malice, shall not be liable for any claim of damages as a result of any statement, decision,
82 opinion, investigation, or action taken by the ~~[program]~~ **programs**, or by any individual member
83 of the ~~[program]~~ **programs, by any board member, or by any board staff member.**

84 ~~[5-]~~ **13.** All information, interviews, reports, statements, memoranda, **drug or alcohol**
85 **testing results**, or other documents furnished to or produced by the ~~[program]~~ **programs**, as well
86 as communications to or from the ~~[program]~~ **programs**, any findings, conclusions, interventions,
87 treatment, rehabilitation, or other proceedings of the ~~[program]~~ **programs** which in any way
88 pertain to a licensee who may be, or who actually is, impaired shall be privileged and
89 confidential, **except that the board may share information with the licensee's employer or**
90 **potential employer upon verification with the licensee that he or she is employed with the**
91 **employer or actively seeking employment with the potential employer. Any records**
92 **produced in conjunction with either program shall not be considered public records under**
93 **chapter 610 and shall not be subject to court subpoena or subject to discovery or**
94 **introduction as evidence in any civil, criminal, or administrative proceedings except as set**
95 **forth in subsections 14 and 15 of this section.**

96 ~~[6- All records and proceedings of the program which pertain or refer to a licensee who~~
97 ~~may be, or who actually is, impaired shall be privileged and confidential and shall be used by the~~
98 ~~program and its members only in the exercise of the proper function of the program and shall not~~
99 ~~be considered public records under chapter 610 and shall not be subject to court subpoena or~~
100 ~~subject to discovery or introduction as evidence in any civil, criminal, or administrative~~
101 ~~proceedings except as provided in subsection 7 of this section.~~

102 ~~———7. The program shall disclose]~~

103 **14.** Information **may be disclosed** relative to ~~[an impaired]~~ a licensee **or applicant in**
104 **either program** only when:

105 (1) It is essential to disclose the information to further the intervention, treatment, or
 106 rehabilitation needs of the ~~[impaired]~~ licensee **or applicant** and only to those persons or
 107 organizations with a need to know;

108 (2) Its release is authorized in writing by the ~~[impaired]~~ licensee **or applicant**;

109 (3) A licensee has breached his or her contract with the program]. ~~In this instance, the~~
 110 ~~breach may be reported only to the board of nursing]; or~~

111 (4) The information is subject to a court order.

112 ~~[8. When pursuing discipline against a licensed practical nurse, registered nurse, or~~
 113 ~~advanced practice registered nurse for violating one or more causes stated in subsection 2 of~~
 114 ~~section 335.066, the board may, if the violation is related to chemical dependency or mental~~
 115 ~~health, require that the licensed practical nurse, registered nurse, or advanced practice registered~~
 116 ~~nurse complete the impaired nurse program under such terms and conditions as are agreed to by~~
 117 ~~the board and the licensee for a period not to exceed five years. If the licensee violates a term~~
 118 ~~or condition of an impaired nurse program agreement entered into under this section, the board~~
 119 ~~may elect to pursue discipline against the licensee pursuant to chapter 621 for the original~~
 120 ~~conduct that resulted in the impaired nurse program agreement, or for any subsequent violation~~
 121 ~~of subsection 2 of section 335.066. While the licensee participates in the impaired nurse~~
 122 ~~program, the time limitations of section 620.154 shall toll under subsection 7 of section 620.154.~~
 123 ~~All records pertaining to the impaired nurse program agreements are confidential and may only~~
 124 ~~be released under subdivision (7) of subsection 14 of section 620.010.~~

125 ~~9. The board may disclose information and records to the impaired nurse program to~~
 126 ~~assist the program in the identification, intervention, treatment, and rehabilitation of licensed~~
 127 ~~practical nurses, registered nurses, or advanced practice registered nurses who may be impaired~~
 128 ~~by reason of illness, substance abuse, or as the result of any physical or mental condition. The~~
 129 ~~program shall keep all information and records provided by the board confidential to the extent~~
 130 ~~the board is required to treat the information and records closed to the public under chapter 620.]~~

131 **15. The statute of limitations set forth in section 324.043 shall be tolled while a**
 132 **licensee or applicant is participating in either the intervention program or the alternative**
 133 **program.**

336.030. 1. A person is qualified to receive a license as an optometrist:

2 (1) ~~[Who is at least twenty-one years of age;~~

3 ~~—(2)] Who is of good moral character;~~

4 ~~[(3)]~~ **(2)** Who has graduated from a college or school of optometry approved by the
 5 board; and

6 ~~[(4)]~~ **(3)** Who has met either of the following conditions:

7 (a) Has passed an examination satisfactory to, conducted by, or approved by the board
8 to determine his or her fitness to receive a license as an optometrist with pharmaceutical
9 certification and met the requirements of licensure as may be required by rule and regulation; or

10 (b) Has been licensed and has practiced for at least three years in the five years
11 immediately preceding the date of application with pharmaceutical certification in another state,
12 territory, country, or province in which the requirements are substantially equivalent to the
13 requirements in this state and has satisfactorily completed any practical examination or any
14 examination on Missouri laws as may be required by rule and regulation.

15 2. The board may adopt reasonable rules and regulations providing for the examination
16 and certification of optometrists who apply to the board for the authority to practice optometry
17 in this state.

337.020. 1. Each person desiring to obtain a license, whether temporary, provisional or
2 permanent, as a psychologist shall make application to the committee upon such forms and in
3 such manner as may be prescribed by the committee and shall pay the required application fee.
4 **The form shall include a statement that the applicant has completed two hours of suicide**
5 **assessment, referral, treatment, and management training that meets the guidelines**
6 **developed by the committee. The committee shall not charge an application fee until such**
7 **time that the application has been approved. In the event that an application is denied or**
8 **rejected, no application fee shall be charged.** The application fee shall not be refundable.
9 Each application shall contain a statement that it is made under oath or affirmation and that its
10 representations are true and correct to the best knowledge and belief of the person signing the
11 application, subject to the penalties of making a false affidavit or declaration.

12 2. Each applicant, whether for temporary, provisional or permanent licensure, shall
13 submit evidence satisfactory to the committee that the applicant is at least twenty-one years of
14 age, is of good moral character, and meets the appropriate educational requirements as set forth
15 in either section 337.021 or 337.025, or is qualified for licensure without examination pursuant
16 to section 337.029. In determining the acceptability of the applicant's qualifications, the
17 committee may require evidence that it deems reasonable and proper, in accordance with law,
18 and the applicant shall furnish the evidence in the manner required by the committee.

19 3. The committee with assistance from the division shall issue a permanent license to
20 and register as a psychologist any applicant who, in addition to having fulfilled the other
21 requirements of sections 337.010 to 337.090, passes the examination for professional practice
22 in psychology and such other examinations in psychology which may be adopted by the
23 committee, except that an applicant fulfilling the requirement of section 337.029 shall upon
24 successful completion of the jurisprudence examination and completion of the oral examination

25 be permanently licensed without having to retake the examination for professional practice in
26 psychology.

27 4. The committee, with assistance from the division, shall issue a provisional license to,
28 and register as being a provisionally licensed psychologist, any applicant who is a graduate of
29 a recognized educational institution with a doctoral degree in psychology as defined in section
30 337.025, and who otherwise meets all requirements to become a licensed psychologist, except
31 for passage of the national and state licensing exams, oral examination and completion of the
32 required period of postdegree supervised experience as specified in subsection 2 of section
33 337.025.

34 5. A provisional license issued pursuant to subsection 4 of this section shall only
35 authorize and permit the applicant to render those psychological services which are under the
36 supervision and the full professional responsibility and control of such person's postdoctoral
37 degree licensed supervisor. A provisional license shall automatically terminate upon issuance
38 of a permanent license, upon a finding of cause to discipline after notice and hearing pursuant
39 to section 337.035, upon the expiration of one year from the date of issuance whichever event
40 first occurs, or upon termination of supervision by the licensed supervisor. The provisional
41 license may be renewed after one year with a maximum issuance of two years total per
42 provisional licensee. The committee by rule shall provide procedures for exceptions and
43 variances from the requirement of a maximum issuance of two years due to vacations, illness,
44 pregnancy and other good causes.

45 6. The committee, with assistance from the division, shall immediately issue a temporary
46 license to any applicant for licensure either by reciprocity pursuant to section 337.029, or by
47 endorsement of the score from the examination for professional practice in psychology upon
48 receipt of an application for such licensure and upon proof that the applicant is either licensed
49 as a psychologist in another jurisdiction, is a diplomate of the American Board of Professional
50 Psychology, or is a member of the National Register of Health Services Providers in Psychology.

51 7. A temporary license issued pursuant to subsection 6 of this section shall authorize the
52 applicant to practice psychology in this state, the same as if a permanent license had been issued.
53 Such temporary license shall be issued without payment of an additional fee and shall remain in
54 full force and effect until the earlier of the following events:

55 (1) A permanent license has been issued to the applicant following successful completion
56 of the jurisprudence examination and the oral interview examination;

57 (2) In cases where the committee has found the applicant ineligible for licensure and no
58 appeal has been taken to the administrative hearing commission, then at the expiration of such
59 appeal time; or

60 (3) In cases where the committee has found the applicant ineligible for licensure and the
61 applicant has taken an appeal to the administrative hearing commission and the administrative
62 hearing commission has also found the applicant ineligible, then upon the rendition by the
63 administrative hearing commission of its findings of fact and conclusions of law to such effect.

64 8. Written and oral examinations pursuant to sections 337.010 to 337.090 shall be
65 administered by the committee at least twice each year to any applicant who meets the
66 educational requirements set forth in either section 337.021 or 337.025 or to any applicant who
67 is seeking licensure either by reciprocity pursuant to section 337.029, or by endorsement of the
68 score from the examination of professional practice in psychology. The committee shall examine
69 in the areas of professional knowledge, techniques and applications, research and its
70 interpretation, professional affairs, ethics, and Missouri law and regulations governing the
71 practice of psychology. The committee may use, in whole or in part, the examination for
72 professional practice in psychology national examination in psychology or such other national
73 examination in psychology which may be available.

74 9. If an applicant fails any examination, the applicant shall be permitted to take a
75 subsequent examination, upon the payment of an additional reexamination fee. This
76 reexamination fee shall not be refundable.

337.025. 1. The provisions of this section shall govern the education and experience
2 requirements for initial licensure as a psychologist for the following persons:

3 (1) A person who has not matriculated in a graduate degree program which is primarily
4 psychological in nature on or before August 28, 1990; and

5 (2) A person who is matriculated after August 28, 1990, in a graduate degree program
6 designed to train professional psychologists.

7 2. Each applicant shall submit satisfactory evidence to the committee that the applicant
8 has received a doctoral degree in psychology from a recognized educational institution, and has
9 had at least one year of satisfactory supervised professional experience in the field of psychology.

10 3. A doctoral degree in psychology is defined as:

11 (1) A program accredited, or provisionally accredited, by the American Psychological
12 Association [ø] (APA), the Canadian Psychological Association, **or the Psychological Clinical
13 Science Accreditation System (PCSAS) provided that such program includes a supervised
14 practicum, internship, field, or laboratory training appropriate to the practice of
15 psychology;** or

16 (2) A program designated or approved, including provisional approval, by the
17 Association of State and Provincial Psychology Boards or the Council for the National Register
18 of Health Service Providers in Psychology, or both; or

19 (3) A graduate program that meets all of the following criteria:

20 (a) The program, wherever it may be administratively housed, shall be clearly identified
21 and labeled as a psychology program. Such a program shall specify in pertinent institutional
22 catalogues and brochures its intent to educate and train professional psychologists;

23 (b) The psychology program shall stand as a recognizable, coherent organizational entity
24 within the institution of higher education;

25 (c) There shall be a clear authority and primary responsibility for the core and specialty
26 areas whether or not the program cuts across administrative lines;

27 (d) The program shall be an integrated, organized, sequence of study;

28 (e) There shall be an identifiable psychology faculty and a psychologist responsible for
29 the program;

30 (f) The program shall have an identifiable body of students who are matriculated in that
31 program for a degree;

32 (g) The program shall include a supervised practicum, internship, field, or laboratory
33 training appropriate to the practice of psychology;

34 (h) The curriculum shall encompass a minimum of three academic years of full-time
35 graduate study, with a minimum of one year's residency at the educational institution granting
36 the doctoral degree; and

37 (i) Require the completion by the applicant of a core program in psychology which shall
38 be met by the completion and award of at least one three-semester-hour graduate credit course
39 or a combination of graduate credit courses totaling three semester hours or five quarter hours
40 in each of the following areas:

41 a. The biological bases of behavior such as courses in: physiological psychology,
42 comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

43 b. The cognitive-affective bases of behavior such as courses in: learning, thinking,
44 motivation, emotion, and cognitive psychology;

45 c. The social bases of behavior such as courses in: social psychology, group
46 processes/dynamics, interpersonal relationships, and organizational and systems theory;

47 d. Individual differences such as courses in: personality theory, human development,
48 abnormal psychology, developmental psychology, child psychology, adolescent psychology,
49 psychology of aging, and theories of personality;

50 e. The scientific methods and procedures of understanding, predicting and influencing
51 human behavior such as courses in: statistics, experimental design, psychometrics, individual
52 testing, group testing, and research design and methodology.

53 4. Acceptable supervised professional experience may be accrued through preinternship,
54 internship, predoctoral postinternship, or postdoctoral experiences. The academic training

55 director or the postdoctoral training supervisor shall attest to the hours accrued to meet the
56 requirements of this section. Such hours shall consist of:

57 (1) A minimum of fifteen hundred hours of experience in a successfully completed
58 internship to be completed in not less than twelve nor more than twenty-four months; and

59 (2) A minimum of two thousand hours of experience consisting of any combination of
60 the following:

61 (a) Preinternship and predoctoral postinternship professional experience that occurs
62 following the completion of the first year of the doctoral program or at any time while in a
63 doctoral program after completion of a master's degree in psychology or equivalent as defined
64 by rule by the committee;

65 (b) Up to seven hundred fifty hours obtained while on the internship under subdivision
66 (1) of this subsection but beyond the fifteen hundred hours identified in subdivision (1) of this
67 subsection; or

68 (c) Postdoctoral professional experience obtained in no more than twenty-four
69 consecutive calendar months. In no case shall this experience be accumulated at a rate of more
70 than fifty hours per week. Postdoctoral supervised professional experience for prospective health
71 service providers and other applicants shall involve and relate to the delivery of psychological
72 services in accordance with professional requirements and relevant to the applicant's intended
73 area of practice.

74 5. Experience for those applicants who intend to seek health service provider
75 certification and who have completed a program in one or more of the American Psychological
76 Association designated health service provider delivery areas shall be obtained under the primary
77 supervision of a licensed psychologist who is also a health service provider or who otherwise
78 meets the requirements for health service provider certification. Experience for those applicants
79 who do not intend to seek health service provider certification shall be obtained under the
80 primary supervision of a licensed psychologist or such other qualified mental health professional
81 approved by the committee.

82 6. For postinternship and postdoctoral hours, the psychological activities of the applicant
83 shall be performed pursuant to the primary supervisor's order, control, and full professional
84 responsibility. The primary supervisor shall maintain a continuing relationship with the
85 applicant and shall meet with the applicant a minimum of one hour per month in face-to-face
86 individual supervision. Clinical supervision may be delegated by the primary supervisor to one
87 or more secondary supervisors who are qualified psychologists. The secondary supervisors shall
88 retain order, control, and full professional responsibility for the applicant's clinical work under
89 their supervision and shall meet with the applicant a minimum of one hour per week in
90 face-to-face individual supervision. If the primary supervisor is also the clinical supervisor,

91 meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable
92 for supervised professional experience. The primary supervisor shall certify to the committee
93 that the applicant has complied with these requirements and that the applicant has demonstrated
94 ethical and competent practice of psychology. The changing by an agency of the primary
95 supervisor during the course of the supervised experience shall not invalidate the supervised
96 experience.

97 7. The committee by rule shall provide procedures for exceptions and variances from the
98 requirements for once a week face-to-face supervision due to vacations, illness, pregnancy, and
99 other good causes.

337.029. 1. A psychologist licensed in another jurisdiction who has had no violations
2 and no suspensions and no revocation of a license to practice psychology in any jurisdiction may
3 receive a license in Missouri, provided the psychologist passes a written examination on
4 Missouri laws and regulations governing the practice of psychology and meets one of the
5 following criteria:

- 6 (1) Is a diplomate of the American Board of Professional Psychology;
- 7 (2) Is a member of the National Register of Health Service Providers in Psychology;
- 8 (3) Is currently licensed or certified as a psychologist in another jurisdiction who is then
9 a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;
- 10 (4) Is currently licensed or certified as a psychologist in another state, territory of the
11 United States, or the District of Columbia and:
 - 12 (a) Has a doctoral degree in psychology from a program accredited, or provisionally
13 accredited, by the American Psychological Association **or the Psychological Clinical Science**
14 **Accreditation System**, or that meets the requirements as set forth in subdivision (3) of
15 subsection 3 of section 337.025;
 - 16 (b) Has been licensed for the preceding five years; and
 - 17 (c) Has had no disciplinary action taken against the license for the preceding five years;

18 or

19 (5) Holds a current certificate of professional qualification (CPQ) issued by the
20 Association of State and Provincial Psychology Boards (ASPPB).

21 2. Notwithstanding the provisions of subsection 1 of this section, applicants may be
22 required to pass an oral examination as adopted by the committee.

23 3. A psychologist who receives a license for the practice of psychology in the state of
24 Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement
25 of the score from the examination of professional practice in psychology score will also be
26 eligible for and shall receive certification from the committee as a health service provider if the
27 psychologist meets one or more of the following criteria:

28 (1) Is a diplomate of the American Board of Professional Psychology in one or more of
29 the specialties recognized by the American Board of Professional Psychology as pertaining to
30 health service delivery;

31 (2) Is a member of the National Register of Health Service Providers in Psychology; or

32 (3) Has completed or obtained through education, training, or experience the requisite
33 knowledge comparable to that which is required pursuant to section 337.033.

337.033. 1. A licensed psychologist shall limit his or her practice to demonstrated areas
2 of competence as documented by relevant professional education, training, and experience. A
3 psychologist trained in one area shall not practice in another area without obtaining additional
4 relevant professional education, training, and experience through an acceptable program of
5 respecialization.

6 2. A psychologist may not represent or hold himself or herself out as a state certified or
7 registered psychological health service provider unless the psychologist has first received the
8 psychologist health service provider certification from the committee; provided, however,
9 nothing in this section shall be construed to limit or prevent a licensed, whether temporary,
10 provisional or permanent, psychologist who does not hold a health service provider certificate
11 from providing psychological services so long as such services are consistent with subsection
12 1 of this section.

13 3. "Relevant professional education and training" for health service provider
14 certification, except those entitled to certification pursuant to subsection 5 or 6 of this section,
15 shall be defined as a licensed psychologist whose graduate psychology degree from a recognized
16 educational institution is in an area designated by the American Psychological Association as
17 pertaining to health service delivery or a psychologist who subsequent to receipt of his or her
18 graduate degree in psychology has either completed a respecialization program from a
19 recognized educational institution in one or more of the American Psychological Association
20 recognized clinical health service provider areas and who in addition has completed at least one
21 year of postdegree supervised experience in such clinical area or a psychologist who has obtained
22 comparable education and training acceptable to the committee through completion of
23 postdoctoral fellowships or otherwise.

24 4. The degree or respecialization program certificate shall be obtained from a recognized
25 program of graduate study in one or more of the health service delivery areas designated by the
26 American Psychological Association as pertaining to health service delivery, which shall meet
27 one of the criteria established by subdivisions (1) to (3) of this subsection:

28 (1) A doctoral degree or completion of a recognized respecialization program in one or
29 more of the American Psychological Association designated health service provider delivery

30 areas which is accredited, or provisionally accredited, **either** by the American Psychological
31 Association **or the Psychological Clinical Science Accreditation System**; or

32 (2) A clinical or counseling psychology doctoral degree program or respecialization
33 program designated, or provisionally approved, by the Association of State and Provincial
34 Psychology Boards or the Council for the National Register of Health Service Providers in
35 Psychology, or both; or

36 (3) A doctoral degree or completion of a respecialization program in one or more of the
37 American Psychological Association designated health service provider delivery areas that meets
38 the following criteria:

39 (a) The program, wherever it may be administratively housed, shall be clearly identified
40 and labeled as being in one or more of the American Psychological Association designated health
41 service provider delivery areas;

42 (b) Such a program shall specify in pertinent institutional catalogues and brochures its
43 intent to educate and train professional psychologists in one or more of the American
44 Psychological Association designated health service provider delivery areas.

45 5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this
46 chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28,
47 1989, and who subsequently passes the examination shall be deemed to have met all
48 requirements for health service provider certification; provided, however, that such person shall
49 be governed by the provisions of subsection 1 of this section with respect to limitation of
50 practice.

51 6. Any person who is lawfully licensed as a psychologist in this state and who meets one
52 or more of the following criteria shall automatically, upon payment of the requisite fee, be
53 entitled to receive a health service provider certification from the committee:

54 (1) Is a diplomate of the American Board of Professional Psychology in one or more of
55 the specialties recognized by the American Board of Professional Psychology as pertaining to
56 health service delivery; or

57 (2) Is a member of the National Register of Health Service Providers in Psychology.

**337.100. 1. Sections 337.100 to 337.165 shall be known as the "Psychology
2 Interjurisdictional Compact". The party states find that:**

3 **(1) States license psychologists, in order to protect the public through verification
4 of education, training, and experience and ensure accountability for professional practice;**

5 **(2) This compact is intended to regulate the day-to-day practice of telepsychology,
6 the provision of psychological services using telecommunication technologies, by
7 psychologists across state boundaries in the performance of their psychological practice
8 as assigned by an appropriate authority;**

9 (3) This compact is intended to regulate the temporary in-person, face-to-face
10 practice of psychology by psychologists across state boundaries for thirty days within a
11 calendar year in the performance of their psychological practice as assigned by an
12 appropriate authority;

13 (4) This compact is intended to authorize state psychology regulatory authorities
14 to afford legal recognition, in a manner consistent with the terms of the compact, to
15 psychologists licensed in another state;

16 (5) This compact recognizes that states have a vested interest in protecting the
17 public's health and safety through their licensing and regulation of psychologists and that
18 such state regulation will best protect public health and safety;

19 (6) This compact does not apply when a psychologist is licensed in both the home
20 and receiving states; and

21 (7) This compact does not apply to permanent in-person, face-to-face practice, it
22 does allow for authorization of temporary psychological practice.

23 2. The general purposes of this compact are to:

24 (1) Increase public access to professional psychological services by allowing for
25 telepsychological practice across state lines as well as temporary in-person, face-to-face
26 services into a state which the psychologist is not licensed to practice psychology;

27 (2) Enhance the states' ability to protect the public's health and safety, especially
28 client/patient safety;

29 (3) Encourage the cooperation of compact states in the areas of psychology
30 licensure and regulation;

31 (4) Facilitate the exchange of information between compact states regarding
32 psychologist licensure, adverse actions, and disciplinary history;

33 (5) Promote compliance with the laws governing psychological practice in each
34 compact state; and

35 (6) Invest all compact states with the authority to hold licensed psychologists
36 accountable through the mutual recognition of compact state licenses.

337.105. As used in this compact, the following terms shall mean:

2 (1) "Adverse action", any action taken by a state psychology regulatory authority
3 which finds a violation of a statute or regulation that is identified by the state psychology
4 regulatory authority as discipline and is a matter of public record;

5 (2) "Association of State and Provincial Psychology Boards (ASPPB)", the
6 recognized membership organization composed of state and provincial psychology
7 regulatory authorities responsible for the licensure and registration of psychologists
8 throughout the United States and Canada;

9 (3) "Authority to practice interjurisdictional telepsychology", a licensed
10 psychologist's authority to practice telepsychology, within the limits authorized under this
11 compact, in another compact state;

12 (4) "Bylaws", those bylaws established by the psychology interjurisdictional
13 compact commission pursuant to section 337.145 for its governance, or for directing and
14 controlling its actions and conduct;

15 (5) "Client/patient", the recipient of psychological services, whether psychological
16 services are delivered in the context of healthcare, corporate, supervision, or consulting
17 services;

18 (6) "Commissioner", the voting representative appointed by each state psychology
19 regulatory authority pursuant to section 337.145;

20 (7) "Compact state", a state, the District of Columbia, or United States territory
21 that has enacted this compact legislation and which has not withdrawn pursuant to
22 subsection 3 of section 337.160 or been terminated pursuant to subsection 2 of section
23 337.155;

24 (8) "Coordinated licensure information system" also referred to as "coordinated
25 database", an integrated process for collecting, storing, and sharing information on
26 psychologists' licensure and enforcement activities related to psychology licensure laws,
27 which is administered by the recognized membership organization composed of state and
28 provincial psychology regulatory authorities;

29 (9) "Confidentiality", the principle that data or information is not made available
30 or disclosed to unauthorized persons or processes;

31 (10) "Day", any part of a day in which psychological work is performed;

32 (11) "Distant state", the compact state where a psychologist is physically present,
33 not through the use of telecommunications technologies, to provide temporary in-person,
34 face-to-face psychological services;

35 (12) "E.Passport", a certificate issued by the Association of State and Provincial
36 Psychology Boards (ASPPB) that promotes the standardization in the criteria of
37 interjurisdictional telepsychology practice and facilitates the process for licensed
38 psychologists to provide telepsychological services across state lines;

39 (13) "Executive board", a group of directors elected or appointed to act on behalf
40 of, and within the powers granted to them by, the commission;

41 (14) "Home state", a compact state where a psychologist is licensed to practice
42 psychology. If the psychologist is licensed in more than one compact state and is practicing
43 under the authorization to practice interjurisdictional telepsychology, the home state is the
44 compact state where the psychologist is physically present when the telepsychological

45 services are delivered. If the psychologist is licensed in more than one compact state and
46 is practicing under the temporary authorization to practice, the home state is any compact
47 state where the psychologist is licensed;

48 (15) "Identity history summary", a summary of information retained by the
49 Federal Bureau of Investigation, or other designee with similar authority, in connection
50 with arrests and, in some instances, federal employment, naturalization, or military
51 service;

52 (16) "In-person, face-to-face", interactions in which the psychologist and the
53 client/patient are in the same physical space and which does not include interactions that
54 may occur through the use of telecommunication technologies;

55 (17) "Interjurisdictional practice certificate (IPC)", a certificate issued by the
56 Association of State and Provincial Psychology Boards (ASPPB) that grants temporary
57 authority to practice based on notification to the state psychology regulatory authority of
58 intention to practice temporarily, and verification of one's qualifications for such practice;

59 (18) "License", authorization by a state psychology regulatory authority to engage
60 in the independent practice of psychology, which would be unlawful without the
61 authorization;

62 (19) "Noncompact state", any state which is not at the time a compact state;

63 (20) "Psychologist", an individual licensed for the independent practice of
64 psychology;

65 (21) "Psychology interjurisdictional compact commission" also referred to as
66 "commission", the national administration of which all compact states are members;

67 (22) "Receiving state", a compact state where the client/patient is physically located
68 when the telepsychological services are delivered;

69 (23) "Rule", a written statement by the psychology interjurisdictional compact
70 commission promulgated pursuant to section 337.150 of the compact that is of general
71 applicability, implements, interprets, or prescribes a policy or provision of the compact,
72 or an organizational, procedural, or practice requirement of the commission and has the
73 force and effect of statutory law in a compact state, and includes the amendment, repeal
74 or suspension of an existing rule;

75 (24) "Significant investigatory information":

76 (a) Investigative information that a state psychology regulatory authority, after a
77 preliminary inquiry that includes notification and an opportunity to respond if required
78 by state law, has reason to believe, if proven true, would indicate more than a violation of
79 state statute or ethics code that would be considered more substantial than minor
80 infraction; or

81 **(b) Investigative information that indicates that the psychologist represents an**
82 **immediate threat to public health and safety regardless of whether the psychologist has**
83 **been notified and had an opportunity to respond;**

84 **(25) "State", a state, commonwealth, territory, or possession of the United States,**
85 **the District of Columbia;**

86 **(26) "State psychology regulatory authority", the board, office or other agency with**
87 **the legislative mandate to license and regulate the practice of psychology;**

88 **(27) "Telepsychology", the provision of psychological services using**
89 **telecommunication technologies;**

90 **(28) "Temporary authorization to practice", a licensed psychologist's authority to**
91 **conduct temporary in-person, face-to-face practice, within the limits authorized under this**
92 **compact, in another compact state;**

93 **(29) "Temporary in-person, face-to-face practice", where a psychologist is**
94 **physically present, not through the use of telecommunications technologies, in the distant**
95 **state to provide for the practice of psychology for thirty days within a calendar year and**
96 **based on notification to the distant state.**

337.110. 1. The home state shall be a compact state where a psychologist is licensed
2 **to practice psychology.**

3 **2. A psychologist may hold one or more compact state licenses at a time. If the**
4 **psychologist is licensed in more than one compact state, the home state is the compact state**
5 **where the psychologist is physically present when the services are delivered as authorized**
6 **by the authority to practice interjurisdictional telepsychology under the terms of this**
7 **compact.**

8 **3. Any compact state may require a psychologist not previously licensed in a**
9 **compact state to obtain and retain a license to be authorized to practice in the compact**
10 **state under circumstances not authorized by the authority to practice interjurisdictional**
11 **telepsychology under the terms of this compact.**

12 **4. Any compact state may require a psychologist to obtain and retain a license to**
13 **be authorized to practice in a compact state under circumstances not authorized by**
14 **temporary authorization to practice under the terms of this compact.**

15 **5. A home state's license authorizes a psychologist to practice in a receiving state**
16 **under the authority to practice interjurisdictional telepsychology only if the compact state:**

17 **(1) Currently requires the psychologist to hold an active E.Passport;**

18 **(2) Has a mechanism in place for receiving and investigating complaints about**
19 **licensed individuals;**

20 **(3) Notifies the commission, in compliance with the terms herein, of any adverse**
21 **action or significant investigatory information regarding a licensed individual;**

22 **(4) Requires an identity history summary of all applicants at initial licensure,**
23 **including the use of the results of fingerprints or other biometric data checks compliant**
24 **with the requirements of the Federal Bureau of Investigation, or other designee with**
25 **similar authority, no later than ten years after activation of the compact; and**

26 **(5) Complies with the bylaws and rules of the commission.**

27 **6. A home state's license grants temporary authorization to practice to a**
28 **psychologist in a distant state only if the compact state:**

29 **(1) Currently requires the psychologist to hold an active IPC;**

30 **(2) Has a mechanism in place for receiving and investigating complaints about**
31 **licensed individuals;**

32 **(3) Notifies the commission, in compliance with the terms herein, of any adverse**
33 **action or significant investigatory information regarding a licensed individual;**

34 **(4) Requires an identity history summary of all applicants at initial licensure,**
35 **including the use of the results of fingerprints or other biometric data checks compliant**
36 **with the requirements of the Federal Bureau of Investigation, or other designee with**
37 **similar authority, no later than ten years after activation of the compact; and**

38 **(5) Complies with the bylaws and rules of the commission.**

337.115. 1. Compact states shall recognize the right of a psychologist, licensed in
2 **a compact state in conformance with section 337.110, to practice telepsychology in**
3 **receiving states in which the psychologist is not licensed, under the authority to practice**
4 **interjurisdictional telepsychology as provided in the compact.**

5 **2. To exercise the authority to practice interjurisdictional telepsychology under the**
6 **terms and provisions of this compact, a psychologist licensed to practice in a compact state**
7 **shall:**

8 **(1) Hold a graduate degree in psychology from an institute of higher education that**
9 **was, at the time the degree was awarded:**

10 **(a) Regionally accredited by an accrediting body recognized by the United States**
11 **Department of Education to grant graduate degrees, or authorized by provincial statute**
12 **or royal charter to grant doctoral degrees; or**

13 **(b) A foreign college or university deemed to be equivalent to the requirements of**
14 **paragraph (a) of this subdivision by a foreign credential evaluation service that is a**
15 **member of the National Association of Credential Evaluation Services (NACES) or by a**
16 **recognized foreign credential evaluation service;**

17 **(2) Hold a graduate degree in psychology that meets the following criteria:**

18 (a) The program, wherever it may be administratively housed, shall be clearly
19 identified and labeled as a psychology program. Such a program shall specify in pertinent
20 institutional catalogues and brochures its intent to educate and train professional
21 psychologists;

22 (b) The psychology program shall stand as a recognizable, coherent, organizational
23 entity within the institution;

24 (c) There shall be a clear authority and primary responsibility for the core and
25 specialty areas whether or not the program cuts across administrative lines;

26 (d) The program shall consist of an integrated, organized sequence of study;

27 (e) There shall be an identifiable psychology faculty sufficient in size and breadth
28 to carry out its responsibilities;

29 (f) The designated director of the program shall be a psychologist and a member
30 of the core faculty;

31 (g) The program shall have an identifiable body of students who are matriculated
32 in that program for a degree;

33 (h) The program shall include supervised practicum, internship, or field training
34 appropriate to the practice of psychology;

35 (i) The curriculum shall encompass a minimum of three academic years of full-time
36 graduate study for doctoral degree and a minimum of one academic year of full-time
37 graduate study for master's degree;

38 (j) The program includes an acceptable residency as defined by the rules of the
39 commission;

40 (3) Possess a current, full and unrestricted license to practice psychology in a home
41 state which is a compact state;

42 (4) Have no history of adverse action that violate the rules of the commission;

43 (5) Have no criminal record history reported on an identity history summary that
44 violates the rules of the commission;

45 (6) Possess a current, active E.Passport;

46 (7) Provide attestations in regard to areas of intended practice, conformity with
47 standards of practice, competence in telepsychology technology; criminal background; and
48 knowledge and adherence to legal requirements in the home and receiving states, and
49 provide a release of information to allow for primary source verification in a manner
50 specified by the commission; and

51 (8) Meet other criteria as defined by the rules of the commission.

52 **3. The home state maintains authority over the license of any psychologist**
53 **practicing into a receiving state under the authority to practice interjurisdictional telepsychology.**

54 **4. A psychologist practicing into a receiving state under the authority to practice**
55 **interjurisdictional telepsychology will be subject to the receiving state's scope of practice.**
56 **A receiving state may, in accordance with that state's due process law, limit or revoke a**
57 **psychologist's authority to practice interjurisdictional telepsychology in the receiving state**
58 **and may take any other necessary actions under the receiving state's applicable law to**
59 **protect the health and safety of the receiving state's citizens. If a receiving state takes**
60 **action, the state shall promptly notify the home state and the commission.**

61 **5. If a psychologist's license in any home state, another compact state, or any**
62 **authority to practice interjurisdictional telepsychology in any receiving state, is restricted,**
63 **suspended or otherwise limited, the E.Passport shall be revoked and therefore the**
64 **psychologist shall not be eligible to practice telepsychology in a compact state under the**
65 **authority to practice interjurisdictional telepsychology.**

337.120. 1. Compact states shall also recognize the right of a psychologist, licensed
2 **in a compact state in conformance with section 337.110, to practice temporarily in distant**
3 **states in which the psychologist is not licensed, as provided in the compact.**

4 **2. To exercise the temporary authorization to practice under the terms and**
5 **provisions of this compact, a psychologist licensed to practice in a compact state shall:**

6 **(1) Hold a graduate degree in psychology from an institute of higher education that**
7 **was, at the time the degree was awarded:**

8 **(a) Regionally accredited by an accrediting body recognized by the United States**
9 **Department of Education to grant graduate degrees, or authorized by provincial statute**
10 **or royal charter to grant doctoral degrees; or**

11 **(b) A foreign college or university deemed to be equivalent to the requirements of**
12 **paragraph (a) of this subdivision by a foreign credential evaluation service that is a**
13 **member of the National Association of Credential Evaluation Services (NACES) or by a**
14 **recognized foreign credential evaluation service;**

15 **(2) Hold a graduate degree in psychology that meets the following criteria:**

16 **(a) The program, wherever it may be administratively housed, shall be clearly**
17 **identified and labeled as a psychology program. Such a program shall specify in pertinent**
18 **institutional catalogues and brochures its intent to educate and train professional**
19 **psychologists;**

20 **(b) The psychology program shall stand as a recognizable, coherent, organizational**
21 **entity within the institution;**

- 22 (c) There shall be a clear authority and primary responsibility for the core and
23 specialty areas whether or not the program cuts across administrative lines;
- 24 (d) The program shall consist of an integrated, organized sequence of study;
- 25 (e) There shall be an identifiable psychology faculty sufficient in size and breadth
26 to carry out its responsibilities;
- 27 (f) The designated director of the program shall be a psychologist and a member
28 of the core faculty;
- 29 (g) The program shall have an identifiable body of students who are matriculated
30 in that program for a degree;
- 31 (h) The program shall include supervised practicum, internship, or field training
32 appropriate to the practice of psychology;
- 33 (i) The curriculum shall encompass a minimum of three academic years of full-time
34 graduate study for doctoral degrees and a minimum of one academic year of full-time
35 graduate study for master's degree;
- 36 (j) The program includes an acceptable residency as defined by the rules of the
37 commission;
- 38 (3) Possess a current, full and unrestricted license to practice psychology in a home
39 state which is a compact state;
- 40 (4) No history of adverse action that violate the rules of the commission;
- 41 (5) No criminal record history that violates the rules of the commission;
- 42 (6) Possess a current, active IPC;
- 43 (7) Provide attestations in regard to areas of intended practice and work experience
44 and provide a release of information to allow for primary source verification in a manner
45 specified by the commission; and
- 46 (8) Meet other criteria as defined by the rules of the commission.
- 47 3. A psychologist practicing into a distant state under the temporary authorization
48 to practice shall practice within the scope of practice authorized by the distant state.
- 49 4. A psychologist practicing into a distant state under the temporary authorization
50 to practice will be subject to the distant state's authority and law. A distant state may, in
51 accordance with that state's due process law, limit or revoke a psychologist's temporary
52 authorization to practice in the distant state and may take any other necessary actions
53 under the distant state's applicable law to protect the health and safety of the distant state's
54 citizens. If a distant state takes action, the state shall promptly notify the home state and
55 the commission.
- 56 5. If a psychologist's license in any home state, another compact state, or any
57 temporary authorization to practice in any distant state, is restricted, suspended or

58 otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be
59 eligible to practice in a compact state under the temporary authorization to practice.

337.125. A psychologist may practice in a receiving state under the authority to
2 practice interjurisdictional telepsychology only in the performance of the scope of practice
3 for psychology as assigned by an appropriate state psychology regulatory authority, as
4 defined in the rules of the commission, and under the following circumstances:

5 (1) The psychologist initiates a client/patient contact in a home state via
6 telecommunications technologies with a client/patient in a receiving state;

7 (2) Other conditions regarding telepsychology as determined by rules promulgated
8 by the commission.

337.130. 1. A home state shall have the power to impose adverse action against a
2 psychologist's license issued by the home state. A distant state shall have the power to take
3 adverse action on a psychologist's temporary authorization to practice within that distant
4 state.

5 2. A receiving state may take adverse action on a psychologist's authority to
6 practice interjurisdictional telepsychology within that receiving state. A home state may
7 take adverse action against a psychologist based on an adverse action taken by a distant
8 state regarding temporary in-person, face-to-face practice.

9 3. (1) If a home state takes adverse action against a psychologist's license, that
10 psychologist's authority to practice interjurisdictional telepsychology is terminated and the
11 E.Passport is revoked. Furthermore, that psychologist's temporary authorization to
12 practice is terminated and the IPC is revoked.

13 (2) All home state disciplinary orders which impose adverse action shall be
14 reported to the commission in accordance with the rules promulgated by the commission.
15 A compact state shall report adverse actions in accordance with the rules of the
16 commission.

17 (3) In the event discipline is reported on a psychologist, the psychologist will not be
18 eligible for telepsychology or temporary in-person, face-to-face practice in accordance with
19 the rules of the commission.

20 (4) Other actions may be imposed as determined by the rules promulgated by the
21 commission.

22 4. A home state's psychology regulatory authority shall investigate and take
23 appropriate action with respect to reported inappropriate conduct engaged in by a licensee
24 which occurred in a receiving state as it would if such conduct had occurred by a licensee
25 within the home state. In such cases, the home state's law shall control in determining any
26 adverse action against a psychologist's license.

27 **5. A distant state's psychology regulatory authority shall investigate and take**
28 **appropriate action with respect to reported inappropriate conduct engaged in by a**
29 **psychologist practicing under temporary authorization practice which occurred in that**
30 **distant state as it would if such conduct had occurred by a licensee within the home state.**
31 **In such cases, distant state's law shall control in determining any adverse action against**
32 **a psychologist's temporary authorization to practice.**

33 **6. Nothing in this compact shall override a compact state's decision that a**
34 **psychologist's participation in an alternative program may be used in lieu of adverse action**
35 **and that such participation shall remain non-public if required by the compact state's law.**
36 **Compact states shall require psychologists who enter any alternative programs to not**
37 **provide telepsychology services under the authority to practice interjurisdictional**
38 **telepsychology or provide temporary psychological services under the temporary**
39 **authorization to practice in any other compact state during the term of the alternative**
40 **program.**

41 **7. No other judicial or administrative remedies shall be available to a psychologist**
42 **in the event a compact state imposes an adverse action pursuant to subsection 3 of this**
43 **section.**

337.135. 1. In addition to any other powers granted under state law, a compact
2 **state's psychology regulatory authority shall have the authority under this compact to:**

3 **(1) Issue subpoenas, for both hearings and investigations, which require the**
4 **attendance and testimony of witnesses and the production of evidence. Subpoenas issued**
5 **by a compact state's psychology regulatory authority for the attendance and testimony of**
6 **witnesses, or the production of evidence from another compact state shall be enforced in**
7 **the latter state by any court of competent jurisdiction, according to that court's practice**
8 **and procedure in considering subpoenas issued in its own proceedings. The issuing state**
9 **psychology regulatory authority shall pay any witness fees, travel expenses, mileage and**
10 **other fees required by the service statutes of the state where the witnesses or evidence are**
11 **located; and**

12 **(2) Issue cease and desist or injunctive relief orders to revoke a psychologist's**
13 **authority to practice interjurisdictional telepsychology or temporary authorization to**
14 **practice.**

15 **2. During the course of any investigation, a psychologist may not change his or her**
16 **home state licensure. A home state psychology regulatory authority is authorized to**
17 **complete any pending investigations of a psychologist and to take any actions appropriate**
18 **under its law. The home state psychology regulatory authority shall promptly report the**
19 **conclusions of such investigations to the commission. Once an investigation has been**

20 completed, and pending the outcome of said investigation, the psychologist may change his
21 or her home state licensure. The commission shall promptly notify the new home state of
22 any such decisions as provided in the rules of the commission. All information provided
23 to the commission or distributed by compact states pursuant to the psychologist shall be
24 confidential, filed under seal and used for investigatory or disciplinary matters. The
25 commission may create additional rules for mandated or discretionary sharing of
26 information by compact states.

337.140. 1. The commission shall provide for the development and maintenance
2 of a coordinated licensure information system "coordinated database" and reporting
3 system containing licensure and disciplinary action information on all psychologist
4 individuals to whom this compact is applicable in all compact states as defined by the rules
5 of the commission.

6 2. Notwithstanding any other provision of state law to the contrary, a compact state
7 shall submit a uniform data set to the coordinated database on all licensees as required by
8 the rules of the commission, including:

- 9 (1) Identifying information;
- 10 (2) Licensure data;
- 11 (3) Significant investigatory information;
- 12 (4) Adverse actions against a psychologist's license;
- 13 (5) An indicator that a psychologist's authority to practice interjurisdictional
14 telepsychology or temporary authorization to practice is revoked;
- 15 (6) Nonconfidential information related to alternative program participation
16 information;
- 17 (7) Any denial of application for licensure, and the reasons for such denial; and
- 18 (8) Other information which may facilitate the administration of this compact, as
19 determined by the rules of the commission.

20 3. The coordinated database administrator shall promptly notify all compact states
21 of any adverse action taken against, or significant investigative information on, any licensee
22 in a compact state.

23 4. Compact states reporting information to the coordinated database may designate
24 information that may not be shared with the public without the express permission of the
25 compact state reporting the information.

26 5. Any information submitted to the coordinated database that is subsequently
27 required to be expunged by the law of the compact state reporting the information shall
28 be removed from the coordinated database.

337.145. 1. The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.

(1) The commission is a body politic and an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

2. The commission shall consist of one voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:

(1) Executive director, executive secretary or similar executive;

(2) Current member of the state psychology regulatory authority of a compact state; or

(3) Designee empowered with the appropriate delegate authority to act on behalf of the compact state.

3. (1) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.

(2) Each commissioner shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 337.150.

(5) The commission may convene in a closed, nonpublic meeting if the commission shall discuss:

(a) Noncompliance of a compact state with its obligations under the compact;

36 **(b) The employment, compensation, discipline or other personnel matters, practices**
37 **or procedures related to specific employees or other matters related to the commission's**
38 **internal personnel practices and procedures;**

39 **(c) Current, threatened, or reasonably anticipated litigation against the**
40 **commission;**

41 **(d) Negotiation of contracts for the purchase or sale of goods, services, or real**
42 **estate;**

43 **(e) Accusation against any person of a crime or formally censuring any person;**

44 **(f) Disclosure of trade secrets or commercial or financial information which is**
45 **privileged or confidential;**

46 **(g) Disclosure of information of a personal nature where disclosure would**
47 **constitute a clearly unwarranted invasion of personal privacy;**

48 **(h) Disclosure of investigatory records compiled for law enforcement purposes;**

49 **(i) Disclosure of information related to any investigatory reports prepared by or**
50 **on behalf of or for use of the commission or other committee charged with responsibility**
51 **for investigation or determination of compliance issues pursuant to the compact;**

52 **(j) Matters specifically exempted from disclosure by federal and state statute.**

53 **(6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of**
54 **subsection 3 of this section, the commission's legal counsel or designee shall certify that the**
55 **meeting may be closed and shall reference each relevant exempting provision. The**
56 **commission shall keep minutes which fully and clearly describe all matters discussed in a**
57 **meeting and shall provide a full and accurate summary of actions taken, of any person**
58 **participating in the meeting, and the reasons therefore, including a description of the views**
59 **expressed. All documents considered in connection with an action shall be identified in**
60 **such minutes. All minutes and documents of a closed meeting shall remain under seal,**
61 **subject to release only by a majority vote of the commission or order of a court of**
62 **competent jurisdiction.**

63 **4. The commission shall, by a majority vote of the commissioners, prescribe bylaws**
64 **or rules to govern its conduct as may be necessary or appropriate to carry out the purposes**
65 **and exercise the powers of the compact, including but not limited to:**

66 **(1) Establishing the fiscal year of the commission;**

67 **(2) Providing reasonable standards and procedures:**

68 **(a) For the establishment and meetings of other committees; and**

69 **(b) Governing any general or specific delegation of any authority or function of the**
70 **commission;**

71 **(3) Providing reasonable procedures for calling and conducting meetings of the**
72 **commission, ensuring reasonable advance notice of all meetings and providing an**
73 **opportunity for attendance of such meetings by interested parties, with enumerated**
74 **exceptions designed to protect the public's interest, the privacy of individuals of such**
75 **proceedings, and proprietary information, including trade secrets. The commission may**
76 **meet in closed session only after a majority of the commissioners vote to close a meeting to**
77 **the public in whole or in part. As soon as practicable, the commission shall make public**
78 **a copy of the vote to close the meeting revealing the vote of each commissioner with no**
79 **proxy votes allowed;**

80 **(4) Establishing the titles, duties and authority and reasonable procedures for the**
81 **election of the officers of the commission;**

82 **(5) Providing reasonable standards and procedures for the establishment of the**
83 **personnel policies and programs of the commission. Notwithstanding any civil service or**
84 **other similar law of any compact state, the bylaws shall exclusively govern the personnel**
85 **policies and programs of the commission;**

86 **(6) Promulgating a code of ethics to address permissible and prohibited activities**
87 **of commission members and employees;**

88 **(7) Providing a mechanism for concluding the operations of the commission and the**
89 **equitable disposition of any surplus funds that may exist after the termination of the**
90 **compact after the payment or reserving of all of its debts and obligations.**

91 **5. (1) The commission shall publish its bylaws in a convenient form and file a copy**
92 **thereof and a copy of any amendment thereto, with the appropriate agency or officer in**
93 **each of the compact states;**

94 **(2) The commission shall maintain its financial records in accordance with the**
95 **bylaws; and**

96 **(3) The commission shall meet and take such actions as are consistent with the**
97 **provisions of this compact and the bylaws.**

98 **6. The commission shall have the following powers:**

99 **(1) The authority to promulgate uniform rules to facilitate and coordinate**
100 **implementation and administration of this compact. The rule shall have the force and**
101 **effect of law and shall be binding in all compact states;**

102 **(2) To bring and prosecute legal proceedings or actions in the name of the**
103 **commission, provided that the standing of any state psychology regulatory authority or**
104 **other regulatory body responsible for psychology licensure to sue or be sued under**
105 **applicable law shall not be affected;**

106 **(3) To purchase and maintain insurance and bonds;**

- 107 (4) To borrow, accept or contract for services of personnel, including, but not
108 limited to, employees of a compact state;
- 109 (5) To hire employees, elect or appoint officers, fix compensation, de fine duties,
110 grant such individuals appropriate authority to carry out the purposes of the compact, and
111 to establish the commission's personnel policies and programs relating to conflicts of
112 interest, qualifications of personnel, and other related personnel matters;
- 113 (6) To accept any and all appropriate donations and grants of money, equipment,
114 supplies, materials and services, and to receive, utilize and dispose of the same; provided
115 that at all times the commission shall strive to avoid any appearance of impropriety or
116 conflict of interest;
- 117 (7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to
118 own, hold, improve or use, any property, real, personal or mixed; provided that at all times
119 the commission shall strive to avoid any appearance of impropriety;
- 120 (8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to
121 own, hold, improve or use, any property, real, personal or mixed; provided that at all times
122 the commission shall strive to avoid any appearance of impropriety;
- 123 (9) To establish a budget and make expenditures;
- 124 (10) To borrow money;
- 125 (11) To appoint committees, including advisory committees comprised of members,
126 state regulators, state legislators or their representatives, and consumer representatives,
127 and such other interested persons as may be designated in this compact and the bylaws;
- 128 (12) To provide and receive information from, and to cooperate with, law
129 enforcement agencies;
- 130 (13) To adopt and use an official seal; and
- 131 (14) To perform such other functions as may be necessary or appropriate to achieve
132 the purposes of this compact consistent with the state regulation of psychology licensure,
133 temporary in-person, face-to-face practice and telepsychology practice.
- 134 7. (1) The elected officers shall serve as the executive board, which shall have the
135 power to act on behalf of the commission according to the terms of this compact.
- 136 (2) The executive board shall be comprised of six members:
- 137 (a) Five voting members who are elected from the current membership of the
138 commission by the commission;
- 139 (b) One ex officio, nonvoting member from the recognized membership
140 organization composed of state and provincial psychology regulatory authorities.
- 141 (3) The ex officio member shall have served as staff or member on a state
142 psychology regulatory authority and will be selected by its respective organization.

- 143 **(4) The commission may remove any member of the executive board as provided**
144 **in bylaws.**
- 145 **(5) The executive board shall meet at least annually.**
- 146 **(6) The executive board shall have the following duties and responsibilities:**
- 147 **(a) Recommend to the entire commission changes to the rules or bylaws, changes**
148 **to this compact legislation, fees paid by compact states such as annual dues, and any other**
149 **applicable fees;**
- 150 **(b) Ensure compact administration services are appropriately provided,**
151 **contractual or otherwise;**
- 152 **(c) Prepare and recommend the budget;**
- 153 **(d) Maintain financial records on behalf of the commission;**
- 154 **(e) Monitor compact compliance of member states and provide compliance reports**
155 **to the commission;**
- 156 **(f) Establish additional committees as necessary; and**
- 157 **(g) Other duties as provided in rules or bylaws.**
- 158 **8. (1) The commission shall pay, or provide for the payment of the reasonable**
159 **expenses of its establishment, organization and ongoing activities.**
- 160 **(2) The commission may accept any and all appropriate revenue sources, donations**
161 **and grants of money, equipment, supplies, materials and services.**
- 162 **(3) The commission may levy on and collect an annual assessment from each**
163 **compact state or impose fees on other parties to cover the cost of the operations and**
164 **activities of the commission and its staff which shall be in a total amount sufficient to cover**
165 **its annual budget as approved each year for which revenue is not provided by other**
166 **sources. The aggregate annual assessment amount shall be allocated based upon a formula**
167 **to be determined by the commission which shall promulgate a rule binding upon all**
168 **compact states.**
- 169 **(4) The commission shall not incur obligations of any kind prior to securing the**
170 **funds adequate to meet the same; nor shall the commission pledge the credit of any of the**
171 **compact states, except by and with the authority of the compact state.**
- 172 **(5) The commission shall keep accurate accounts of all receipts and disbursements.**
173 **The receipts and disbursements of the commission shall be subject to the audit and**
174 **accounting procedures established under its bylaws. However, all receipts and**
175 **disbursements of funds handled by the commission shall be audited yearly by a certified**
176 **or licensed public accountant and the report of the audit shall be included in and become**
177 **part of the annual report of the commission.**

178 **9. (1) The members, officers, executive director, employees and representatives of**
179 **the commission shall be immune from suit and liability, either personally or in their official**
180 **capacity, for any claim for damage to or loss of property or personal injury or other civil**
181 **liability caused by or arising out of any actual or alleged act, error or omission that**
182 **occurred, or that the person against whom the claim is made had a reasonable basis for**
183 **believing occurred within the scope of commission employment, duties or responsibilities;**
184 **provided that nothing in this subsection shall be construed to protect any such person from**
185 **suit or liability for any damage, loss, injury or liability caused by the intentional or willful**
186 **or wanton misconduct of that person.**

187 **(2) The commission shall defend any member, officer, executive director, employee**
188 **or representative of the commission in any civil action seeking to impose liability arising**
189 **out of any actual or alleged act, error or omission that occurred within the scope of**
190 **commission employment, duties or responsibilities, or that the person against whom the**
191 **claim is made had a reasonable basis for believing occurred within the scope of commission**
192 **employment, duties or responsibilities; provided that nothing herein shall be construed to**
193 **prohibit that person from retaining his or her own counsel; and provided further, that the**
194 **actual or alleged act, error or omission did not result from that person's intentional or**
195 **willful or wanton misconduct.**

196 **(3) The commission shall indemnify and hold harmless any member, officer,**
197 **executive director, employee or representative of the commission for the amount of any**
198 **settlement or judgment obtained against that person arising out of any actual or alleged**
199 **act, error or omission that occurred within the scope of commission employment, duties**
200 **or responsibilities, or that such person had a reasonable basis for believing occurred within**
201 **the scope of commission employment, duties or responsibilities, provided that the actual**
202 **or alleged act, error or omission did not result from the intentional or willful or wanton**
203 **misconduct of that person.**

337.150. 1. The commission shall exercise its rulemaking powers pursuant to the
2 **criteria set forth in this section and the rules adopted thereunder. Rules and amendments**
3 **shall become binding as of the date specified in each rule or amendment.**

4 **2. If a majority of the legislatures of the compact states rejects a rule, by enactment**
5 **of a statute or resolution in the same manner used to adopt the compact, then such rule**
6 **shall have no further force and effect in any compact state.**

7 **3. Rules or amendments to the rules shall be adopted at a regular or special meeting**
8 **of the commission.**

9 **4. Prior to promulgation and adoption of a final rule or rules by the commission,**
10 **and at least sixty days in advance of the meeting at which the rule will be considered and**
11 **voted upon, the commission shall file a notice of proposed rulemaking:**

12 **(1) On the website of the commission; and**

13 **(2) On the website of each compact states' psychology regulatory authority or the**
14 **publication in which each state would otherwise publish proposed rules.**

15 **5. The notice of proposed rulemaking shall include:**

16 **(1) The proposed time, date, and location of the meeting in which the rule will be**
17 **considered and voted upon;**

18 **(2) The text of the proposed rule or amendment and the reason for the proposed**
19 **rule;**

20 **(3) A request for comments on the proposed rule from any interested person;**

21 **(4) The manner in which interested persons may submit notice to the commission**
22 **of their intention to attend the public hearing and any written comments.**

23 **6. Prior to adoption of a proposed rule, the commission shall allow persons to**
24 **submit written data, facts, opinions, and arguments, which shall be made available to the**
25 **public.**

26 **7. The commission shall grant an opportunity for a public hearing before it adopts**
27 **a rule or amendment if a hearing is requested by:**

28 **(1) At least twenty-five persons who submit comments independently of each other;**

29 **(2) A governmental subdivision or agency; or**

30 **(3) A duly appointed person in an association that has at least twenty-five members.**

31 **8. (1) If a hearing is held on the proposed rule or amendment, the commission shall**
32 **publish the place, time, and date of the scheduled public hearing.**

33 **(2) All persons wishing to be heard at the hearing shall notify the executive director**
34 **of the commission or other designated member in writing of their desire to appear and**
35 **testify at the hearing not less than five business days before the scheduled date of the**
36 **hearing.**

37 **(3) Hearings shall be conducted in a manner providing each person who wishes to**
38 **comment a fair and reasonable opportunity to comment orally or in writing.**

39 **(4) No transcript of the hearing is required, unless a written request for a transcript**
40 **is made, in which case the person requesting the transcript shall bear the cost of producing**
41 **the transcript. A recording may be made in lieu of a transcript under the same terms and**
42 **conditions as a transcript. This subdivision shall not preclude the commission from**
43 **making a transcript or recording of the hearing if it so chooses.**

44 **(5) Nothing in this section shall be construed as requiring a separate hearing on**
45 **each rule. Rules may be grouped for the convenience of the commission at hearings**
46 **required by this section.**

47 **9. Following the scheduled hearing date, or by the close of business on the**
48 **scheduled hearing date if the hearing was not held, the commission shall consider all**
49 **written and oral comments received.**

50 **10. The commission shall, by majority vote of all members, take final action on the**
51 **proposed rule and shall determine the effective date of the rule, if any, based on the**
52 **rulemaking record and the full text of the rule.**

53 **11. If no written notice of intent to attend the public hearing by interested parties**
54 **is received, the commission may proceed with promulgation of the proposed rule without**
55 **a public hearing.**

56 **12. Upon determination that an emergency exists, the commission may consider and**
57 **adopt an emergency rule without prior notice, opportunity for comment, or hearing,**
58 **provided that the usual rulemaking procedures provided in the compact and in this section**
59 **shall be retroactively applied to the rule as soon as reasonably possible, in no event later**
60 **than ninety days after the effective date of the rule. For the purposes of this provision, an**
61 **emergency rule is one that shall be adopted immediately in order to:**

62 **(1) Meet an imminent threat to public health, safety, or welfare;**

63 **(2) Prevent a loss of commission or compact state funds;**

64 **(3) Meet a deadline for the promulgation of an administrative rule that is**
65 **established by federal law or rule; or**

66 **(4) Protect public health and safety.**

67 **13. (1) The commission or an authorized committee of the commission may direct**
68 **revisions to a previously adopted rule or amendment for purposes of correcting**
69 **typographical errors, errors in format, errors in consistency, or grammatical errors.**
70 **Public notice of any revisions shall be posted on the website of the commission. The**
71 **revision shall be subject to challenge by any person for a period of thirty days after**
72 **posting. The revision may be challenged only on grounds that the revision results in a**
73 **material change to a rule.**

74 **(2) A challenge shall be made in writing, and delivered to the chair of the**
75 **commission prior to the end of the notice period. If no challenge is made, the revision will**
76 **take effect without further action. If the revision is challenged, the revision may not take**
77 **effect without the approval of the commission.**

337.155. 1. (1) The executive, legislative, and judicial branches of state government
2 **in each compact state shall enforce this compact and take all actions necessary and**

3 appropriate to effectuate the compact's purposes and intent. The provisions of this
4 compact and the rules promulgated hereunder shall have standing as statutory law.

5 (2) All courts shall take judicial notice of the compact and the rules in any judicial
6 or administrative proceeding in a compact state pertaining to the subject matter of this
7 compact which may affect the powers, responsibilities, or actions of the commission.

8 (3) The commission shall be entitled to receive service of process in any such
9 proceeding, and shall have standing to intervene in such a proceeding for all purposes.
10 Failure to provide service of process to the commission shall render a judgment or order
11 void as to the commission, this compact or promulgated rules.

12 2. (1) If the commission determines that a compact state has defaulted in the
13 performance of its obligations or responsibilities under this compact or the promulgated
14 rules, the commission shall:

15 (a) Provide written notice to the defaulting state and other compact states of the
16 nature of the default, the proposed means of remedying the default or any other action to
17 be taken by the commission; and

18 (b) Provide remedial training and specific technical assistance regarding the
19 default.

20 (2) If a state in default fails to remedy the default, the defaulting state may be
21 terminated from the compact upon an affirmative vote of a majority of the compact states,
22 and all rights, privileges, and benefits conferred by this compact shall be terminated on the
23 effective date of termination. A remedy of the default does not relieve the offending state
24 of obligations or liabilities incurred during the period of default.

25 (3) Termination of membership in the compact shall be imposed only after all other
26 means of securing compliance have been exhausted. Notice of intent to suspend or
27 terminate shall be submitted by the commission to the governor, the majority and minority
28 leaders of the defaulting state's legislature, and each of the compact states.

29 (4) A compact state which has been terminated is responsible for all assessments,
30 obligations, and liabilities incurred through the effective date of termination, including
31 obligations which extend beyond the effective date of termination.

32 (5) The commission shall not bear any costs incurred by the state which is found
33 to be in default or which has been terminated from the compact, unless agreed upon in
34 writing between the commission and the defaulting state.

35 (6) The defaulting state may appeal the action of the commission by petitioning the
36 U.S. District Court for the state of Georgia or the federal district where the compact has
37 its principal offices. The prevailing member shall be awarded all costs of such litigation,
38 including reasonable attorney's fees.

39 **3. (1) Upon request by a compact state, the commission shall attempt to resolve**
40 **disputes related to the compact which arise among compact states and between compact**
41 **and noncompact states.**

42 **(2) The commission shall promulgate a rule providing for both mediation and**
43 **binding dispute resolution for disputes that arise before the commission.**

44 **4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the**
45 **provisions and rules of this compact.**

46 **(2) By majority vote, the commission may initiate legal action in the United States**
47 **District Court for the State of Georgia or the federal district where the compact has its**
48 **principal offices against a compact state in default to enforce compliance with the**
49 **provisions of the compact and its promulgated rules and bylaws. The relief sought may**
50 **include both injunctive relief and damages. In the event judicial enforcement is necessary,**
51 **the prevailing member shall be awarded all costs of such litigation, including reasonable**
52 **attorney's fees.**

53 **(3) The remedies herein shall not be the exclusive remedies of the commission. The**
54 **commission may pursue any other remedies available under federal or state law.**

337.160. 1. The compact shall come into effect on the date on which the compact
2 **is enacted into law in the seventh compact state. The provisions which become effective at**
3 **that time shall be limited to the powers granted to the commission relating to assembly and**
4 **the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking**
5 **powers necessary to the implementation and administration of the compact.**

6 **2. Any state which joins the compact subsequent to the commission's initial**
7 **adoption of the rules shall be subject to the rules as they exist on the date on which the**
8 **compact becomes law in that state. Any rule which has been previously adopted by the**
9 **commission shall have the full force and effect of law on the day the compact becomes law**
10 **in that state.**

11 **3. (1) Any compact state may withdraw from this compact by enacting a statute**
12 **repealing the same.**

13 **(2) A compact state's withdrawal shall not take effect until six months after**
14 **enactment of the repealing statute.**

15 **(3) Withdrawal shall not affect the continuing requirement of the withdrawing**
16 **state's psychology regulatory authority to comply with the investigative and adverse action**
17 **reporting requirements of this act prior to the effective date of withdrawal.**

18 **4. Nothing contained in this compact shall be construed to invalidate or prevent any**
19 **psychology licensure agreement or other cooperative arrangement between a compact state**
20 **and a noncompact state which does not conflict with the provisions of this compact.**

21 **5. This compact may be amended by the compact states. No amendment to this**
22 **compact shall become effective and binding upon any compact state until it is enacted into**
23 **the law of all compact states.**

337.165. This compact shall be liberally construed so as to effectuate the purposes
2 **thereof. If this compact shall be held contrary to the constitution of any state member**
3 **thereto, the compact shall remain in full force and effect as to the remaining compact**
4 **states.**

 337.315. 1. An applied behavior analysis intervention shall produce socially significant
2 improvements in human behavior through skill acquisition, increase or decrease in behaviors
3 under specific environmental conditions and the reduction of problematic behavior. An applied
4 behavior analysis intervention shall:

5 (1) Be based on empirical research and the identification of functional relations between
6 behavior and environment, contextual factors, antecedent stimuli and reinforcement operations
7 through the direct observation and measurement of behavior, arrangement of events and
8 observation of effects on behavior, as well as other information gathering methods such as record
9 review and interviews; and

10 (2) Utilize changes and arrangements of contextual factors, antecedent stimuli, positive
11 reinforcement, and other consequences to produce behavior change.

12 2. Each person wishing to practice as a licensed behavior analyst shall:

13 (1) Submit a complete application on a form approved by the committee, **which shall**
14 **include a statement that the applicant has completed two hours of suicide assessment,**
15 **referral, treatment, and management training;**

16 (2) Pay all necessary fees as set by the committee;

17 (3) Submit a two-inch or three-inch photograph or passport photograph taken no more
18 than six months prior to the application date;

19 (4) Provide two classified sets of fingerprints for processing by the Missouri state
20 highway patrol under section 43.543. One set of fingerprints shall be used by the highway patrol
21 to search the criminal history repository and the second set shall be forwarded to the Federal
22 Bureau of Investigation for searching the federal criminal history files;

23 (5) Have passed an examination and been certified as a board-certified behavior analyst
24 by a certifying entity, as defined in section 337.300;

25 (6) Provide evidence of active status as a board-certified behavior analyst; and

26 (7) If the applicant holds a license as a behavior analyst in another state, a statement from
27 all issuing states verifying licensure and identifying any disciplinary action taken against the
28 license holder by that state.

29 3. Each person wishing to practice as a licensed assistant behavior analyst shall:

- 30 (1) Submit a complete application on a form approved by the committee;
- 31 (2) Pay all necessary fees as set by the committee;
- 32 (3) Submit a two-inch or three-inch photograph or passport photograph taken no more
33 than six months prior to the application date;
- 34 (4) Provide two classified sets of fingerprints for processing by the Missouri state
35 highway patrol under section 43.543. One set of fingerprints shall be used by the highway patrol
36 to search the criminal history repository and the second set shall be forwarded to the Federal
37 Bureau of Investigation for searching the federal criminal history files;
- 38 (5) Have passed an examination and been certified as a board-certified assistant behavior
39 analyst by a certifying entity, as defined in section 337.300;
- 40 (6) Provide evidence of active status as a board-certified assistant behavior analyst;
- 41 (7) If the applicant holds a license as an assistant behavior analyst in another state, a
42 statement from all issuing states verifying licensure and identifying any disciplinary action taken
43 against the license holder by that state; and
- 44 (8) Submit documentation satisfactory to the committee that the applicant will be directly
45 supervised by a licensed behavior analyst in a manner consistent with the certifying entity.
- 46 4. The committee shall be authorized to issue a temporary license to an applicant for a
47 behavior analyst license or assistant behavior analyst license upon receipt of a complete
48 application, submission of a fee as set by the committee by rule for behavior analyst or assistant
49 behavior analyst, and a showing of valid licensure as a behavior analyst or assistant behavior
50 analyst in another state, only if the applicant has submitted fingerprints and no disqualifying
51 criminal history appears on the family care safety registry. The temporary license shall expire
52 upon issuance of a license or denial of the application but no later than ninety days from issuance
53 of the temporary license. Upon written request to the committee, the holder of a temporary
54 license shall be entitled to one extension of ninety days of the temporary license.
- 55 5. (1) The committee shall, in accordance with rules promulgated by the committee,
56 issue a provisional behavior analyst license or a provisional assistant behavior analyst license
57 upon receipt by the committee of a complete application, appropriate fee as set by the committee
58 by rule, and proof of satisfaction of requirements under subsections 2 and 3 of this section,
59 respectively, and other requirements established by the committee by rule, except that applicants
60 for a provisional license as either a behavior analyst or assistant behavior analyst need not have
61 passed an examination and been certified as a board-certified behavior analyst or a board-
62 certified assistant behavior analyst to obtain a provisional behavior analyst or provisional
63 assistant behavior analyst license.

64 (2) A provisional license issued under this subsection shall only authorize and permit the
65 licensee to render behavior analysis under the supervision and the full professional responsibility
66 and control of such licensee's licensed supervisor.

67 (3) A provisional license shall automatically terminate upon issuance of a permanent
68 license, upon a finding of cause to discipline after notice and hearing under section 337.330,
69 upon termination of supervision by a licensed supervisor, or upon the expiration of one year from
70 the date of issuance of the provisional license, whichever first occurs. The provisional license
71 may be renewed after one year, with a maximum issuance of two years. Upon a showing of good
72 cause, the committee by rule shall provide procedures for exceptions and variances from the
73 requirement of a maximum issuance of two years.

74 6. No person shall hold himself or herself out to be licensed behavior analysts or LBA,
75 provisionally licensed behavior analyst or PLBA, provisionally licensed assistant behavior
76 analyst or PLABA, temporary licensed behavior analyst or TLBA, or temporary licensed
77 assistant behavior analyst or TLaBA, licensed assistant behavior analysts or LaBA in the state
78 of Missouri unless they meet the applicable requirements.

79 7. No persons shall practice applied behavior analysis unless they are:

80 (1) Licensed behavior analysts;

81 (2) Licensed assistant behavior analysts working under the supervision of a licensed
82 behavior analyst;

83 (3) An individual who has a bachelor's or graduate degree and completed course work
84 for licensure as a behavior analyst and is obtaining supervised field experience under a licensed
85 behavior analyst pursuant to required supervised work experience for licensure at the behavior
86 analyst or assistant behavior analyst level;

87 (4) Licensed psychologists practicing within the rules and standards of practice for
88 psychologists in the state of Missouri and whose practice is commensurate with their level of
89 training and experience;

90 (5) Provisionally licensed behavior analysts;

91 (6) Provisionally licensed assistant behavior analysts;

92 (7) Temporary licensed behavior analysts; or

93 (8) Temporary licensed assistant behavior analysts.

94 8. Notwithstanding the provisions in subsection 6 of this section, any licensed or
95 certified professional may practice components of applied behavior analysis, as defined in
96 section 337.300 if he or she is acting within his or her applicable scope of practice and ethical
97 guidelines.

98 9. All licensed behavior analysts and licensed assistant behavior analysts shall be bound
99 by the code of conduct adopted by the committee by rule.

100 10. Licensed assistant behavior analysts shall work under the direct supervision of a
101 licensed behavior analyst as established by committee rule.

102 11. Persons who provide services under the Individuals with Disabilities Education Act
103 (IDEA), 20 U.S.C. Section 1400, et seq., or Section 504 of the federal Rehabilitation Act of
104 1973, 29 U.S.C. Section 794, or are enrolled in a course of study at a recognized educational
105 institution through which the person provides applied behavior analysis as part of supervised
106 clinical experience shall be exempt from the requirements of this section.

107 12. A violation of this section shall be punishable by probation, suspension, or loss of
108 any license held by the violator.

 337.320. 1. The division shall mail a renewal notice to the last known address of each
2 licensee or registrant prior to the renewal date.

3 2. Each person wishing to renew the behavior analyst license or the assistant behavior
4 analyst license shall:

5 (1) Submit a complete application on a form approved by the committee, **which shall**
6 **include a statement that the applicant has completed two hours of suicide assessment,**
7 **referral, treatment, and management training;**

8 (2) Pay all necessary fees as set by the committee; and

9 (3) Submit proof of active certification and fulfillment of all requirements for renewal
10 and recertification with the certifying entity.

11 3. Failure to provide the division with documentation required by subsection 2 of this
12 section or other information required for renewal shall effect a revocation of the license after a
13 period of sixty days from the renewal date.

14 4. Each person wishing to restore the license, within two years of the renewal date, shall:

15 (1) Submit a complete application on a form approved by the committee;

16 (2) Pay the renewal fee and a delinquency fee as set by the committee; and

17 (3) Submit proof of current certification from a certifying body approved by the
18 committee.

19 5. A new license to replace any certificate lost, destroyed, or mutilated may be issued
20 subject to the rules of the committee, upon payment of a fee established by the committee.

21 6. The committee shall set the amount of the fees authorized by sections 337.300 to
22 337.345 and required by rules promulgated under section 536.021. The fees shall be set at a
23 level to produce revenue which shall not substantially exceed the cost and expense of
24 administering sections 337.300 to 337.345.

25 7. The committee is authorized to issue an inactive license to any licensee who makes
26 written application for such license on a form provided by the committee and remits the fee for
27 an inactive license established by the committee. An inactive license may be issued only to a

28 person who has previously been issued a license to practice as a licensed behavior analyst or a
29 licensed assistant behavior analyst who is no longer regularly engaged in such practice and who
30 does not hold himself or herself out to the public as being professionally engaged in such practice
31 in this state. Each inactive license shall be subject to all provisions of this chapter, except as
32 otherwise specifically provided. Each inactive license may be renewed by the committee subject
33 to all provisions of this section and all other provisions of this chapter. The inactive licensee
34 shall not be required to submit evidence of completion of continuing education as required by
35 this chapter.

36 8. An inactive licensee may apply for a license to regularly engage in the practice of
37 behavioral analysis by:

- 38 (1) Submitting a complete application on a form approved by the committee;
- 39 (2) Paying the reactivation fee as set by the committee; and
- 40 (3) Submitting proof of current certification from a certifying body approved by the
41 committee.

337.507. 1. Applications for examination and licensure as a professional counselor shall
2 be in writing, submitted to the division on forms prescribed by the division and furnished to the
3 applicant. **The form shall include a statement that the applicant has completed two hours
4 of suicide assessment, referral, treatment, and management training.** The application shall
5 contain the applicant's statements showing his education, experience and such other information
6 as the division may require. Each application shall contain a statement that it is made under oath
7 or affirmation and that the information contained therein is true and correct to the best
8 knowledge and belief of the applicant, subject to the penalties provided for the making of a false
9 affidavit or declaration. Each application shall be accompanied by the fees required by the
10 committee.

11 2. The division shall mail a renewal notice to the last known address of each licensee
12 prior to the registration renewal date. Failure to provide the division with the information
13 required for registration, or to pay the registration fee after such notice shall effect a revocation
14 of the license after a period of sixty days from the registration renewal date. The license shall
15 be restored if, within two years of the registration date, the applicant provides written application
16 and the payment of the registration fee and a delinquency fee.

17 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued
18 subject to the rules of the committee, upon payment of a fee.

19 4. The committee shall set the amount of the fees which sections 337.500 to 337.540
20 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees
21 shall be set at a level to produce revenue which shall not substantially exceed the cost and
22 expense of administering the provisions of sections 337.500 to 337.540. All fees provided for

23 in sections 337.500 to 337.540 shall be collected by the director who shall deposit the same with
24 the state treasurer in a fund to be known as the "Committee of Professional Counselors Fund".

25 5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund
26 shall not be transferred and placed to the credit of general revenue until the amount in the fund
27 at the end of the biennium exceeds two times the amount of the appropriation from the
28 committee's fund for the preceding fiscal year or, if the committee requires by rule renewal less
29 frequently than yearly then three times the appropriation from the committee's fund for the
30 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the
31 fund which exceeds the appropriate multiple of the appropriations from the committee's fund for
32 the preceding fiscal year.

33 6. The committee shall hold public examinations at least two times per year, at such
34 times and places as may be fixed by the committee, notice of such examinations to be given to
35 each applicant at least ten days prior thereto.

337.510. 1. Each applicant for licensure as a professional counselor shall furnish
2 evidence to the committee that the applicant is at least eighteen years of age, is of good moral
3 character, is a United States citizen or is legally present in the United States; and

4 (1) The applicant has completed a course of study as defined by the board rule leading
5 to a master's, specialist's, or doctoral degree with a major in counseling, **except any applicant**
6 **who has held a license as a professional counselor in this state or currently holds a license**
7 **as a professional counselor in another state shall not be required to have completed any**
8 **courses related to career development;** and

9 (2) The applicant has completed acceptable supervised counseling as defined by board
10 rule. If the applicant has a master's degree with a major in counseling as defined by board rule,
11 the applicant shall complete at least two years of acceptable supervised counseling experience
12 subsequent to the receipt of the master's degree. The composition and number of hours
13 comprising the acceptable supervised counseling experience shall be defined by board rule. An
14 applicant may substitute thirty semester hours of post master's graduate study for one of the two
15 required years of acceptable supervised counseling experience if such hours are clearly related
16 to counseling;

17 (3) After August 28, 2007, each applicant shall have completed a minimum of three
18 hours of graduate level coursework in diagnostic systems either in the curriculum leading to a
19 degree or as post master's graduate level course work;

20 (4) Upon examination, the applicant is possessed of requisite knowledge of the
21 profession, including techniques and applications, research and its interpretation, and
22 professional affairs and ethics.

23 2. Any person who previously held a valid unrevoked, unsuspended license as a
24 professional counselor in this state and who held a valid license as a professional counselor in
25 another state at the time of application to the committee shall be granted a license to engage in
26 professional counseling in this state upon application to the committee accompanied by the
27 appropriate fee as established by the committee pursuant to section 337.507.

28 3. Any person holding a current license, certificate of registration, or permit from another
29 state or territory of the United States to practice as a professional counselor who is at least
30 eighteen years of age, is of good moral character, and is a United States citizen or is legally
31 present in the United States may be granted a license without examination to engage in the
32 practice of professional counseling in this state upon the application to the board, payment of the
33 required fee as established by the board, and satisfying one of the following requirements:

34 (1) Approval by the American Association of State Counseling Boards (AASCB) or its
35 successor organization according to the eligibility criteria established by AASCB. The successor
36 organization shall be defined by board rule; or

37 (2) In good standing and currently certified by the National Board for Certified
38 Counselors or its successor organization and has completed acceptable supervised counseling
39 experience as defined by board rule. The successor organization shall be defined by board rule;
40 or

41 (3) Determination by the board that the requirements of the other state or territory are
42 substantially the same as Missouri and certified by the applicant's current licensing entity that
43 the applicant has a current license. The applicant shall also consent to examination of any
44 disciplinary history.

45 4. The committee shall issue a license to each person who files an application and fee
46 and who furnishes evidence satisfactory to the committee that the applicant has complied with
47 the provisions of this act and has taken and passed a written, open-book examination on Missouri
48 laws and regulations governing the practice of professional counseling as defined in section
49 337.500. The division shall issue a provisional professional counselor license to any applicant
50 who meets all requirements of this section, but who has not completed the required acceptable
51 supervised counseling experience and such applicant may reapply for licensure as a professional
52 counselor upon completion of such acceptable supervised counseling experience.

53 5. All persons licensed to practice professional counseling in this state shall pay on or
54 before the license renewal date a renewal license fee and shall furnish to the committee
55 satisfactory evidence of the completion of the requisite number of hours of continuing education
56 as required by rule, **including two hours of suicide assessment, referral, treatment, and**
57 **management training**, which shall be no more than forty hours biennially. The continuing

58 education requirements may be waived by the committee upon presentation to the committee of
59 satisfactory evidence of the illness of the licensee or for other good cause.

337.612. 1. Applications for licensure as a clinical social worker, baccalaureate social
2 worker, advanced macro social worker or master social worker shall be in writing, submitted to
3 the committee on forms prescribed by the committee and furnished to the applicant. **The form**
4 **shall include a statement that the applicant has completed two hours of suicide assessment,**
5 **referral, treatment, and management training.** The application shall contain the applicant's
6 statements showing the applicant's education, experience, and such other information as the
7 committee may require. Each application shall contain a statement that it is made under oath or
8 affirmation and that the information contained therein is true and correct to the best knowledge
9 and belief of the applicant, subject to the penalties provided for the making of a false affidavit
10 or declaration. Each application shall be accompanied by the fees required by the committee.

11 2. The committee shall mail a renewal notice to the last known address of each licensee
12 prior to the licensure renewal date. Failure to provide the committee with the information
13 required for licensure, or to pay the licensure fee after such notice shall effect a revocation of the
14 license after a period of sixty days from the licensure renewal date. The license shall be restored
15 if, within two years of the licensure date, the applicant provides written application and the
16 payment of the licensure fee and a delinquency fee.

17 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued
18 subject to the rules of the committee, upon payment of a fee.

19 4. The committee shall set the amount of the fees which sections 337.600 to 337.689
20 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees
21 shall be set at a level to produce revenue which shall not substantially exceed the cost and
22 expense of administering the provisions of sections 337.600 to 337.689. All fees provided for
23 in sections 337.600 to 337.689 shall be collected by the director who shall deposit the same with
24 the state treasurer in a fund to be known as the "Clinical Social Workers Fund". After August
25 28, 2007, the clinical social workers fund shall be called the "Licensed Social Workers Fund"
26 and after such date all references in state law to the clinical social workers fund shall be
27 considered references to the licensed social workers fund.

28 5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund
29 shall not be transferred and placed to the credit of general revenue until the amount in the fund
30 at the end of the biennium exceeds two times the amount of the appropriations from the clinical
31 social workers fund for the preceding fiscal year or, if the committee requires by rule renewal
32 less frequently than yearly, then three times the appropriation from the committee's fund for the
33 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the

34 fund which exceeds the appropriate multiple of the appropriations from the clinical social
35 workers fund for the preceding fiscal year.

337.618. Each license issued pursuant to the provisions of sections 337.600 to 337.689
2 shall expire on a renewal date established by the director. The term of licensure shall be
3 twenty-four months. The committee shall require a minimum number of thirty clock hours of
4 continuing education for renewal of a license issued pursuant to sections 337.600 to 337.689,
5 **including two hours of suicide assessment, referral, treatment, and management training.**
6 The committee shall renew any license upon application for a renewal, completion of the
7 required continuing education hours and upon payment of the fee established by the committee
8 pursuant to the provisions of section 337.612. As provided by rule, the board may waive or
9 extend the time requirements for completion of continuing education for reasons related to
10 health, military service, foreign residency, or for other good cause. All requests for waivers or
11 extensions of time shall be made in writing and submitted to the board before the renewal date.

337.662. 1. Applications for licensure as a baccalaureate social worker shall be in
2 writing, submitted to the committee on forms prescribed by the committee and furnished to the
3 applicant. **The form shall include a statement that the applicant has completed two hours**
4 **of suicide assessment, referral, treatment, and management training.** The application shall
5 contain the applicant's statements showing the applicant's education, experience and such other
6 information as the committee may require. Each application shall contain a statement that it is
7 made under oath or affirmation and that the information contained therein is true and correct to
8 the best knowledge and belief of the applicant, subject to the penalties provided for the making
9 of a false affidavit or declaration. Each application shall be accompanied by the fees required
10 by the committee.

11 2. The committee shall mail a renewal notice to the last known address of each licensee
12 prior to the licensure renewal date. Failure to provide the committee with the information
13 required for licensure **as provided in subsection 1 of this section**, or to pay the licensure fee
14 after such notice shall effect a revocation of the license after a period of sixty days from the
15 licensure renewal date. The license shall be restored if, within two years of the licensure date,
16 the applicant provides written application and the payment of the licensure fee and a delinquency
17 fee.

18 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued
19 subject to the rules of the committee, upon payment of a fee.

20 4. The committee shall set the amount of the fees which sections 337.650 to 337.689
21 authorize and require by rules and regulations promulgated pursuant to chapter 536. The fees
22 shall be set at a level to produce revenue which shall not substantially exceed the cost and
23 expense of administering the provisions of sections 337.650 to 337.689. All fees provided for

24 in sections 337.650 to 337.689 shall be collected by the director who shall deposit the same with
25 the state treasurer in the clinical social workers fund established in section 337.612.

337.712. 1. Applications for licensure as a baccalaureate social worker shall be in
2 writing, submitted to the committee on forms prescribed by the committee and furnished to the
3 applicant. **The form shall include a statement that the applicant has completed two hours**
4 **of suicide assessment, referral, treatment, and management training.** The application shall
5 contain the applicant's statements showing the applicant's education, experience and such other
6 information as the committee may require. Each application shall contain a statement that it is
7 made under oath or affirmation and that the information contained therein is true and correct to
8 the best knowledge and belief of the applicant, subject to the penalties provided for the making
9 of a false affidavit or declaration. Each application shall be accompanied by the fees required
10 by the committee.

11 2. The committee shall mail a renewal notice to the last known address of each licensee
12 prior to the licensure renewal date. Failure to provide the committee with the information
13 required for licensure, or to pay the licensure fee after such notice shall effect a revocation of the
14 license after a period of sixty days from the licensure renewal date. The license shall be restored
15 if, within two years of the licensure date, the applicant provides written application and the
16 payment of the licensure fee and a delinquency fee.

17 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued
18 subject to the rules of the committee, upon payment of a fee.

19 4. The committee shall set the amount of the fees which sections 337.650 to 337.689
20 authorize and require by rules and regulations promulgated pursuant to chapter 536. The fees
21 shall be set at a level to produce revenue which shall not substantially exceed the cost and
22 expense of administering the provisions of sections 337.650 to 337.689. All fees provided for
23 in sections 337.650 to 337.689 shall be collected by the director who shall deposit the same with
24 the state treasurer in the clinical social workers fund established in section 337.612.

337.718. 1. Each license issued pursuant to the provisions of sections 337.700 to
2 337.739 shall expire on a renewal date established by the director. The term of licensure shall
3 be twenty-four months; however, the director may establish a shorter term for the first licenses
4 issued pursuant to sections 337.700 to 337.739. The division shall renew any license upon
5 application for a renewal and upon payment of the fee established by the division pursuant to the
6 provisions of section 337.712. Effective August 28, 2008, as a prerequisite for renewal, each
7 licensed marital and family therapist shall furnish to the committee satisfactory evidence of the
8 completion of the requisite number of hours of continuing education as defined by rule, which
9 shall be no more than forty contact hours biennially. **At least two hours of continuing**
10 **education shall be in suicide assessment, referral, treatment, and management training.**

11 The continuing education requirements may be waived by the committee upon presentation to
12 the committee of satisfactory evidence of illness or for other good cause.

13 2. The committee may issue temporary permits to practice under extenuating
14 circumstances as determined by the committee and defined by rule.

338.315. 1. Except as otherwise provided by the board by rule, it shall be unlawful for
2 any pharmacist, pharmacy owner or person employed by a pharmacy to knowingly purchase or
3 receive any legend drugs under 21 U.S.C. Section 353 from other than a licensed or registered
4 drug distributor, **drug outsourcer, third-party logistics provider**, or licensed pharmacy. Any
5 person who violates the provisions of this section shall, upon conviction, be adjudged guilty of
6 a class A misdemeanor. Any subsequent conviction shall constitute a class E felony.

7 2. Notwithstanding any other provision of law to the contrary, the sale, purchase, or trade
8 of a prescription drug by a pharmacy to other pharmacies is permissible if the total dollar volume
9 of such sales, purchases, or trades are in compliance with the rules of the board and do not
10 exceed five percent of the pharmacy's total annual prescription drug sales.

11 3. Pharmacies shall establish and maintain inventories and records of all transactions
12 regarding the receipt and distribution or other disposition of legend drugs. Such records shall
13 be maintained for two years and be readily available upon request by the board or its
14 representatives.

15 4. The board shall promulgate rules to implement the provisions of this section. Any
16 rule or portion of a rule, as that term is defined in section 536.010, that is created under the
17 authority delegated in this section shall become effective only if it complies with and is subject
18 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
19 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
20 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
21 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
22 or adopted after August 28, 2012, shall be invalid and void.

338.330. As used in sections 338.300 to 338.370, the following terms mean:

2 (1) **"Drug outsourcer", an outsourcing facility as defined by 21 U.S.C. Section 353b**
3 **of the federal Drug Quality and Security Act;**

4 (2) "Legend drug":

5 (a) Any drug or biological product:

6 a. Subject to Section 503(b) of the Federal Food, Drug and Cosmetic Act, including
7 finished dosage forms and active ingredients subject to such Section 503(b); or

8 b. Required under federal law to be labeled with one of the following statements prior
9 to being dispensed or delivered:

10 (i) "Caution: Federal law prohibits dispensing without prescription";

- 11 (ii) "Caution: Federal law restricts this drug to use by or on the order of a licensed
12 veterinarian"; or
- 13 (iii) "Rx Only"; or
- 14 c. Required by any applicable federal or state law or regulation to be dispensed by
15 prescription only or that is restricted to use or dispensed by practitioners only; and
- 16 (b) The term "drug", "prescription drug", or "legend drug" shall not include:
- 17 a. An investigational new drug, as defined by 21 CFR 312.3(b), that is being utilized for
18 the purposes of conducting a clinical trial or investigation of such drug or product that is
19 governed by, and being conducted under and pursuant to, 21 CFR 312, et. seq.;
- 20 b. Any drug product being utilized for the purposes of conducting a clinical trial or
21 investigation that is governed by, and being conducted under and pursuant to, 21 CFR 312, et.
22 seq.; or
- 23 c. Any drug product being utilized for the purposes of conducting a clinical trial or
24 investigation that is governed or approved by an institutional review board subject to 21 CFR
25 Part 56 or 45 CFR Part 46;
- 26 [~~2~~] (3) "Out-of-state wholesale drug distributor", a wholesale drug distributor with no
27 physical facilities located in the state;
- 28 [~~3~~] (4) "Pharmacy distributor", any licensed pharmacy, as defined in section 338.210,
29 engaged in the delivery or distribution of legend drugs to any other licensed pharmacy where
30 such delivery or distribution constitutes at least five percent of the total gross sales of such
31 pharmacy;
- 32 [(4)] (5) **"Third-party logistics provider", an entity that provides or coordinates**
33 **warehousing or other logistics services of a product on behalf of a drug manufacturer,**
34 **wholesale drug distributor, or dispenser of a legend drug, but does not take ownership of**
35 **the product, nor has responsibility to direct the sale or disposition of the product;**
- 36 (6) "Wholesale drug distributor", anyone engaged in the delivery or distribution of
37 legend drugs from any location and who is involved in the actual, constructive or attempted
38 transfer of a drug or drug-related device in this state, other than to the ultimate consumer. This
39 shall include, but not be limited to, drug wholesalers, repackagers and manufacturers which are
40 engaged in the delivery or distribution of drugs in this state, with facilities located in this state
41 or in any other state or jurisdiction. A wholesale drug distributor shall not include any common
42 carrier or individual hired solely to transport legend drugs. Any locations where drugs are
43 delivered on a consignment basis, as defined by the board, shall be exempt from licensure as a
44 drug distributor, and those standards of practice required of a drug distributor but shall be open
45 for inspection by board of pharmacy representatives as provided for in section 338.360.

338.333. 1. Except as otherwise provided by the board of pharmacy by rule in the event of an emergency or to alleviate a supply shortage, no person or distribution outlet shall act as a wholesale drug distributor [ø] , pharmacy distributor, **drug outsourcer, or third-party logistics provider** without first obtaining license to do so from the Missouri board of pharmacy and paying the required fee. The board may grant temporary licenses when the wholesale drug distributor [ø] , pharmacy distributor, **drug outsourcer, or third-party logistics provider** first applies for a license to operate within the state. Temporary licenses shall remain valid until such time as the board shall find that the applicant meets or fails to meet the requirements for regular licensure. No license shall be issued or renewed for a wholesale drug distributor [ø] , pharmacy distributor, **drug outsourcer, or third-party logistics provider** to operate unless the same shall be operated in a manner prescribed by law and according to the rules and regulations promulgated by the board of pharmacy with respect thereto. Separate licenses shall be required for each distribution site owned or operated by a wholesale drug distributor [ø] , pharmacy distributor, **drug outsourcer, or third-party logistics provider**, unless such drug distributor [ø] , pharmacy distributor, **drug outsourcer, or third-party logistics provider** meets the requirements of section 338.335.

2. An agent or employee of any licensed or registered wholesale drug distributor [ø] , pharmacy distributor, **drug outsourcer, or third-party logistics provider** need not seek licensure under this section and may lawfully possess pharmaceutical drugs, if [he] **the agent or employee** is acting in the usual course of his **or her** business or employment.

3. The board may permit out-of-state wholesale drug distributors, **drug outsourcers, third-party logistics provider**, or out-of-state pharmacy distributors to be licensed as required by sections 338.210 to 338.370 on the basis of reciprocity to the extent that [~~an out-of-state wholesale drug distributor or out-of-state pharmacy distributor~~] **the entity** both:

(1) Possesses a valid license granted by another state pursuant to legal standards comparable to those which must be met by a wholesale drug distributor [ø] , pharmacy distributor, **drug outsourcers, or third-party logistics provider** of this state as prerequisites for obtaining a license under the laws of this state; and

(2) Distributes into Missouri from a state which would extend reciprocal treatment under its own laws to a wholesale drug distributor [ø] , pharmacy distributor, **drug outsourcers, or third-party logistics provider** of this state.

338.337. It shall be unlawful for any out-of-state wholesale drug distributor [ø] , out-of-state pharmacy acting as a distributor, **drug outsourcers, or third-party logistics provider** to do business in this state without first obtaining a license to do so from the board of pharmacy and paying the required fee, except as otherwise provided by section 338.335 and this section. Application for an out-of-state wholesale drug distributor's, **drug outsourcer's, or out-**

6 **of-state third-party logistics provider's** license under this section shall be made on a form
7 furnished by the board. The issuance of a license under sections 338.330 to 338.370 shall not
8 change or affect tax liability imposed by the Missouri department of revenue on any [~~out-of-state~~
9 ~~wholesale drug distributor or out-of-state pharmacy~~] **entity**. Any out-of-state wholesale drug
10 distributor that is a drug manufacturer and which produces and distributes from a facility which
11 has been inspected and approved by the Food and Drug Administration, maintains current
12 approval by the federal Food and Drug Administration, and has provided a copy of the most
13 recent Food and Drug Administration Establishment Inspection Report to the board, and which
14 is licensed by the state in which the distribution facility is located, or, if located within a foreign
15 jurisdiction, is authorized and in good standing to operate as a drug manufacturer within such
16 jurisdiction, need not be licensed as provided in this section but such out-of-state distributor shall
17 register its business name and address with the board of pharmacy and pay a filing fee in an
18 amount established by the board.

338.340. No person acting as principal or agent for any out-of-state wholesale drug
2 distributor [~~or~~], out-of-state pharmacy distributor, **drug outsourcer, or out-of-state third-party**
3 **logistics provider** shall sell or distribute drugs in this state unless the [~~wholesale drug distributor~~
4 ~~or pharmacy distributor~~] **entity** has obtained a license pursuant to the provisions of sections
5 338.330 to 338.370.

344.030. 1. An applicant for an initial license shall file a completed application with the
2 board on a form provided by the board, accompanied by an application fee as provided by rule
3 payable to the department of health and senior services. Information provided in the application
4 **shall be** attested by signature to be true and correct to the best of the applicant's knowledge and
5 belief.

2. No initial license shall be issued to a person as a nursing home administrator unless:

7 (1) The applicant provides the board satisfactory proof that the applicant is [~~twenty-one~~
8 ~~years of age or over,~~] of good moral character and a high school graduate or equivalent;

9 (2) The applicant provides the board satisfactory proof that the applicant has had a
10 minimum of three years' experience in health care administration or two years of postsecondary
11 education in health care administration or has satisfactorily completed a course of instruction and
12 training prescribed by the board, which includes instruction in the needs properly to be served
13 by nursing homes, the protection of the interests of residents therein, and the elements of good
14 nursing home administration, or has presented evidence satisfactory to the board of sufficient
15 education, training, or experience in the foregoing fields to administer, supervise and manage
16 a nursing home; and

17 (3) The applicant passes the examinations administered by the board. If an applicant
18 fails to make a passing grade on either of the examinations such applicant may make application

19 for reexamination on a form furnished by the board and may be retested. If an applicant fails
20 either of the examinations a third time, the applicant shall be required to complete a course of
21 instruction prescribed and approved by the board. After completion of the board-prescribed
22 course of instruction, the applicant may reapply for examination. With regard to the national
23 examination required for licensure, no examination scores from other states shall be recognized
24 by the board after the applicant has failed his or her third attempt at the national examination.
25 There shall be a separate, nonrefundable fee for each examination. The board shall set the
26 amount of the fee for examination by rules and regulations promulgated pursuant to section
27 536.021. The fee shall be set at a level to produce revenue which shall not substantially exceed
28 the cost and expense of administering the examination.

29 3. The board may issue a license through reciprocity to any person who is regularly
30 licensed as a nursing home administrator in any other state, territory, or the District of Columbia,
31 if the regulations for securing such license are equivalent to those required in the state of
32 Missouri. However, no license by reciprocity shall be issued until the applicant passes a special
33 examination approved by the board, which will examine the applicant's knowledge of specific
34 provisions of Missouri statutes and regulations pertaining to nursing homes. The applicant shall
35 furnish satisfactory evidence that such applicant is of good moral character and has acted in the
36 capacity of a nursing home administrator in such state, territory, or the District of Columbia at
37 least one year after the securing of the license. The board, in its discretion, may enter into
38 written reciprocal agreements pursuant to this section with other states which have equivalent
39 laws and regulations.

40 4. Nothing in sections 344.010 to 344.108, or the rules or regulations thereunder shall
41 be construed to require an applicant for a license as a nursing home administrator, who is
42 employed by an institution listed and certified by the Commission for Accreditation of Christian
43 Science Nursing Organizations/Facilities, Inc., to administer institutions certified by such
44 commission for the care and treatment of the sick in accordance with the creed or tenets of a
45 recognized church or religious denomination, to demonstrate proficiency in any techniques or
46 to meet any educational qualifications or standards not in accord with the remedial care and
47 treatment provided in such institutions. The applicant's license shall be endorsed to confine the
48 applicant's practice to such institutions.

49 5. The board may issue a temporary emergency license for a period not to exceed ninety
50 days to a person twenty-one years of age or over, of good moral character and a high school
51 graduate or equivalent to serve as an acting nursing home administrator, provided such person
52 is replacing a licensed nursing home administrator who has died, has been removed or has
53 vacated the nursing home administrator's position. No temporary emergency license may be
54 issued to a person who has had a nursing home administrator's license denied, suspended or

55 revoked. A temporary emergency license may be renewed for one additional ninety-day period
56 upon a showing that the person seeking the renewal of a temporary emergency license meets the
57 qualifications for licensure and has filed an application for a regular license, accompanied by the
58 application fee, and the applicant has taken the examination or examinations but the results have
59 not been received by the board. No temporary emergency license may be renewed more than one
60 time.

374.715. 1. Applications for examination and licensure as a bail bond agent or general
2 bail bond agent shall be in writing and on forms prescribed and furnished by the department, and
3 shall contain such information as the department requires. Each application shall be
4 accompanied by proof satisfactory to the department that the applicant is a citizen of the United
5 States, ~~[is at least twenty-one years of age,]~~ has a high school diploma or general education
6 development certificate (GED), is of good moral character, and meets the qualifications for
7 surety on bail bonds as provided by supreme court rule. Each application shall be accompanied
8 by the examination and application fee set by the department. Individuals currently employed
9 as bail bond agents and general bail bond agents shall not be required to meet the education
10 requirements needed for licensure pursuant to this section.

11 2. In addition, each applicant for licensure as a general bail bond agent shall furnish
12 proof satisfactory to the department that the applicant or, if the applicant is a corporation, that
13 each officer thereof has completed at least two years as a bail bond agent, and that the applicant
14 possesses liquid assets of at least ten thousand dollars, along with a duly executed assignment
15 of ten thousand dollars to the state of Missouri. The assignment shall become effective upon the
16 applicant's violating any provision of sections 374.695 to 374.789. The assignment required by
17 this section shall be in the form and executed in the manner prescribed by the department. The
18 director may require by regulation conditions by which additional assignments of assets of the
19 general bail bond agent may occur when the circumstances of the business of the general bail
20 bond agent warrants additional funds. However, such additional funds shall not exceed
21 twenty-five thousand dollars.

374.784. 1. Applications for examination and licensure as a surety recovery agent shall
2 be submitted on forms prescribed by the department and shall contain such information as the
3 department requires, along with a copy of the front and back of a photographic identification
4 card.

5 2. Each application shall be accompanied by proof satisfactory to the director that the
6 applicant is a citizen of the United States~~[, is at least twenty-one years of age,]~~ and has a high
7 school diploma or a general educational development certificate (GED). An applicant shall
8 furnish evidence of such person's qualifications by completing an approved surety recovery agent
9 course with at least twenty-four hours of initial minimum training. The director shall determine

10 which institutions, organizations, associations, and individuals shall be eligible to provide said
11 training. Said instructions and fees associated therewith shall be identical or similar to those
12 prescribed in section 374.710 for bail bond agents and general bail bond agents.

13 3. In addition to said twenty-four hours of initial minimum training, licensees shall be
14 required to receive eight hours of biennial continuing education of which said instructions and
15 fees shall be identical or similar to those prescribed in section 374.710 for bail bond agents and
16 general bail bond agents.

17 4. Applicants for surety recovery agents licensing shall be exempt from said
18 requirements of the twenty-four hours of initial minimum training if applicants provide proof of
19 prior training as a law enforcement officer with at least two years of such service within the ten
20 years prior to the application being submitted to the department.

21 5. The director may refuse to issue any license pursuant to sections 374.783 to 374.789,
22 for any one or any combination of causes stated in section 374.787. The director shall notify the
23 applicant in writing of the reason or reasons for refusal and shall advise the applicant of the right
24 to file a complaint with the administrative hearing commission to appeal the refusal as provided
25 by chapter 621.

632.005. As used in chapter 631 and this chapter, unless the context clearly requires
2 otherwise, the following terms shall mean:

3 (1) "Comprehensive psychiatric services", any one, or any combination of two or more,
4 of the following services to persons affected by mental disorders other than intellectual
5 disabilities or developmental disabilities: inpatient, outpatient, day program or other partial
6 hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education,
7 rehabilitation, prevention, screening, transitional living, medical prevention and treatment for
8 alcohol abuse, and medical prevention and treatment for drug abuse;

9 (2) "Council", the Missouri advisory council for comprehensive psychiatric services;

10 (3) "Court", the court which has jurisdiction over the respondent or patient;

11 (4) "Division", the division of comprehensive psychiatric services of the department of
12 mental health;

13 (5) "Division director", director of the division of comprehensive psychiatric services
14 of the department of mental health, or his designee;

15 (6) "Head of mental health facility", superintendent or other chief administrative officer
16 of a mental health facility, or his designee;

17 (7) "Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday when the
18 court is open for business, but excluding Saturdays, Sundays and legal holidays;

19 (8) "Licensed physician", a physician licensed pursuant to the provisions of chapter 334
20 or a person authorized to practice medicine in this state pursuant to the provisions of section
21 334.150;

22 (9) "Licensed professional counselor", a person licensed as a professional counselor
23 under chapter 337 and with a minimum of one year training or experience in providing
24 psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a
25 mental disorder;

26 (10) "Likelihood of serious harm" means any one or more of the following but does not
27 require actual physical injury to have occurred:

28 (a) A substantial risk that serious physical harm will be inflicted by a person upon his
29 own person, as evidenced by recent threats, including verbal threats, or attempts to commit
30 suicide or inflict physical harm on himself. Evidence of substantial risk may also include
31 information about patterns of behavior that historically have resulted in serious harm previously
32 being inflicted by a person upon himself;

33 (b) A substantial risk that serious physical harm to a person will result or is occurring
34 because of an impairment in his capacity to make decisions with respect to his hospitalization
35 and need for treatment as evidenced by his current mental disorder or mental illness which
36 results in an inability to provide for his own basic necessities of food, clothing, shelter, safety
37 or medical care or his inability to provide for his own mental health care which may result in a
38 substantial risk of serious physical harm. Evidence of that substantial risk may also include
39 information about patterns of behavior that historically have resulted in serious harm to the
40 person previously taking place because of a mental disorder or mental illness which resulted in
41 his inability to provide for his basic necessities of food, clothing, shelter, safety or medical or
42 mental health care; or

43 (c) A substantial risk that serious physical harm will be inflicted by a person upon
44 another as evidenced by recent overt acts, behavior or threats, including verbal threats, which
45 have caused such harm or which would place a reasonable person in reasonable fear of sustaining
46 such harm. Evidence of that substantial risk may also include information about patterns of
47 behavior that historically have resulted in physical harm previously being inflicted by a person
48 upon another person;

49 (11) "Mental health coordinator", a mental health professional who has knowledge of
50 the laws relating to hospital admissions and civil commitment and who is authorized by the
51 director of the department, or his designee, to serve a designated geographic area or mental
52 health facility and who has the powers, duties and responsibilities provided in this chapter;

53 (12) "Mental health facility", any residential facility, public or private, or any public or
54 private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering

55 from a mental disorder or mental illness and which is recognized as such by the department or
56 any outpatient treatment program certified by the department of mental health. No correctional
57 institution or facility, jail, regional center or developmental disability facility shall be a mental
58 health facility within the meaning of this chapter;

59 (13) "Mental health professional", a psychiatrist, resident in psychiatry, **psychiatric**
60 **physician assistant, psychiatric assistant physician, psychiatric advanced practice**
61 **registered nurse**, psychologist, psychiatric nurse, licensed professional counselor, or psychiatric
62 social worker;

63 (14) "Mental health program", any public or private residential facility, public or private
64 hospital, public or private specialized service or public or private day program that can provide
65 care, treatment, rehabilitation or services, either through its own staff or through contracted
66 providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness
67 or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the
68 department. No correctional institution or facility or jail may be a mental health program within
69 the meaning of this chapter;

70 (15) "Ninety-six hours" shall be construed and computed to exclude Saturdays, Sundays
71 and legal holidays which are observed either by the court or by the mental health facility where
72 the respondent is detained;

73 (16) "Peace officer", a sheriff, deputy sheriff, county or municipal police officer or
74 highway patrolman;

75 (17) "**Psychiatric advanced practice registered nurse**", a registered nurse who is
76 **currently recognized by the board of nursing as an advanced practice registered nurse,**
77 **who has at least two years of experience in providing psychiatric treatment to individuals**
78 **suffering from mental disorders;**

79 (18) "**Psychiatric assistant physician**", a licensed assistant physician under chapter
80 **334 and who has had at least two years of experience as an assistant physician in providing**
81 **psychiatric treatment to individuals suffering from mental health disorders;**

82 (19) "Psychiatric nurse", a registered professional nurse who is licensed under chapter
83 335 and who has had at least two years of experience as a registered professional nurse in
84 providing psychiatric nursing treatment to individuals suffering from mental disorders;

85 [(18)] (20) "**Psychiatric physician assistant**", a licensed physician assistant under
86 **chapter 334 and who has had at least two years of experience as a physician assistant in**
87 **providing psychiatric treatment to individuals suffering from mental health disorders or**
88 **a graduate of a postgraduate residency or fellowship for physician assistants in psychiatry;**

89 (21) "Psychiatric social worker", a person with a master's or further advanced degree
90 from an accredited school of social work, practicing pursuant to chapter 337, and with a

91 minimum of one year training or experience in providing psychiatric care, treatment or services
92 in a psychiatric setting to individuals suffering from a mental disorder;

93 [(19)] (22) "Psychiatrist", a licensed physician who in addition has successfully
94 completed a training program in psychiatry approved by the American Medical Association, the
95 American Osteopathic Association or other training program certified as equivalent by the
96 department;

97 [(20)] (23) "Psychologist", a person licensed to practice psychology under chapter 337
98 with a minimum of one year training or experience in providing treatment or services to mentally
99 disordered or mentally ill individuals;

100 [(21)] (24) "Resident in psychiatry", a licensed physician who is in a training program
101 in psychiatry approved by the American Medical Association, the American Osteopathic
102 Association or other training program certified as equivalent by the department;

103 [(22)] (25) "Respondent", an individual against whom involuntary civil detention
104 proceedings are instituted pursuant to this chapter;

105 [(23)] (26) "Treatment", any effort to accomplish a significant change in the mental or
106 emotional conditions or the behavior of the patient consistent with generally recognized
107 principles or standards in the mental health professions.

2 ~~[328.100. The board may at any time require any barber to whom a~~
3 ~~certificate of registration is issued to be examined at the licensee's expense by a~~
4 ~~licensed physician to ascertain if such barber is free of infectious or contagious~~
5 ~~diseases and is not afflicted with any physical or mental ailment which would~~
~~render him unfit to practice the occupation of barbering.]~~

Section B. The enactment of sections 337.100, 337.105, 337.110, 337.115, 337.120,
2 337.125, 337.130, 337.135, 337.140, 337.145, 337.150, 337.155, 337.160, and 337.165 shall
3 become effective upon notification by the commission to the revisor of statutes that seven states
4 have adopted the psychology interjurisdictional compact.

✓