

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 125
99TH GENERAL ASSEMBLY

0299H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 191.1100, 191.1110, 324.001, 326.256, 326.259, 326.265, 326.280, 326.283, 326.286, 326.289, 326.292, 326.307, 326.310, 326.313, 326.316, 326.325, 327.313, 327.321, 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, 329.130, 332.081, 334.037, 334.104, 334.735, 336.080, and 345.051, RSMo, and to enact in lieu thereof fifty-eight new sections relating to the regulation of certain professions.

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

Section A. Sections 191.1100, 191.1110, 324.001, 326.256, 326.259, 326.265, 326.280, 2 326.283, 326.286, 326.289, 326.292, 326.307, 326.310, 326.313, 326.316, 326.325, 327.313, 3 327.321, 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, 4 329.130, 332.081, 334.037, 334.104, 334.735, 336.080, and 345.051, RSMo, are repealed and 5 fifty-eight new sections enacted in lieu thereof, to be known as sections 71.960, 71.961, 6 191.1100, 191.1110, 191.1114, 191.1116, 192.500, 324.001, 324.003, 326.256, 326.259, 7 326.265, 326.280, 326.283, 326.286, 326.289, 326.292, 326.307, 326.310, 326.316, 326.325, 8 327.313, 327.321, 328.025, 328.080, 328.132, 329.010, 329.032, 329.033, 329.040, 329.050, 9 329.060, 329.070, 329.080, 329.085, 329.130, 329.275, 332.081, 334.037, 334.104, 334.735, 10 336.080, 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140, 11 337.145, 337.150, 337.155, 337.160, 337.165, 345.051, and 621.280, to read as follows:

71.960. Notwithstanding any other provision of law to the contrary, no municipality
2 **that requires a construction industry employer to have a residential building permit for**
3 **a project or contract shall require, as a condition of such permit, a construction industry**
4 **employer to maintain any insurance policy other than that for workers' compensation and**
5 **general liability.**

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.

2 **71.961. Notwithstanding any other provision of law to the contrary, no municipality**
3 **that requires a construction industry employer to have a residential building permit for**
4 **a project or contract shall require, as a condition of such permit, a construction industry**
5 **employer to hold a certificate, license, or degree.**

6 191.1100. 1. Sections 191.1100 to ~~[191.1112]~~ **191.1116** shall be known and may be
7 cited as the "Volunteer Health Services Act".

8 2. As used in ~~[sections 191.1100 to 191.1112]~~ **the volunteer health services act**, the
9 following terms shall mean:

10 (1) "Gross deviation", a conscious disregard of the safety of others;

11 (2) "Health care provider", any physician, surgeon, dentist, nurse, optometrist, mental
12 health professional licensed under chapter 337, veterinarian, or other practitioner of a health care
13 discipline, the professional practice of which requires licensure or certification under state law
14 or under comparable laws of another state, territory, district, or possession of the United States;

15 (3) "Licensed health care provider", any health care provider holding a current license
16 or certificate issued under:

17 (a) Missouri state law;

18 (b) Comparable laws of another state, territory, district, or possession of the United
19 States;

20 (4) "Regularly practice", to practice more than sixty days within any ninety-day period;

21 (5) "Sponsoring organization", any organization that organizes or arranges for the
22 voluntary provision of health care services and registers with the department of health and senior
services as a sponsoring organization in accordance with section 191.1106;

(6) "Voluntary provision of health care services", the providing of professional health
care services by a health care provider without charge to a recipient of the services or a third
party. The provision of such health care services under sections 191.1100 to 191.1112 shall be
the provider's professional practice area in which the provider is licensed or certified.

191.1110. 1. (1) No licensed health care provider **working on behalf of a sponsoring**
2 **organization or registered with the appropriate licensing body pursuant to section 191.1114**
3 who engages in the voluntary provision of health care services within the limits of the person's
4 license, certificate, or authorization to ~~[any]~~ **a patient** ~~[of a sponsoring organization]~~ shall be
5 liable for any civil damages for any act or omission resulting from the rendering of such services,
6 unless the act or omission was the result of such person's gross deviation from the ordinary
7 standard of care or willful misconduct.

8 (2) The volunteer licensee who is providing free care shall not receive compensation of
9 any type, directly or indirectly, or any benefits of any type whatsoever, or any consideration of

10 any nature, from any person for the free care. Nor shall such service be a part of the provider's
11 training or assignment.

12 (3) The volunteer licensee shall be acting within the scope of such license, certification,
13 or authority.

14 (4) A health care licensee providing free health care shall not engage in activities at a
15 clinic, or at the health care licensee's office, if the activities are performed on behalf of the
16 sponsoring organization, unless such activities are authorized by the appropriate authorities to
17 be performed at the clinic or office and the clinic or office is in compliance with all applicable
18 regulations.

19 2. For purposes of this section, any commissioned or contract medical officer or dentist
20 serving on active duty in the United States Armed Forces and assigned to duty as a practicing,
21 commissioned, or contract medical officer or dentist at any military hospital or medical facility
22 owned and operated by the United States government shall be deemed to be licensed.

**191.1114. 1. To qualify for liability protection under subdivision (1) of subsection
2 1 of section 191.1110, a health care provider who provides volunteer health care services
3 without working on behalf of a sponsoring organization shall register with the appropriate
4 licensing body before providing such services by submitting a registration fee of fifty
5 dollars and filing a registration form. The registration and fee shall be submitted annually
6 to the appropriate licensing body with the fee to be used for the administration of sections
7 191.1100 to 191.1116. Such registration form shall contain:**

8 (1) The name of the health care provider;

9 (2) The address, including street, city, zip code, and county, of the health care
10 provider's principal office address;

11 (3) Telephone numbers for the principal office listed under subdivision (2) of this
12 subsection; and

13 (4) Such additional information as the appropriate licensing body shall require.
14

15 Upon any change in the information required under this subsection, the health care
16 provider shall notify the appropriate licensing body in writing of such change within thirty
17 days of its occurrence.

18 2. The health care provider shall maintain on file for five years following the date
19 of service the date, place, and type of services provided and shall furnish such records upon
20 request to any regulatory board of any healing arts profession established under state law.

21 3. Adverse incidents and information on treatment outcomes shall be reported by
22 any provider to the appropriate licensing body if the incidents and information pertain to
23 a patient treated under the volunteer health services act. The appropriate licensing body

24 shall review the incident to determine whether it involves conduct by the licensee that is
25 subject to disciplinary action. All patient medical records and any identifying information
26 contained in adverse incident reports and treatment outcomes which are obtained by
27 governmental entities or licensing bodies under this subsection are confidential.

28 **4. The appropriate licensing body may revoke the registration of any health care**
29 **provider that fails to comply with the requirements of this section.**

30 **5. Nothing in the volunteer health services act shall prohibit a health care provider**
31 **from providing health care services without charge or shall require a health care provider**
32 **to register with an appropriate licensing body. However, a health care provider who does**
33 **not register or who does not work on behalf of a sponsoring organization shall not be**
34 **entitled to liability protection under subdivision (1) subsection 1 of section 191.1110 or to**
35 **continuing education credits under section 191.1116.**

191.1116. For every hour of volunteer service performed by a health care provider,
2 **the appropriate licensing body shall credit such health care professional one hour of**
3 **continuing education credit, up to a maximum of eight credit hours per licensure period.**
4 **The health care provider shall submit to the appropriate licensing body a voluntary**
5 **services report that lists the dates of voluntary service provided, the type of service**
6 **provided, and the amount of time spent with each patient.**

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

2 **(1) "Cone beam computed tomography system", a medical imaging device using**
3 **x-ray computed tomography to capture data using a cone-shaped x-ray beam;**

4 **(2) "Panoramic x-ray system", an imaging device that captures the entire mouth**
5 **in a single, two-dimensional image including the teeth, upper and lower jaws, and**
6 **surrounding structures and tissues.**

7 **2. Cone beam computed tomography systems and panoramic x-ray systems that**
8 **cannot produce radiation intensity greater than thirty milligrays shall not be required to**
9 **be inspected more frequently than every three years.**

10 **3. Cone beam computed tomography systems that can produce radiation intensity**
11 **of greater than thirty miligrays shall be inspected annually.**

12 **4. In addition to the requirements of subsections 2 and 3 of this section, all cone**
13 **beam computed tomography systems and panoramic x-ray systems shall be inspected**
14 **within thirty days of installation and whenever moved within an office.**

15 **5. Notwithstanding any law to the contrary, inspections of**
16 **conventional x-ray equipment used exclusively on animals by a licensed veterinarian or**
17 **veterinary facility under chapter 340 shall not be required to be inspected more frequently**
18 **than every four years.**

324.001. 1. (1) The purpose of sections 324.001 to 324.1109 is to promote the general welfare by establishing guidelines for the regulation of occupations and professions not regulated prior to January 1, 2018, and those occupations and professions regulated prior to January 1, 2018, that seek to substantially increase their scope of practice.

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

(3) All bills introduced in the legislature to regulate an occupation or profession shall be reviewed according to the following criteria. An occupation or profession shall be regulated by the state only if:

(a) Unregulated practice could cause significant harm and endangered the general welfare and the potential for further harm and endangerment is easily recognizable and not remote or dependent upon tenuous argument;

(b) The public needs and can reasonably be expected to benefit from an assurance of initial personal qualifications; and

(c) The general welfare cannot be effectively protected by other means.

(4) After evaluating the criteria in subdivision (3) of this subsection and considering governmental, economic, and societal costs and benefits, if the legislature finds that the state has an important interest in regulating an occupation or profession not previously regulated by law, the least restrictive type of regulation shall be implemented, consistent with the need to protect the general welfare and this section. If:

(a) Market competition, common law, statutory civil actions, and criminal prohibitions are insufficient to eradicate actual harm, the regulation shall provide for stricter civil actions and criminal prosecutions;

(b) A service is being performed for individuals that involves a hazard to the general welfare, the regulation shall impose inspection requirements and enable an appropriate state agency to enforce violations by injunctive relief in court including, but not limited to, regulation of the business activity providing the service rather than practitioners;

(c) The threat to the general welfare resulting from the practitioner's services is relatively small, easily identifiable, or predictable, the regulation shall implement a system of insurance, bonding, or registration;

36 **(d) The consumer possesses significantly less information so that the practitioner**
37 **places the consumer in a disadvantageous position relative to the practitioner to judge the**
38 **quality of the practitioner's services, the regulation shall implement a voluntary system of**
39 **certification; or**

40 **(e) There is no other type of regulation that will protect the general welfare other**
41 **than licensing, the regulation shall implement a system of licensing.**

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

43 **(1) "Applicant group", any occupational or professional group or organization, any**
44 **individual, or any other interested party that proposes that any occupation or profession**
45 **not presently regulated be regulated or proposes to substantially increase the scope of**
46 **practice of an occupation or profession currently regulated;**

47 **(2) "Certification", a voluntary program in which the government grants**
48 **nontransferable recognition to an individual who meets personal qualifications established**
49 **by a legislative body. Upon approval, the individual may use "certified" as a designated**
50 **title. Someone who has not been recognized as certified may perform the occupation for**
51 **compensation lawfully, but shall not use the title "certified". This term shall not be**
52 **synonymous with an occupational license or prohibit the use of private certification;**

53 **(3) "Department", the department of insurance, financial institutions and professional**
54 **registration;**

55 ~~[(2)]~~ **(4) "Director", the director of the division of professional registration; ~~and]~~**

56 ~~[(3)]~~ **(5) "Division", the division of professional registration;**

57 **(6) "General welfare", the concern of the government for the health, peace,**
58 **morality, and safety of its citizens;**

59 **(7) "Grandfather clause", a provision in a regulatory statute applicable to**
60 **practitioners actively engaged in the regulated occupation or profession prior to the**
61 **effective date of the regulatory statute which exempts the practitioners from meeting the**
62 **personal qualifications set forth in the regulatory statute to perform prescribed**
63 **occupational tasks;**

64 **(8) "Inspection", the periodic examination of practitioners by a state agency in**
65 **order to ascertain whether the practitioners' activities are being carried out in a fashion**
66 **consistent with the requisite level of cleanliness necessary to protect the general welfare;**

67 **(9) "Lawful occupation", a course of conduct, pursuit, or profession that includes**
68 **the sale of goods or services that are not themselves illegal to sell irrespective of whether**
69 **the individual selling them is subject to an occupational regulation;**

70 **(10) "Least restrictive type of occupational regulations", in order from least to most**
71 **restrictive;**

72 (a) **Market competition;**

73 (b) **A provision for private civil action to remedy consumer harm;**

74 (c) **Criminal sanction;**

75 (d) **Regulation of the business activity providing the service rather than the**
76 **practitioner;**

77 (e) **Inspection;**

78 (f) **Bonding or insurance;**

79 (g) **Registration;**

80 (h) **Certification;**

81 (i) **Occupational license;**

82 (11) **"Legislative committees of reference", the standing legislative committees**
83 **designated by the respective rules committees of the senate and house of representatives**
84 **to consider proposed legislation to regulate occupations or professions not previously**
85 **regulated;**

86 (12) **"Occupational license", a nontransferable authorization in law for an**
87 **individual to perform a lawful occupation for compensation based on meeting personal**
88 **qualifications established by a legislative body. It shall be prohibited for an individual who**
89 **does not possess an occupational license to perform the occupation for compensation;**

90 (13) **"Occupational regulation", a statute, ordinance, rule, practice, policy, or other**
91 **law requiring an individual to possess certain personal qualifications to work in a lawful**
92 **occupation;**

93 (14) **"Personal qualifications", criteria related to an individual's personal**
94 **background, including completion of an approved educational program, satisfactory**
95 **performance on an examination, work experience, criminal history, and completion of**
96 **continuing education;**

97 (15) **"Practitioner", an individual who has achieved knowledge and skill by**
98 **practice and is actively engaged in a specified occupation or profession;**

99 (16) **"Public member", an individual who is not currently, and has never been in**
100 **the past, a member or spouse of a member of the occupation or profession being regulated**
101 **or an individual who does not currently have and has never in the past had a material**
102 **financial interest in either the rendering of the occupation or professional service being**
103 **regulated or an activity directly related to the occupation or profession being regulated;**

104 (17) **"Registration", a requirement established by the legislature in which a person:**

105 (a) **Submits notification to a state agency; and**

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

107

108 Notification may include the person's name and address, the person's agent for service of
109 process, the location of the activity to be performed, and a description of the service the
110 person provides. Registration may include a requirement to post a bond but does not
111 include education or experience requirements. Nonregistered persons shall not use
112 "registered" as a designated title. The term registration shall not be synonymous with an
113 occupational license and does not refer to or prohibit the use of private registration;

114 (18) "Regulatory entity", any board, commission, agency, division, or other unit
115 or subunit of state government which regulates one or more professions, occupations,
116 industries, businesses, or other endeavors in this state;

117 (19) "State agency", every state office, department, board, commission, regulatory
118 entity, and agency of the state, and if provided by law, programs and activities involving
119 less than the full responsibility of a state agency;

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

123 ~~[2-]~~ 3. After January 1, 2018, applicant groups shall explain each of the following
124 factors to the extent requested by the legislative committees of reference:

125 (1) A definition of the problem and why regulation is necessary including, but not
126 limited to:

127 (a) The description and quantification of the actual harm to the general public due
128 to the fact that the occupation or profession is not regulated;

129 (b) The extent to which the actual harm could be avoided;

130 (c) A description of how consumers will benefit in the future from the proposed
131 type of regulation; and

132 (d) The extent of autonomy a practitioner has, as indicated by:

133 a. The extent to which the occupation or profession calls for independent judgment
134 and the extent of skill or experience required in making the independent judgment; and

135 b. The extent to which practitioners are supervised;

136 (2) The efforts made to address the actual harm caused:

137 (a) Voluntary efforts, if any, by members of the occupation or profession to:

138 a. Establish a code of ethics; or

139 b. Help resolve disputes between practitioners and consumers; and

140 (b) Recourse to and the extent of use of applicable law and whether it could be
141 strengthened to control the problem;

142 (3) The alternatives considered including, but not limited to:

143 (a) Increased civil or criminal sanctions;

- 144 **(b) Regulation of businesses rather than practitioners;**
145 **(c) Regulation of the service or training program rather than the individual**
146 **practitioners;**
147 **(d) Inspections;**
148 **(e) Bonding or insurance;**
149 **(f) Registration of all practitioners;**
150 **(g) Certification of all practitioners;**
151 **(h) Other alternatives;**
152 **(i) Why the use of the alternatives specified in this subdivision would not be**
153 **adequate to protect the general welfare; and**
154 **(j) Why licensing would serve to protect the general welfare;**
155 **(4) The benefit to the public if regulation is granted;**
156 **(5) The extent to which the incidences of specific problems present in the**
157 **unregulated occupation or profession can reasonably be expected to be reduced by**
158 **proposed regulation;**
159 **(6) Whether the public can identify qualified practitioners;**
160 **(7) The extent to which the public can be confident that qualified practitioners are**
161 **competent:**
162 **(a) Whether the proposed regulatory entity would be a board composed of**
163 **members of the profession and public members, a state agency, or both, and, if**
164 **appropriate, their respective responsibilities in administering the system of inspections,**
165 **bonding, insurance, registration, certification, or licensure, including the composition of**
166 **the board and the number of public members, if any; the powers and duties of the board**
167 **or state agency regarding examinations and for cause revocation, suspension, and**
168 **nonrenewal of registrations, certificates, or licenses; the promulgation of rules and canons**
169 **of ethics; the conduct of inspections; the receipt of complaints and disciplinary action taken**
170 **against practitioners; and how fees would be levied and collected to cover the expenses of**
171 **administering and operating the regulatory system;**
172 **(b) If there is a grandfather clause, how consumers will be protected from the harm**
173 **caused by current practitioners that is the basis for advocating for the enactment of the**
174 **proposed regulation;**
175 **(c) If there is a grandfather clause, if current practitioners will be required to meet**
176 **the prerequisite qualifications established by the regulatory entity at a later date and if not,**
177 **why not;**
178 **(d) Whether the regulatory entity would be authorized to enter into reciprocity**
179 **agreements with other jurisdictions;**

- 180 **(e) The nature and duration of any training including, but not limited to, whether**
181 **the training includes a substantial amount of supervised field experience; whether training**
182 **programs exist in this state; if there will be an experience requirement; whether the**
183 **experience shall be acquired under a registered, certified, or licensed practitioner; whether**
184 **there are alternative routes of entry or methods of meeting the prerequisite qualifications;**
185 **whether all applicants will be required to pass an examination; and if an examination is**
186 **required, by whom it will be developed and how the costs of development will be met; and**
- 187 **(f) What additional training programs are anticipated to be necessary to ensure**
188 **training is accessible statewide; the anticipated time required to establish the additional**
189 **training programs; the types of institutions capable of providing the training; and a**
190 **description of how training programs will meet the needs of the expected workforce,**
191 **including reentry workers, minorities, placebound students, and others;**
- 192 **(8) Assurance of the public that practitioners have maintained their competence:**
- 193 **(a) Whether the registration, certification, or licensure will carry an expiration**
194 **date; and**
- 195 **(b) Whether renewal will be based only upon payment of a fee, or whether renewal**
196 **will involve reexamination, peer review, or other enforcement;**
- 197 **(9) The extent to which regulation might harm the public;**
- 198 **(10) The extent to which regulation will restrict entry into the occupation or**
199 **profession:**
- 200 **(a) Whether the proposed personal qualifications are more restrictive than**
201 **necessary to ensure safe and effective performance;**
- 202 **(b) How the proposed personal qualifications compare to other regulations in the**
203 **state which may involve greater risks to the general welfare; and**
- 204 **(c) A list of other states that regulate the profession or occupation, the type of**
205 **regulation, copies of other states' laws, and available evidence from those states of the**
206 **effect of regulation on the profession or occupation in terms of a before-and-after analysis;**
- 207 **(11) Whether there are similar professions to that of the applicant group which**
208 **shall be included in, or portions of the applicant group which shall be excluded from, the**
209 **proposed legislation;**
- 210 **(12) The maintenance of personal qualifications;**
- 211 **(13) Whether effective quality assurance standards exist in the occupation or**
212 **profession, such as legal requirements associated with specific programs that define or**
213 **enforce professional standards, or a code of ethics;**
- 214 **(14) How the proposed legislation will ensure:**
- 215 **(a) The extent to which a code of ethics, if any, will be adopted; and**

216 **(b) Grounds for suspension or revocation of registration, certification, or licensure;**
217 **(15) A description of the group proposed for regulation, including a list of**
218 **associations, organizations, and other groups representing the practitioners in this state;**
219 **an estimate of the number of practitioners in each group; and whether the groups**
220 **represent different levels of practice;**

221 **(16) The expected costs of regulation including, but not limited to:**

222 **(a) The impact registration, certification, or licensure will have on the costs of the**
223 **services to the public;**

224 **(b) The cost to the state and to the general public of implementing the proposed**
225 **legislation; and**

226 **(c) The cost to the state and the members of the group proposed for regulation for**
227 **the required education, including projected tuition and expenses and expected increases**
228 **in training programs, staffing, and enrollments at state training institutions; and**

229 **(17) Whether the regulatory entity would be authorized and proactive in entering**
230 **into reciprocity agreements with other jurisdictions.**

231 **4. Applicant groups shall submit a written report explaining the factors**
232 **enumerated in subsection 3 of this section to the legislative committees of reference.**

233 **5. A legislative proposal that contains a continuing education requirement shall be**
234 **accompanied by a detailed explanation of how such requirement could be effective for the**
235 **profession addressed in the legislation.**

236 **6. Nothing in this section shall be construed to create a right of action against a**
237 **private party or to require a private party to do business with an individual who is not**
238 **licensed, certified, or registered with the government or to create a right of action against**
239 **the state, county, municipal, or other level of government in the state.**

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

246 **[3-] 8. The director of the division of professional registration shall promulgate rules and**
247 **regulations which designate for each board or commission assigned to the division the renewal**
248 **date for licenses or certificates. After the initial establishment of renewal dates, no director of**
249 **the division shall promulgate a rule or regulation which would change the renewal date for**
250 **licenses or certificates if such change in renewal date would occur prior to the date on which the**
251 **renewal date in effect at the time such new renewal date is specified next occurs. Each board or**

252 commission shall by rule or regulation establish licensing periods of one, two, or three years.
253 Registration fees set by a board or commission shall be effective for the entire licensing period
254 involved, and shall not be increased during any current licensing period. Persons who are
255 required to pay their first registration fees shall be allowed to pay the pro rata share of such fees
256 for the remainder of the period remaining at the time the fees are paid. Each board or
257 commission shall provide the necessary forms for initial registration, and thereafter the director
258 may prescribe standard forms for renewal of licenses and certificates. Each board or commission
259 shall by rule and regulation require each applicant to provide the information which is required
260 to keep the board's records current. Each board or commission shall have the authority to collect
261 and analyze information required to support workforce planning and policy development. Such
262 information shall not be publicly disclosed so as to identify a specific health care provider, as
263 defined in section 376.1350. Each board or commission shall issue the original license or
264 certificate.

265 ~~[4-]~~ **9.** The division shall provide clerical and other staff services relating to the issuance
266 and renewal of licenses for all the professional licensing and regulating boards and commissions
267 assigned to the division. The division shall perform the financial management and clerical
268 functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and
269 renewal of licenses and certificates" means the ministerial function of preparing and delivering
270 licenses or certificates, and obtaining material and information for the board or commission in
271 connection with the renewal thereof. It does not include any discretionary authority with regard
272 to the original review of an applicant's qualifications for licensure or certification, or the
273 subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action
274 contemplated against the licensee or certificate holder. The division may develop and implement
275 microfilming systems and automated or manual management information systems.

276 ~~[5-]~~ **10.** The director of the division shall maintain a system of accounting and budgeting,
277 in cooperation with the director of the department, the office of administration, and the state
278 auditor's office, to ensure proper charges are made to the various boards for services rendered
279 to them. The general assembly shall appropriate to the division and other state agencies from
280 each board's funds moneys sufficient to reimburse the division and other state agencies for all
281 services rendered and all facilities and supplies furnished to that board.

282 ~~[6-]~~ **11.** For accounting purposes, the appropriation to the division and to the office of
283 administration for the payment of rent for quarters provided for the division shall be made from
284 the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for
285 the purpose defined in subsection ~~[5]~~ **10** of this section. The fund shall consist of moneys
286 deposited into it from each board's fund. Each board shall contribute a prorated amount
287 necessary to fund the division for services rendered and rent based upon the system of accounting

288 and budgeting established by the director of the division as provided in subsection ~~[5]~~ **10** of this
289 section. Transfers of funds to the professional registration fees fund shall be made by each board
290 on July first of each year; provided, however, that the director of the division may establish an
291 alternative date or dates of transfers at the request of any board. Such transfers shall be made
292 until they equal the prorated amount for services rendered and rent by the division. The
293 provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be
294 transferred and placed to the credit of general revenue.

295 ~~[7-]~~ **12.** The director of the division shall be responsible for collecting and accounting
296 for all moneys received by the division or its component agencies. Any money received by a
297 board or commission shall be promptly given, identified by type and source, to the director. The
298 director shall keep a record by board and state accounting system classification of the amount
299 of revenue the director receives. The director shall promptly transmit all receipts to the
300 department of revenue for deposit in the state treasury to the credit of the appropriate fund. The
301 director shall provide each board with all relevant financial information in a timely fashion.
302 Each board shall cooperate with the director by providing necessary information.

303 ~~[8-]~~ **13.** All educational transcripts, test scores, complaints, investigatory reports, and
304 information pertaining to any person who is an applicant or licensee of any agency assigned to
305 the division of professional registration by statute or by the department are confidential and may
306 not be disclosed to the public or any member of the public, except with the written consent of
307 the person whose records are involved. The agency which possesses the records or information
308 shall disclose the records or information if the person whose records or information is involved
309 has consented to the disclosure. Each agency is entitled to the attorney-client privilege and work-
310 product privilege to the same extent as any other person. Provided, however, that any board may
311 disclose confidential information without the consent of the person involved in the course of
312 voluntary interstate exchange of information, or in the course of any litigation concerning that
313 person, or pursuant to a lawful request, or to other administrative or law enforcement agencies
314 acting within the scope of their statutory authority. Information regarding identity, including
315 names and addresses, registration, and currency of the license of the persons possessing licenses
316 to engage in a professional occupation and the names and addresses of applicants for such
317 licenses is not confidential information.

318 ~~[9-]~~ **14.** Any deliberations conducted and votes taken in rendering a final decision after
319 a hearing before an agency assigned to the division shall be closed to the parties and the public.
320 Once a final decision is rendered, that decision shall be made available to the parties and the
321 public.

322 ~~[10-]~~ **15.** A compelling governmental interest shall be deemed to exist for the purposes
323 of section 536.025 for licensure fees to be reduced by emergency rule, if the projected fund

324 balance of any agency assigned to the division of professional registration is reasonably expected
325 to exceed an amount that would require transfer from that fund to general revenue.

326 ~~[11.]~~ **16.** (1) The following boards and commissions are assigned by specific type
327 transfers to the division of professional registration: Missouri state board of accountancy, chapter
328 326; board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for
329 architects, professional engineers, professional land surveyors and landscape architects, chapter
330 327; Missouri state board of chiropractic examiners, chapter 331; state board of registration for
331 the healing arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers and
332 funeral directors, chapter 333; state board of optometry, chapter 336; Missouri state board of
333 nursing, chapter 335; board of pharmacy, chapter 338; state board of podiatric medicine, chapter
334 330; Missouri real estate appraisers commission, chapter 339; and Missouri veterinary medical
335 board, chapter 340. The governor shall appoint members of these boards by and with the advice
336 and consent of the senate.

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

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

351 (4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330,
352 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, shall mean personnel whose functions
353 and responsibilities are in areas not related to the clerical duties involving the issuance and
354 renewal of licenses, to the collecting and accounting for moneys, or to financial management
355 relating to issuance and renewal of licenses; specifically included are executive secretaries (or
356 comparable positions), consultants, inspectors, investigators, counsel, and secretarial support
357 staff for these positions; and such other positions as are established and authorized by statute for
358 a particular board or commission. Boards and commissions may employ legal counsel, if
359 authorized by law, and temporary personnel if the board is unable to meet its responsibilities with

360 the employees authorized above. Any board or commission which hires temporary employees
361 shall annually provide the division director and the appropriation committees of the general
362 assembly with a complete list of all persons employed in the previous year, the length of their
363 employment, the amount of their remuneration, and a description of their responsibilities.

364 (5) Board personnel for each board or commission shall be employed by and serve at the
365 pleasure of the board or commission, shall be supervised as the board or commission designates,
366 and shall have their duties and compensation prescribed by the board or commission, within
367 appropriations for that purpose, except that compensation for board personnel shall not exceed
368 that established for comparable positions as determined by the board or commission pursuant
369 to the job and pay plan of the department of insurance, financial institutions and professional
370 registration. Nothing herein shall be construed to permit salaries for any board personnel to be
371 lowered except by board action.

372 ~~[12.]~~ 17. All the powers, duties, and functions of the division of athletics, chapter 317,
373 and others, are assigned by type I transfer to the division of professional registration.

374 ~~[13.]~~ 18. Wherever the laws, rules, or regulations of this state make reference to the
375 division of professional registration of the department of economic development, such references
376 shall be deemed to refer to the division of professional registration.

377 ~~[14.]~~ 19. (1) The state board of nursing, board of pharmacy, Missouri dental board, state
378 committee of psychologists, state board of chiropractic examiners, state board of optometry,
379 Missouri board of occupational therapy, or state board of registration for the healing arts may
380 individually or collectively enter into a contractual agreement with the department of health and
381 senior services, a public institution of higher education, or a nonprofit entity for the purpose of
382 collecting and analyzing workforce data from its licensees, registrants, or permit holders for
383 future workforce planning and to assess the accessibility and availability of qualified health care
384 services and practitioners in Missouri. The boards shall work collaboratively with other state
385 governmental entities to ensure coordination and avoid duplication of efforts.

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

390 (3) Data collection shall be controlled and approved by the applicable state board
391 conducting or requesting the collection. Notwithstanding the provisions of sections 324.010 and
392 334.001, the boards may release identifying data to the contractor to facilitate data analysis of
393 the health care workforce including, but not limited to, geographic, demographic, and practice
394 or professional characteristics of licensees. The state board shall not request or be authorized
395 to collect income or other financial earnings data.

396 (4) Data collected under this subsection shall be deemed the property of the state board
397 requesting the data. Data shall be maintained by the state board in accordance with chapter 610,
398 provided that any information deemed closed or confidential under subsection [8] 13 of this
399 section or any other provision of state law shall not be disclosed without consent of the
400 applicable licensee or entity or as otherwise authorized by law. Data shall only be released in
401 an aggregate form by geography, profession or professional specialization, or population
402 characteristic in a manner that cannot be used to identify a specific individual or entity. Data
403 suppression standards shall be addressed and established in the contractual agreement.

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

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

**324.003. Notwithstanding any other provision of law or administrative rule to the
2 contrary, the division of professional registration and its component boards, committees,
3 offices, and commissions shall permit:**

4 (1) Any licensee or holder of a permit, certificate, or registration to submit payment
5 for fees so established in the form of personal check, money order, cashier's check, credit
6 card, or electronic check as defined by section 407.432;

7 (2) Any applicant, licensee, or holder of a permit, certificate, or registration to
8 apply for or renew his or her license, permit, certificate, or registration in writing or
9 electronically; and

10 (3) Any licensee or holder of a permit, certificate, or registration to make requests
11 of his or her license-granting, permit-granting, certificate-granting, or registration-
12 granting board or commission for extensions of time to complete continuing education,
13 notify his or her license-granting, permit-granting, certificate-granting, or registration-
14 granting board or commission of changes to name, business name, home address, or work

15 **address, and provide any other items required as part of licensure, certification, or**
 16 **registration or any items required as part of a permit to his or her licensure, permitting,**
 17 **certification, or registration board in writing or electronically.**

326.256. 1. As used in this chapter, the following terms mean:

- 2 (1) "AICPA", the American Institute of Certified Public Accountants;
- 3 (2) "Attest" or "attest services", providing the following ~~[financial statement]~~ services:
- 4 (a) Any audit or other engagement to be performed in accordance with the Statements
 5 on Auditing Standards (SAS);
- 6 (b) Any examination of prospective financial information to be performed in accordance
 7 with the Statements on Standards for Attestation Engagements (SSAE); ~~[or]~~
- 8 (c) Any engagement to be performed in accordance with the auditing standards and rules
 9 of the Public Company Accounting Oversight Board (PCAOB);
- 10 **(d) Any review of a financial statement to be performed in accordance with the**
 11 **Statements on Standards for Accounting and Review Services (SSARS); or**
- 12 **(e) Any examination, review, or agreed upon procedures engagement to be**
 13 **performed in accordance with the SSAE, other than an examination described in**
 14 **paragraph (b) of this subdivision;**
- 15 (3) "Board", the Missouri state board of accountancy established under section 326.259
 16 or its predecessor pursuant to prior law;
- 17 (4) "Certificate", a certificate issued under section 326.060 prior to August 28, 2001;
- 18 (5) "Certified public accountant" or "CPA", the holder of a certificate or license as
 19 defined in this section;
- 20 (6) "Certified public ~~accountant~~ **accounting** firm", "CPA firm" or "firm", a sole
 21 proprietorship, a corporation, a partnership or any other form of organization issued a permit
 22 under section 326.289;
- 23 (7) "Client", a person or entity that agrees with a licensee or licensee's employer to
 24 receive any professional service;
- 25 (8) "Compilation", providing a service to be performed in accordance with Statements
 26 on Standards for Accounting and Review Services (SSARS) that is presented in the form of
 27 financial statements information that is the representation of management (owners) without
 28 undertaking to express any assurance on the statements;
- 29 ~~["Home office", the location specified by the client as the address to which attest,~~
 30 ~~compilation, or review services are directed;~~
- 31 ~~——(10)]~~ "License", a license issued under section 326.280, or privilege to practice under
 32 section 326.283; or, in each case, an individual license or permit issued pursuant to
 33 corresponding provisions of prior law;

- 34 ~~[(11)]~~ **(10)** "Licensee", the holder of a license as defined in this section;
- 35 ~~[(12)]~~ **(11)** "Manager", a manager of a limited liability company;
- 36 ~~[(13)]~~ **(12)** "Member", a member of a limited liability company;
- 37 ~~[(14)]~~ **(13)** "NASBA", the National Association of State Boards of Accountancy;
- 38 **(14) "PCAOB", the Public Company Accounting Oversight Board;**
- 39 (15) "Peer review", a study, appraisal or review of one or more aspects of the
- 40 professional work of a licensee or certified public ~~accountant~~ **accounting** firm that performs
- 41 attest~~[-review]~~ or compilation services, by licensees who are not affiliated either personally or
- 42 through their certified public ~~accountant~~ **accounting** firm being reviewed pursuant to the
- 43 Standards for Performing and Reporting on Peer Reviews promulgated by the AICPA or such
- 44 other standard adopted by regulation of the board which meets or exceeds the AICPA standards;
- 45 (16) "Permit", a permit to practice as a certified public ~~accountant~~ **accounting** firm
- 46 issued under section 326.289 or corresponding provisions of prior law or pursuant to
- 47 corresponding provisions of the laws of other states;
- 48 (17) **"Principal place of business", the office location designated by the licensee for**
- 49 **purposes of substantial equivalency and reciprocity;**
- 50 (18) "Professional", arising out of or related to the specialized knowledge or skills
- 51 associated with certified public accountants;
- 52 ~~[(18)]~~ **(19)** "Public accounting":
- 53 (a) Performing or offering to perform for an enterprise, client or potential client one or
- 54 more services involving the use of accounting or auditing skills, or one or more management
- 55 advisory or consulting services, or the preparation of tax returns or the furnishing of advice on
- 56 tax matters by a person, firm, limited liability company or professional corporation using the title
- 57 "C.P.A." or "P.A." in signs, advertising, directory listing, business cards, letterheads or other
- 58 public representations;
- 59 (b) Signing or affixing a name, with any wording indicating the person or entity has
- 60 expert knowledge in accounting or auditing to any opinion or certificate attesting to the reliability
- 61 of any representation or estimate in regard to any person or organization embracing financial
- 62 information or facts respecting compliance with conditions established by law or contract,
- 63 including but not limited to statutes, ordinances, rules, grants, loans and appropriations; or
- 64 (c) Offering to the public or to prospective clients to perform, or actually performing on
- 65 behalf of clients, professional services that involve or require an audit or examination of financial
- 66 records leading to the expression of a written attestation or opinion concerning these records;
- 67 ~~[(19)]~~ **(20)** "Report", when used with reference to ~~financial statements~~ **any attest or**
- 68 **compilation service**, means an opinion, report or other form of language that states or implies
- 69 assurance as to the reliability of ~~any~~ **the attested information or compiled** financial

70 statements, and that also includes or is accompanied by any statement or implication that the
71 person or firm issuing it has special knowledge or competence in accounting or auditing. Such
72 a statement or implication of special knowledge or competence may arise from use by the issuer
73 of the report of names or titles indicating that the person or firm is an accountant or auditor, or
74 from the language of the report itself. The term report includes any form of language which
75 disclaims an opinion when such form of language is conventionally understood to imply any
76 positive assurance as to the reliability of the **attested information or compiled** financial
77 statements referred to or special competence on the part of the person or firm issuing such
78 language, [~~or both,~~] and includes any other form of language that is conventionally understood
79 to imply such assurance or such special knowledge or competence[~~, or both~~];

80 [~~(20) "Review", providing a service to be performed in accordance with Statements on
81 Standards for Accounting and Review Services (SSARS) that is performing inquiry and
82 analytical procedures that provide the accountant with a reasonable basis for expressing limited
83 assurance that there are no material modifications that should be made to the statements for them
84 to be in conformity with generally accepted accounting principles or, if applicable, with another
85 comprehensive basis of accounting;~~]

86 (21) "State", any state of the United States, the District of Columbia, Puerto Rico, the
87 U.S. Virgin Islands, **the Commonwealth of the Northern Mariana Islands**, and Guam; except
88 that "this state" means the state of Missouri;

89 (22) "Substantial equivalency" or "substantially equivalent", a determination by the
90 board of accountancy or its designee that the education, examination and experience
91 requirements contained in the statutes and administrative rules of another jurisdiction are
92 comparable to or exceed the education, examination and experience requirements contained in
93 this chapter or that an individual certified public accountant's education, examination and
94 experience qualifications are comparable to or exceed the education, examination and experience
95 requirements contained in this chapter;

96 (23) "Transmittal", any transmission of information in any form, including but not
97 limited to any and all documents, records, minutes, computer files, disks or information.

98 2. The statements on standards specified in this section shall be adopted by reference by
99 the board pursuant to rulemaking and shall be those developed for general application by the
100 AICPA or other recognized national accountancy organization as prescribed by board rule.

326.259. 1. The "Missouri State Board of Accountancy" is hereby established and shall
2 consist of seven members, one of whom shall be a voting public member, and shall have the
3 functions, powers and duties prescribed in this chapter.

4 2. Each member of the board, except the public member, shall be a licensee pursuant to
5 the laws of this state, and shall at the time of his or her appointment be a citizen of the United

6 States, a resident of this state for at least one year and have practiced continuously as a licensee
7 for a period of at least five years immediately preceding his or her appointment. At the time of
8 his or her appointment, the public member shall be a citizen of the United States, a resident of
9 this state for a period of one year, a registered voter, a person who is not and never was a
10 member of any profession licensed or regulated pursuant to this chapter or the immediate family
11 member of such a person, and a person who does not have and never has had a material financial
12 interest in either providing professional services regulated by this chapter, or an activity or
13 organization directly related to any profession licensed or regulated pursuant to this chapter.

14 3. Members of the Missouri state board of accountancy [~~appointed pursuant to section~~
15 ~~326.160 prior to August 28, 2001, shall serve the remainder of their terms. Thereafter, the~~
16 ~~members of the board~~], including public members, shall be chosen by the governor with the
17 advice and consent of the senate from lists submitted by the director of the division of
18 professional registration. The chair of the largest membership state organization of certified
19 public accountants which is dedicated to maintaining the high professional and ethical standards
20 of accountants as well as protection of the public may submit a list of five licensees to the
21 director of the division of professional registration for consideration as a board member, other
22 than the public member. To be considered by the director of the division of professional
23 registration, the list shall be submitted at least ninety days prior to the expiration of the term of
24 the board member or as soon as feasible after a vacancy on the board occurs. The duties of the
25 public member shall not include the determination of the technical requirements for licensure,
26 whether any person meets the technical requirements, or the technical competence or technical
27 judgment of a certified public accountant or applicant for licensure.

28 4. The term of office of each board member appointed shall be five years. Vacancies
29 shall be filled by the governor for the remainder of the unexpired term. No person shall serve
30 more than two consecutive terms or eleven years, whichever is less; except that a member may
31 hold office until his or her successor is appointed and qualified. Any member who has served
32 two complete consecutive terms shall be ineligible to be reappointed until one year has lapsed.
33 No member whose term has been terminated for any reason, other than the term's expiration,
34 shall be eligible for reappointment until the lapse of one year. An appointment to fill an
35 unexpired term shall not be considered a complete term.

36 5. The governor may remove any member of the board for misconduct, incompetency
37 or neglect of official duties after giving the member written notice of the charges and an
38 opportunity to be heard.

326.265. 1. The board shall elect annually one of its members as president, one as vice
2 president, one as secretary and one as treasurer, and shall make an annual report to the governor
3 and the general assembly. The board shall file and preserve all written applications, petitions,

4 complaints, charges or requests made or presented to the board and all affidavits and other
5 verified documents, and shall keep accurate records and minutes of its proceedings. A copy of
6 any entry in the register, or of any records or minutes of the board, certified by the president or
7 secretary of the board under its seal shall constitute and have the full force and effect of the
8 original.

9 2. The board may employ legal counsel and board personnel as defined in ~~subdivision~~
10 ~~(4) of subsection 10 of~~ section 324.001 and incur such travel and other expense as in its
11 judgment shall be necessary for the effective administration of this chapter.

12 3. The board may also appoint a continuing education committee of not less than five
13 members consisting of certified public accountants of this state. Such committee shall:

14 (1) Evaluate continuing education programs to determine if they meet continuing
15 education regulations adopted by the board;

16 (2) Consider applications for exceptions to continuing education regulations adopted
17 pursuant to the provisions of section 326.271; and

18 (3) Consider other matters regarding continuing education as may be assigned by the
19 board.

326.280. 1. A license shall be granted by the board to any person who meets the
2 requirements of this chapter and who:

3 (1) Is a resident of this state or has a place of business in this state or, as an employee,
4 is regularly employed in this state;

5 (2) Has attained the age of ~~twenty-one~~ **eighteen** years;

6 (3) Is of good moral character;

7 (4) Either:

8 (a) Applied for the initial examination prior to June 30, 1999, and holds a baccalaureate
9 degree conferred by an accredited college or university recognized by the board, with a
10 concentration in accounting or the substantial equivalent of a concentration in accounting as
11 determined by the board; or

12 (b) Applied for the initial examination on or after June 30, 1999, and has at least one
13 hundred fifty semester hours of college education, including a baccalaureate or higher degree
14 conferred by an accredited college or university recognized by the board, with the total
15 educational program including an accounting concentration or equivalent as determined by board
16 rule to be appropriate;

17 (5) Has passed an examination in accounting, auditing and such other related subjects
18 as the board shall determine is appropriate; and

19 (6) Has had one year of experience. Experience shall be verified by a licensee and shall
20 include any type of service or advice involving the use of accounting, attest, ~~review;~~

21 compilation, management advisory, financial advisory, tax or consulting skills including
22 governmental accounting, budgeting or auditing. The board shall promulgate rules and
23 regulations concerning the verifying licensee's review of the applicant's experience.

24 2. The board may prescribe by rule the terms and conditions for reexaminations and fees
25 to be paid for reexaminations.

26 3. A person who, on August 28, 2001, holds an individual permit issued pursuant to the
27 laws of this state shall not be required to obtain additional licenses pursuant to sections 326.280
28 to 326.286, and the licenses issued shall be considered licenses issued pursuant to sections
29 326.280 to 326.286. However, such persons shall be subject to the provisions of section 326.286
30 for renewal of licenses.

31 4. Upon application, the board may issue a temporary license to an applicant pursuant
32 to this subsection for a person who has made a prima facie showing that the applicant meets all
33 of the requirements for a license and possesses the experience required. The temporary license
34 shall be effective only until the board has had the opportunity to investigate the applicant's
35 qualifications for licensure pursuant to subsection 1 of this section and notify the applicant that
36 the applicant's application for a license has been granted or rejected. In no event shall a
37 temporary license be in effect for more than twelve months after the date of issuance nor shall
38 a temporary license be reissued to the same applicant. No fee shall be charged for a temporary
39 license. The holder of a temporary license which has not expired, been suspended or revoked
40 shall be deemed to be the holder of a license issued pursuant to this section until the temporary
41 license expires, is terminated, suspended or revoked.

42 5. An applicant for an examination who meets the educational requirements of
43 subdivision (4) of subsection 1 of this section or who reasonably expects to meet those
44 requirements within sixty days after the examination shall be eligible for examination if the
45 applicant also meets the requirements of subdivisions (1), (2) and (3) of subsection 1 of this
46 section. For an applicant admitted to examination on the reasonable expectation that the
47 applicant will meet the educational requirements within sixty days, no license shall be issued nor
48 credit for the examination or any part thereof given unless the educational requirement is in fact
49 met within the sixty-day period.

326.283. 1. (1) An individual whose principal place of business, domicile, or residency
2 is not in this state and who holds a valid and unrestricted license to practice public accounting
3 from any state which the board or its designee has determined by rule to be in substantial
4 equivalence with the licensure requirements of this chapter, or if the individual's qualifications
5 are substantially equivalent to the licensure requirements of this chapter, shall be presumed to
6 have qualifications substantially equivalent to this state's requirements and shall have all the
7 privileges of licensees of this state without the need to obtain a license or to otherwise notify or

8 register with the board or pay any fee. Provided, however, the board may by rule require
9 individuals with a valid but restricted license to obtain a license.

10 (2) An individual who qualifies for the privilege to practice under this section may offer
11 or render professional services in this state, whether in person, by mail, telephone, or electronic
12 means, and no notice or other submission shall be required of any such individual.

13 (3) An individual licensee of another state exercising the privilege afforded under this
14 section and the firm which employs such licensee hereby simultaneously consent, as a condition
15 of the grant of this privilege:

16 (a) To the personal and subject matter jurisdiction and disciplinary authority of the
17 board;

18 (b) To comply with this chapter and the board's rules;

19 (c) That in the event the license from any state is no longer valid or unrestricted, the
20 individual shall cease offering or rendering professional services in this state individually and
21 on behalf of a firm; and

22 (d) To the appointment of the state board that issued the individual's license as his or her
23 agent upon whom process may be served in any action or proceeding by this board against the
24 individual.

25 (4) An individual who has been granted the privilege to practice under this section who
26 performs attest **or compilation** services [~~for an entity with a home office in this state shall only~~
27 ~~do so through a firm which has obtained a permit issued under]~~ **shall comply with the**
28 **provisions of** section 326.289.

29 (5) Nothing in this chapter shall prohibit temporary practice in this state for professional
30 business incidental to a CPA's regular practice outside this state. "Temporary practice" means
31 that practice related to the direct purpose of an engagement for a client located outside this state,
32 which engagement began outside this state and extends into this state through common
33 ownership, existence of a subsidiary, assets or other operations located within this state.

34 2. A licensee of this state offering or rendering services or using his or her certified
35 public accountant title in another state shall be subject to disciplinary action in this state for an
36 act committed in another state for which the licensee would be subject to discipline for an act
37 committed in the other state. Notwithstanding the provisions of section 326.274 to the contrary,
38 the board may investigate any complaint made by the board of accountancy of another state.

326.286. 1. The board may grant or renew licenses to persons who make application and
2 demonstrate that their qualifications, including the qualifications prescribed by section 326.280,
3 are in accordance with this section.

4 2. Licenses shall be initially issued and renewed for periods of not more than three years
5 and shall expire on the renewal date following issuance or renewal. Applications for licenses

6 shall be made in such form, and in the case of applications for renewal, between such dates, as
7 the board by rule shall specify. Application and renewal fees shall be determined by the board
8 by rule.

9 3. With regard to applicants that do not qualify for reciprocity pursuant to subsection 1
10 of this section, [~~or a provisional license through the substantial equivalency standard set out in~~
11 ~~subsection 1 of section 326.283,~~] the board may issue a license to an applicant upon a showing
12 that:

13 (1) The applicant passed the examination required for issuance of the applicant's
14 certificate with grades that would have been passing grades at the time in this state;

15 (2) The applicant had four years of experience outside of this state of the type described
16 in subdivision (6) of subsection 1 of section 326.280 or meets equivalent requirements prescribed
17 by the board by rule, after passing the examination upon which the applicant's license was based
18 and within the ten years immediately preceding the application; and

19 (3) If the applicant's certificate, license or permit was issued more than four years prior
20 to the application for issuance of a license pursuant to this section, the applicant has fulfilled the
21 requirements of continuing professional education that would have been applicable pursuant to
22 subsection 6 of this section.

23 4. As an alternative to the requirements of subsection 3 of this section, a certified public
24 accountant licensed by another state who establishes a principal place of business in this state
25 shall request the issuance of a license from the board prior to establishing the principal place of
26 business. The board may issue a license to the person who obtains verification from the NASBA
27 National Qualification Appraisal Service that the individual's qualifications are substantially
28 equivalent to the licensure requirements of sections 326.250 to 326.331.

29 5. An application pursuant to this section may be made through the NASBA
30 Qualification Appraisal Service.

31 6. [~~For renewal of a license pursuant to this section,~~] Each licensee shall participate in
32 a program of learning designed to maintain professional competency. The program of learning
33 shall comply with rules adopted by the board. The board may create by rule an exception to such
34 requirement for licensees who do not perform or offer to perform for the public one or more
35 kinds of services involving the use of accounting or auditing skills, including issuance of reports
36 on financial statements or of one or more kinds of management advisory, financial advisory or
37 consulting services, or the preparation of tax returns or the furnishing of advice on tax matters.
38 Licensees granted an exception by the board shall place the word "inactive" adjacent to their
39 certified public accountant title on any business card, letterhead or any other document or device,
40 except their certified public accountant certificate, on which their certified public accountant title
41 appears.

42 7. Applicants for initial issuance or renewal of licenses pursuant to this section shall list
43 all states in which they have applied for or hold certificates, licenses or permits and list any past
44 denial, revocation or suspension or any discipline of a certificate, license or permit. Each holder
45 of or applicant for a license shall notify the board in writing within thirty days after its
46 occurrence of any issuance, denial, revocation or suspension or any discipline of a certificate,
47 license or permit by another state.

48 8. The board may issue a license to a holder of a substantially equivalent foreign
49 designation, provided that:

50 (1) The foreign authority which granted the designation makes similar provisions to
51 allow a person who holds a valid license issued by this state to obtain such foreign authority's
52 comparable designation; and

53 (2) The foreign designation:

54 (a) Was duly issued by a foreign authority that regulates the practice of public accounting
55 and the foreign designation has not expired or been revoked or suspended;

56 (b) Entitles the holder to issue reports upon financial statements; and

57 (c) Was issued upon the basis of educational, examination and experience requirements
58 established by the foreign authority or by law; and

59 (3) The applicant:

60 (a) Received the designation based on educational and examination standards
61 substantially equivalent to those in effect in this state at the time the foreign designation was
62 granted;

63 (b) Completed an experience requirement substantially equivalent to the requirement set
64 out in subdivision (6) of subsection 1 of section 326.280 in the jurisdiction which granted the
65 foreign designation or has completed four years of professional experience in this state, or meets
66 equivalent requirements prescribed by the board by rule within the ten years immediately
67 preceding the application; and

68 (c) Passed a uniform qualifying examination in national standards and an examination
69 on the laws, regulations and code of ethical conduct in effect in this state acceptable to the board.

70 9. An applicant pursuant to subsection 8 of this section shall list all jurisdictions, foreign
71 and domestic, in which the applicant has applied for or holds a designation to practice public
72 accounting. Each holder of a license issued pursuant to this subsection shall notify the board in
73 writing within thirty days after its occurrence of any issuance, denial, revocation, suspension or
74 any discipline of a designation or commencement of a disciplinary or enforcement action by any
75 jurisdiction.

76 10. The board has the sole authority to interpret the application of the provisions of
77 subsections 8 and 9 of this section.

326.289. 1. The board may grant or renew permits to practice as a certified public accounting firm to applicants that demonstrate their qualifications in accordance with this chapter.

(1) The following shall hold a permit issued under this chapter:

(a) Any firm with an office in this state, as defined by the board by rule, **offering or performing attest or compilation services; or**

(b) Any firm with an office in this state that uses the title "CPA" or "CPA firm"; ~~and~~

~~(c) Any firm that does not have an office in this state performing attest services for a client having a home office in this state].~~

(2) ~~[A firm which does not have an office in this state may perform compilation and review services for a client having a home office in this state and may use the title "CPA" or "CPA firm" without a permit issued under this section only if it:~~

~~(a) Has the qualifications described in subsections 4 and 9 of this section; and~~

~~(b) Performs such services through an individual with the privilege to practice under subsection 1 of section 326.283]~~ **Any firm that does not have an office in this state may offer or perform attest or compilation services in this state without a valid permit only if it meets each of the following requirements:**

(a) It complies with the qualifications described in subdivision (1) of subsection 4 of this section;

(b) It complies with the requirements of peer review as set forth in this chapter and the board's promulgated regulations;

(c) It performs such services through an individual with practice privileges under section 326.283; and

(d) It can lawfully do so in the state where said individual with the privilege to practice has his or her principal place of business.

(3) A firm which is not subject to the requirements of subdivisions (1) or (2) of this subsection may perform ~~[other professional services]~~ **other nonattest or noncompilation services** while using the title "CPA" or "CPA firm" in this state without a permit issued under this section only if it:

~~(a) [Has qualifications described in subsection 4 of this section;~~

~~(b)] Performs such services through an individual with the privilege to practice under section 326.283; and~~

~~(c)]~~ **(b) Can lawfully do so in the state where said individual with privilege to practice has his or her principal place of business.**

(4) All firms practicing public accounting in this state shall register with the secretary of state. Firms which may be exempt from this requirement include:

37 (a) Sole proprietorships;

38 (b) Trusts created under revocable trust agreements, of which the trustee is a
39 natural person who holds a license or privilege to practice as set forth in section 326.280,
40 326.283, or 326.286;

41 (c) General partnerships not operating as a limited liability partnership; or

42 (d) Foreign professional corporations which do not meet criteria of chapter 356 due
43 to name or ownership. Such corporations shall obtain a certificate of authority as a
44 general corporation. Notwithstanding the provisions of chapter 356, the secretary of state
45 may issue a certificate of authority to a foreign professional corporation which does not
46 meet the criteria of chapter 356 due to name or ownership, if the corporation meets the
47 requirements of section 326.289 and the rules of the board.

48 2. Permits shall be initially issued and renewed for periods of not more than three years
49 or for a specific period as prescribed by board rule following issuance or renewal.

50 3. The board shall determine by rule the form for application and renewal of permits and
51 shall annually determine the fees for permits and their renewals.

52 4. An applicant for initial issuance or renewal of a permit to practice under this section
53 shall be required to show that:

54 (1) A simple majority of the ownership of the firm, in terms of financial interests and
55 voting rights of all partners, officers, principals, shareholders, members or managers, belongs
56 to licensees who are licensed in some state, and the partners, officers, principals, shareholders,
57 members or managers, whose principal place of business is in this state and who perform
58 professional services in this state are licensees under section 326.280 or the corresponding
59 provision of prior law. Although firms may include nonlicensee owners, the firm and its
60 ownership shall comply with rules promulgated by the board;

61 (2) Any certified public accounting firm may include owners who are not licensees
62 provided that:

63 (a) The firm designates a licensee of this state, or in the case of a firm which must have
64 a permit under this section designates a licensee of another state who meets the requirements of
65 section 326.283, who is responsible for the proper registration of the firm and identifies that
66 individual to the board;

67 (b) All nonlicensee owners are active individual participants in the certified public
68 accounting firm or affiliated entities;

69 (c) All owners are of good moral character; and

70 (d) The firm complies with other requirements as the board may impose by rule;

71 (3) Any licensee [~~initially licensed on or after August 28, 2001,~~] who is responsible for
72 supervising attest services, or signs or authorizes someone to sign the licensee's report on the

73 financial statements on behalf of the firm, shall meet competency requirements as determined
74 by the board by rule which shall include one year of experience in addition to the experience
75 required under subdivision (6) of subsection 1 of section 326.280 and shall be verified by a
76 licensee. The additional experience required by this subsection shall include experience in attest
77 work supervised by a licensee[;

78 ~~—— (4) Any licensee who is responsible for supervising review services or signs or~~
79 ~~authorizes someone to sign review reports shall meet the competency requirements as determined~~
80 ~~by board by rule which shall include experience in review services].~~

81 5. An applicant for initial issuance or renewal of a permit to practice shall register each
82 office of the firm within this state with the board and show that all attest[~~-, review~~] and
83 compilation services rendered in this state are under the charge of a licensee.

84 6. No licensee or firm holding a permit under this chapter shall use a professional or firm
85 name or designation that is misleading as to:

86 (1) The legal form of the firm;

87 (2) The persons who are partners, officers, members, managers or shareholders of the
88 firm; or

89 (3) Any other matter.

90 The names of one or more former partners, members or shareholders may be included in the
91 name of a firm or its successor unless the firm becomes a sole proprietorship because of the
92 death or withdrawal of all other partners, officers, members or shareholders. A firm may use a
93 fictitious name if the fictitious name is registered with the board and is not otherwise misleading.
94 The name of a firm shall not include the name or initials of an individual who is not a present
95 or a past partner, member or shareholder of the firm or its predecessor. The name of the firm
96 shall not include the name of an individual who is not a licensee.

97 7. Applicants for initial issuance or renewal of permits shall list in their application all
98 states in which they have applied for or hold permits as certified public accounting firms and list
99 any past denial, revocation, suspension or any discipline of a permit by any other state. Each
100 holder of or applicant for a permit under this section shall notify the board in writing within
101 thirty days after its occurrence of any change in the identities of partners, principals, officers,
102 shareholders, members or managers whose principal place of business is in this state; any change
103 in the number or location of offices within this state; any change in the identity of the persons
104 in charge of such offices; and any issuance, denial, revocation, suspension or any discipline of
105 a permit by any other state.

106 8. Firms which fall out of compliance with the provisions of this section due to changes
107 in firm ownership or personnel after receiving or renewing a permit shall take corrective action
108 to bring the firm back into compliance as quickly as possible. The board may grant a reasonable

109 period of time for a firm to take such corrective action. Failure to bring the firm back into
110 compliance within a reasonable period as defined by the board may result in the suspension or
111 revocation of the firm permit.

112 9. The board shall require by rule, as a condition to the renewal of permits, that firms
113 undergo, no more frequently than once every three years, peer reviews conducted in a manner
114 as the board shall specify. The review shall include a verification that individuals in the firm
115 who are responsible for supervising attest~~[, review]~~ and compilation services or sign or authorize
116 someone to sign the accountant's report on the financial statements on behalf of the firm meet
117 the competency requirements set out in the professional standards for such services, provided
118 that any such rule:

119 (1) Shall include reasonable provision for compliance by a firm showing that it has
120 within the preceding three years undergone a peer review that is a satisfactory equivalent to peer
121 review generally required under this subsection;

122 (2) May require, with respect to peer reviews, that peer reviews be subject to oversight
123 by an oversight body established or sanctioned by board rule, which shall periodically report to
124 the board on the effectiveness of the review program under its charge and provide to the board
125 a listing of firms that have participated in a peer review program that is satisfactory to the board;
126 and

127 (3) Shall require, with respect to peer reviews, that the peer review processes be operated
128 and documents maintained in a manner designed to preserve confidentiality, and that the board
129 or any third party other than the oversight body shall not have access to documents furnished or
130 generated in the course of the peer review of the firm except as provided in subdivision (2) of
131 this subsection.

132 10. ~~[Prior to January 1, 2008, licensees who perform fewer than three attest services~~
133 ~~during each calendar year shall be exempt from the requirements of subsection 9 of this section.~~

134 ~~—11.]~~ The board may, by rule, charge a fee for oversight of peer reviews, provided that the
135 fee charged shall be substantially equivalent to the cost of oversight.

136 ~~[12.]~~ 11. In connection with proceedings before the board or upon receipt of a complaint
137 involving the licensee performing peer reviews, the board shall not have access to any documents
138 furnished or generated in the course of the performance of the peer reviews except for peer
139 review reports, letters of comment and summary review memoranda. The documents shall be
140 furnished to the board only in a redacted manner that does not specifically identify any firm or
141 licensee being peer reviewed or any of their clients.

142 ~~[13.]~~ 12. The peer review processes shall be operated and the documents generated
143 thereby be maintained in a manner designed to preserve their confidentiality. No third party,
144 other than the oversight body, the board, subject to the provisions of subsection ~~[12]~~ 11 of this

145 section, or the organization performing peer review shall have access to documents furnished or
146 generated in the course of the review. All documents shall be privileged and closed records for
147 all purposes and all meetings at which the documents are discussed shall be considered closed
148 meetings under subdivision (1) of section 610.021. The proceedings, records and workpapers
149 of the board and any peer review subjected to the board process shall be privileged and shall not
150 be subject to discovery, subpoena or other means of legal process or introduction into evidence
151 at any civil action, arbitration, administrative proceeding or board proceeding. No member of
152 the board or person who is involved in the peer review process shall be permitted or required to
153 testify in any civil action, arbitration, administrative proceeding or board proceeding as to any
154 matters produced, presented, disclosed or discussed during or in connection with the peer review
155 process or as to any findings, recommendations, evaluations, opinions or other actions of such
156 committees or any of its members; provided, however, that information, documents or records
157 that are publicly available shall not be subject to discovery or use in any civil action, arbitration,
158 administrative proceeding or board proceeding merely because they were presented or considered
159 in connection with the peer review process.

326.292. 1. Only licensees may issue a report on financial statements of any person,
2 firm, organization or governmental unit or offer to render or render any attest service. Such
3 restriction shall not prohibit any act of a public official or public employee in the performance
4 of the person's duties as such; nor prohibit the performance by any nonlicensee of other services
5 involving the use of accounting skills, including the preparation of tax returns, management
6 advisory services and the preparation of nonattest financial statements. Nonlicensees may
7 prepare financial statements and issue nonattest transmittals or information thereon which do not
8 purport to be in compliance with the Statements on Standards for Accounting and Review
9 Services (SSARS).

10 2. Only certified public accountants shall use or assume the title certified public
11 accountant, or the abbreviation CPA or any other title, designation, words, letters, abbreviation,
12 sign, card or device tending to indicate that such person is a certified public accountant. Nothing
13 in this section shall prohibit:

14 (1) A certified public accountant whose certificate was in full force and effect, issued
15 pursuant to the laws of this state prior to August 28, 2001, and who does not engage in the
16 practice of public accounting, auditing, bookkeeping or any similar occupation, from using the
17 title certified public accountant or abbreviation CPA;

18 (2) A person who holds a certificate, then in force and effect, issued pursuant to the laws
19 of this state prior to August 28, 2001, and who is regularly employed by or is a director or officer
20 of a corporation, partnership, association or business trust, in his or her capacity as such, from
21 signing, delivering or issuing any financial, accounting or related statement, or report thereon

22 relating to such corporation, partnership, association or business trust provided the capacity is
23 so designated, and provided in the signature line the title CPA or certified public accountant is
24 not designated.

25 3. No firm shall provide attest **or compilation** services or assume or use the title
26 certified public accountants or the abbreviation CPAs, or any other title, designation, words,
27 letters, abbreviation, sign, card or device tending to indicate that such firm is a certified public
28 accounting firm unless:

29 (1) The firm holds a valid permit issued under section 326.289 or is a firm exempt from
30 the permit requirement under subdivisions (2) and (3) of subsection 1 of section 326.289 and
31 complies with all other applicable provisions of that section; and

32 (2) Ownership of the firm is in accord with section 326.289 and rules promulgated by
33 the board.

34 4. Only persons holding a valid license or permit issued under section 326.280 or
35 326.289, or persons qualifying for the privilege to practice under section 326.283, and firms
36 exempt from the permit requirement under subsection 1 of section 326.289, shall assume or use
37 the title certified accountant, chartered accountant, enrolled accountant, licensed accountant,
38 registered accountant, accredited accountant or any other title or designation likely to be
39 confused with the titles certified public accountant or public accountant, or use any of the
40 abbreviations CA, LA, RA, AA or similar abbreviation likely to be confused with the
41 abbreviation CPA or PA. The title enrolled agent or EA shall only be used by individuals so
42 designated by the Internal Revenue Service. Nothing in this section shall prohibit the use or
43 issuance of a title for nonattest services provided that the organization and the title issued by the
44 organization existed prior to August 28, 2001.

45 5. (1) Nonlicensees shall not use language in any statement relating to the financial
46 affairs of a person or entity that is conventionally used by certified public accountants in reports
47 on financial statements. Nonlicensees may use the following safe harbor language:

48 (a) For compilations:

49 "I (We) have prepared the accompanying (financial statements) of (name of entity) as
50 of (time period) for the (period) then ended. This presentation is limited to preparing in the form
51 of a financial statement information that is the representation of management (owners). I (We)
52 have not audited or reviewed the accompanying financial statements and accordingly do not
53 express an opinion or any other form of assurance on them."

54 (b) For reviews:

55 "I (We) reviewed the accompanying (financial statements) of (name of entity) as of (time
56 period) for the (period) then ended. These financial statements (information) are (is) the
57 responsibility of the company's management. I (We) have not audited the accompanying

58 financial statements and accordingly do not express an opinion or any other form of assurance
59 on them.".

60 (2) Only persons or firms holding a valid license or permit issued under section 326.280
61 or 326.289 shall assume or use any title or designation that includes the words accountant or
62 accounting in connection with any other language, including the language of a report, that
63 implies that the person or firm holds a license or permit or has special competence as an
64 accountant or auditor; provided, however, that this subsection shall not prohibit any officer,
65 partner, principal, member, manager or employee of any firm or organization from affixing such
66 person's own signature to any statement in reference to the financial affairs of the firm or
67 organization with any wording designating the position, title or office that the person holds
68 therein nor prohibit any act of a public official or employee in the performance of the person's
69 duties as such. Nothing in this subsection shall prohibit the singular use of "accountant" or
70 "accounting" for nonattest purposes.

71 6. Licensees signing or authorizing someone to sign reports on financial statements when
72 performing attest~~[-review]~~ or compilation services shall provide those services in accordance
73 with professional standards as determined by the board by rule.

74 7. No licensee or firm holding a permit under sections 326.280 to 326.289 shall use a
75 professional or firm name or designation that is misleading about the legal form of the firm, or
76 about the persons who are partners, principals, officers, members, managers or shareholders of
77 the firm, or about any other matter.

78 8. None of the foregoing provisions of this section shall apply to a person or firm holding
79 a certification, designation, degree or license granted in a foreign country entitling the holder to
80 engage in the practice of public accounting or its equivalent in the country whose activities in
81 this state are limited to the provision of professional services to persons or firms who are
82 residents of, governments of, or business entities of the country in which the person holds the
83 entitlement, who performs no attest~~[-review]~~ or compilation services and who issues no reports
84 with respect to the financial statements of any other persons, firms or governmental units in this
85 state, and who does not use in this state any title or designation other than the one under which
86 the person practices in such country, followed by a translation of such title or designation into
87 the English language, if it is in a different language, and by the name of such country.

88 9. No licensee ~~[whose license is issued under section 326.280 or issued pursuant to prior~~
89 ~~law]~~ shall perform attest **or compilation** services through any certified public accounting firm
90 that does not hold a valid permit issued under section 326.289.

91 10. Nothing herein shall prohibit a practicing attorney or firm of attorneys from
92 preparing or presenting records or documents customarily prepared by an attorney or firm of
93 attorneys in connection with the attorney's professional work in the practice of law.

94 11. Nothing herein shall prohibit any trustee, executor, administrator, referee or
95 commissioner from signing and certifying financial reports incident to his or her duties in that
96 capacity.

97 12. Nothing herein shall prohibit any director or officer of a corporation, partner or a
98 partnership, sole proprietor of a business enterprise, member of a joint venture, member of a
99 committee appointed by stockholders, creditors or courts, or an employee of any of the foregoing,
100 in his or her capacity as such, from signing, delivering or issuing any financial, accounting or
101 related statement, or report thereon, relating to the corporation, partnership, business enterprise,
102 joint venture or committee, provided the capacity is designated on the statement or report.

103 13. (1) A licensee shall not for a commission recommend or refer to a client any product
104 or service, or for a commission recommend or refer any product or service to be supplied by a
105 client, or receive a commission, when the licensee also performs for that client:

106 (a) ~~[An audit or review of a financial statement]~~ **Attest services;** or

107 (b) A compilation of a financial statement when the licensee expects, or reasonably may
108 expect, that a third party will use the financial statement and the licensee's compilation report
109 does not disclose a lack of independence; or

110 (c) An examination of prospective financial information.

111 Such prohibition applies during the period in which the licensee is engaged to perform any of the
112 services listed above and the period covered by any historical financial statements involved in
113 such listed services.

114 (2) A licensee who is not prohibited by this section from performing services for or
115 receiving a commission and who is paid or expects to be paid a commission shall disclose in
116 writing that fact to any person or entity to whom the licensee recommends or refers a product or
117 service to which the commission relates.

118 (3) Any licensee who accepts a referral fee for recommending or referring any service
119 of a licensee to any person or entity or who pays a referral fee to obtain a client shall disclose in
120 writing the acceptance or payment to the client.

121 14. (1) A licensee shall not:

122 (a) Perform for a contingent fee any professional services for, or receive a fee from, a
123 client for whom the licensee or the licensee's firm performs:

124 a. ~~[An audit or review of a financial statement; or]~~ **Attest services;**

125 b. A compilation of a financial statement when the licensee expects, or reasonably might
126 expect, that a third party will use the financial statement and the licensee's compilation report
127 does not disclose a lack of independence; or

128 c. An examination of prospective financial information;

129 (b) Prepare an original tax return or claim for a tax refund for a contingent fee for any
130 client; or

131 (c) Prepare an amended tax return or claim for a tax refund for a contingent fee for any
132 client, unless permitted by board rule.

133 (2) The prohibition in subdivision (1) of this subsection applies during the period in
134 which the licensee is engaged to perform any of those services and the period covered by any
135 historical financial statements involved in any services.

136 (3) A contingent fee is a fee established for the performance of any service pursuant to
137 an arrangement in which no fee will be charged unless a specified finding or result is attained,
138 or in which the amount of the fee is otherwise dependent upon the finding or result of the service.
139 Solely for purposes of this section, fees are not regarded as being contingent if fixed by courts
140 or other public authorities, or, in tax matters, if determined based on the results of judicial
141 proceedings or the findings of governmental agencies. A licensee's fees may vary depending,
142 for example, on the complexity of services rendered.

143 15. Any person who violates any provision of subsections 1 to 5 of this section shall be
144 guilty of a class A misdemeanor. Whenever the board has reason to believe that any person has
145 violated this section it may certify the facts to the attorney general of this state or bring other
146 appropriate proceedings.

326.307. The display or uttering by a person of a card, sign, advertisement or other
2 printed, engraved or written instrument or device, printed or through electronic media, bearing
3 a person's name in conjunction with the words "certified public accountant" or any abbreviation
4 thereof, or "public accountant" or any abbreviation thereof, shall be prima facie evidence in any
5 action brought pursuant to section 326.298 that the person whose name is so displayed caused
6 or procured the display or uttering of such card, sign, advertisement or other printed, engraved
7 or written instrument or device and that such person is holding himself or herself out to be a
8 certified public accountant or a public accountant holding a license [pursuant to section 326.280].
9 In any such action evidence of the commission of a single act prohibited by this chapter shall be
10 sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

326.310. 1. The board may refuse to issue any license or permit required pursuant to this
2 chapter for one or any combination of causes stated in subsection 2 of this section. The board
3 shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant
4 of the applicant's right to file a complaint with the administrative hearing commission as
5 provided by chapter 621.

6 2. The board may file a complaint with the administrative hearing commission as
7 provided by chapter 621 or may initiate settlement procedures as provided by section 621.045
8 against any certified public accountant or permit holder required by this chapter or any person

9 who fails to renew or surrenders the person's certificate, license or permit for any one or any
10 combination of the following causes:

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

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

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

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

25 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
26 in the performance of the functions or duties of any profession licensed or regulated by this
27 chapter;

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

30 (7) Impersonation of any person holding a certificate or permit or allowing any person
31 to use his or her certificate or permit or diploma from any school;

32 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,
33 censure, probation or other final disciplinary action against the holder of or applicant for a
34 license or other right to practice any profession regulated by this chapter by another state,
35 territory, federal agency or country, whether voluntarily agreed to by the certified public
36 accountant or applicant, including but not limited to the denial of licensure, surrender of a
37 license, allowing a license to expire or lapse, or discontinuing or limiting the practice of
38 accounting while subject to an investigation or while actually under investigation by any
39 licensing authority, branch of the Armed Forces of the United States of America, court, agency
40 of the state or federal government, **PCAOB**, or employer;

41 (9) A person is finally adjudged insane or incompetent by a court of competent
42 jurisdiction;

43 (10) Assisting or enabling any person to practice or offer to practice accountancy
44 pursuant to this chapter who is not eligible to practice pursuant to this chapter;

- 45 (11) Issuance of a ~~certificate~~ **license** or permit based upon a material mistake of fact;
- 46 (12) Failure to display a valid certificate, **license**, or permit required by this chapter or
- 47 any rule promulgated pursuant to this chapter;
- 48 (13) Violation of any professional trust or confidence;
- 49 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to
- 50 the general public or persons to whom the advertisement or solicitation is primarily directed;
- 51 (15) Violation of professional standards or rules of professional conduct applicable to
- 52 the accountancy profession as promulgated by the board;
- 53 (16) Failure to comply with any final order of a court of competent jurisdiction enforcing
- 54 a subpoena or subpoena duces tecum from the board;
- 55 (17) Failure to comply with any final order of the board;
- 56 (18) Failure to maintain documentation evidencing compliance with the board's
- 57 continuing professional education requirements;
- 58 (19) Failure, on the part of a holder of a certificate, license or permit pursuant to section
- 59 326.280 or 326.289, to maintain compliance with the requirements for issuance or renewal of
- 60 such certificate, license, permit or provisional license or to report changes to the board pursuant
- 61 to sections 326.280 to 326.289;
- 62 (20) Making any false or misleading statement or verification in support of an
- 63 application for a certificate, license or permit filed by another.
- 64 3. Proceedings pursuant to this section shall be conducted in accordance with the
- 65 provisions of chapter 621. Upon a finding that the grounds provided in subsection 2 of this
- 66 section for disciplinary action are met, the board may, singly or in combination, assess an
- 67 administrative penalty not to exceed two thousand dollars per violation, censure or place on
- 68 probation on such terms and conditions as the board deems appropriate for a period not to exceed
- 69 five years, or may suspend for a period not to exceed three years or revoke the certificate, license
- 70 or permit. In any order of revocation, the board may provide that the person shall not apply for
- 71 a new license for a maximum of three years and one day following the date of the order of
- 72 revocation. All stay orders shall toll this time period. In lieu of or in addition to any remedy
- 73 specifically provided in subsection 1 of this section, the board may require of a licensee:
- 74 (1) A peer review conducted as the board may specify; or
- 75 (2) Satisfactory completion of continuing professional education programs **or other**
- 76 **training** as the board may specify; or
- 77 (3) A peer review conducted as the board may specify and satisfactory completion of
- 78 continuing professional education programs as the board may specify.
- 2 326.316. Upon application in writing and after hearing pursuant to notice, the board may
- 2 issue a new license to a licensee whose license has been revoked, or may reissue or modify the

3 suspension of any **certificate, license, or** permit to practice public accounting which has been
4 revoked or suspended.

326.325. 1. Subject to the provisions of section 326.322, all statements, records,
2 schedules, working papers and memoranda made by a licensee or a partner, shareholder, officer,
3 director, member, manager or employee of a licensee, incident to, or in the course of, rendering
4 services to a client while a licensee, except the reports submitted by the licensee to the client and
5 except for records that are part of the client's records, shall be and remain the property of the
6 licensee in the absence of an express agreement between the licensee and the client to the
7 contrary. No statement, record, schedule, working paper or memorandum shall be sold,
8 transferred or bequeathed without the consent of the client or the client's personal representative
9 or assignee to anyone other than one or more surviving partners, stockholders, members or new
10 partners, new stockholders or new members of the licensee, or any combined or merged firm or
11 successor in interest to the licensee. Nothing in this section should be construed as prohibiting
12 any temporary transfer of workpapers or other material necessary in the course of carrying out
13 peer reviews or as otherwise interfering with the disclosure of information pursuant to section
14 326.322.

15 2. A licensee shall furnish to a client or former client, upon request and reasonable
16 notice:

17 (1) A copy of the licensee's working papers to the extent that the working papers include
18 records that would ordinarily constitute part of the client's records and are not otherwise available
19 to the client; and

20 (2) Any accounting or other records belonging to, or obtained from or on behalf of, the
21 client that the licensee removed from the client's premises or received for the client's account.
22 The licensee may make and retain copies of such documents of the client when they form the
23 basis for work done by the licensee.

24 3. Nothing in this section shall require a licensee to keep any paperwork beyond the
25 period prescribed in any other applicable statute, nor shall it prohibit a licensee from charging
26 a reasonable fee for furnishing the requested materials.

27 ~~[4. Notwithstanding the provisions of this chapter to the contrary, documents otherwise~~
28 ~~subject to lawful discovery in a court proceeding pursuant to the Missouri rules of civil~~
29 ~~procedure prior to August 28, 2001, shall remain subject to such lawful discovery.]~~

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;~~

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

14 ~~[(4)]~~ (3) Is possessed of requisite skill in the trade of barbering to properly perform the
 15 duties thereof, including the preparation of tools, shaving, haircutting and all the duties and
 16 services incident thereto; and

17 ~~[(5)]~~ (4) Has sufficient knowledge of the common diseases of the face and skin to avoid
18 the aggravation and spread thereof in the practice of barbering.

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

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

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

**328.132. No city, town, village, county, or other political subdivision shall require
2 a barber licensed under chapter 328 or a cosmetologist licensed under chapter 329,
3 practicing within a licensed barber shop or licensed cosmetology shop to obtain any
4 additional license or permit, including any business license or operating license in order
5 to practice.**

299.010. As used in this chapter, unless the context clearly indicates otherwise, the
2 following words and terms mean:

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

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

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

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

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

15 (a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving,
16 permanent waving, cleansing, cutting, bleaching, tinting, coloring, or similar work upon the hair
17 of any person by any means; or removing superfluous hair from the body of any person by means
18 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.**

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

 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.

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

 (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;

 (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;

 (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 approved courses at an accredited school of cosmetology as**
5 **defined in this chapter**, have an education equivalent to the successful completion of the tenth
6 grade, and be at least seventeen years of age;

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

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

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

30 2. A person may apply to take the examination required by subsection 1 of this section
31 if the person is a graduate of a school of cosmetology or apprentice program in another state or
32 territory of the United States ~~[which has substantially the same requirements as an educational~~
33 ~~establishment licensed pursuant to this chapter]~~. A person may apply to take the examination

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

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

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

49 5. For the purpose of meeting the minimum requirements for examination, training
50 completed by a student or apprentice shall be recognized by the board for a period of no more
51 than five years from the date it is received.

52 **6. Applications for examination or licensure shall be denied if the applicant has**
53 **pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the**
54 **following offenses or offenses of a similar nature established under the laws of this, any**
55 **other state, the United States, or any other country, notwithstanding whether sentence is**
56 **imposed:**

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

59 **(2) Any of the following sexual offenses: rape in the first degree, forcible rape,**
60 **rape, statutory rape in the first degree, statutory rape in the second degree, rape in the**
61 **second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory**
62 **sodomy in the first degree, statutory sodomy in the second degree, child molestation in the**
63 **first degree, child molestation in the second degree, sodomy in the second degree, deviate**
64 **sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree**
65 **under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section**
66 **566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree,**
67 **enticement of a child, or attempting to entice a child;**

68 **(3) Any of the following offenses against the family and related offenses: incest,**
69 **abandonment of a child in the first degree, abandonment of a child in the second degree,**

70 **endangering the welfare of a child in the first degree, abuse of a child, using a child in a**
 71 **sexual performance, promoting sexual performance by a child, or trafficking in children;**
 72 **and**

73 **(4) Any of the following offenses involving child pornography and related offenses:**
 74 **promoting obscenity in the first degree, promoting obscenity in the second degree when the**
 75 **penalty is enhanced to a class E felony, promoting child pornography in the first degree,**
 76 **promoting child pornography in the second degree, possession of child pornography in the**
 77 **first degree, possession of child pornography in the second degree, furnishing child**
 78 **pornography to a minor, furnishing pornographic materials to minors, or coercing**
 79 **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. [~~+~~] 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 to the licensing requirements in Missouri at the time the application is filed~~
5 ~~or who has practiced cosmetology for at least two consecutive years in another state, territory of~~
6 ~~the United States, or the District of Columbia]~~. The applicant under this [~~subsection]~~ **section**
7 shall pay the appropriate application and licensure fees at the time of making application. A
8 licensee who is currently under disciplinary action with another board of cosmetology shall not
9 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 as defined in section**
4 **329.010.**

5 **2. No person shall engage in hair braiding in the state of Missouri without first**
6 **registering with the board. The board may charge each registrant a fee of not more than**
7 **twenty-five dollars to cover the board's costs in registering the person and providing the**
8 **person with the brochure prepared under subsection 3 of this section, which fee shall be**
9 **uniform for all registrants. The purpose of registration of hair braiders is only to maintain**

10 a listing of those persons who engage in hair braiding for compensation in the state and
11 does not authorize the board to license or regulate the practice of hair braiding in this
12 state, except as provided in subsection 4 of this section.

13 3. The board shall develop and prepare a brochure containing information about
14 infection control techniques and diseases of the scalp that are appropriate for hair braiding
15 in or outside of a salon setting. The brochure shall be made available through the division
16 of professional registration's website or by mail, upon request, for a fee to cover the
17 board's mailing costs. The brochure shall contain a self-test with questions on the
18 information contained in the brochure. For a person engaged in the practice of hair
19 braiding to be exempt from licensure under this chapter, the person shall complete the self-
20 test portion of the brochure and keep the brochure and completed self-test available at the
21 location at which such person is engaged in the practice of hair braiding.

22 4. Representatives of the board may visit any facility or premises in which hair
23 braiding is performed at any time during business hours to determine if the brochure and
24 completed self-test are available at the facility or premises.

25 5. Nothing in this section shall apply to any cosmetologists licensed to practice in
26 this state in their respective classifications.

332.081. 1. Notwithstanding any other provision of law, hospitals licensed under
2 chapter 197 shall be authorized to employ any or all of the following oral health providers:

3 (1) A dentist licensed under this chapter for the purpose of treating on hospital
4 premises those patients who present with a dental condition and such treatment is
5 necessary to ameliorate the condition for which they presented such as severe pain or tooth
6 abscesses;

7 (2) An oral or maxillofacial surgeon licenced under this chapter for the purpose of
8 treating oral conditions that need to be ameliorated as part of treating the underlying cause
9 of the patient's medical needs including, but not limited to, head and neck cancer, HIV or
10 AIDS, severe trauma resulting in admission to the hospital, organ transplant, diabetes, or
11 seizure disorders. It shall be a condition of treatment that such patients are admitted to the
12 hospital on either an inpatient or outpatient basis;

13 (3) A maxillofacial prosthodontist licensed under this chapter for the purpose of
14 treating and supporting patients of a head and neck cancer team or other complex care or
15 surgical team for the fabrication of appliances following ablative surgery, surgery to
16 correct birth abnormalities, extensive radiation treatment of the head or neck, or trauma-
17 related surgery.

18 2. No person or other entity shall practice dentistry in Missouri or provide dental services
19 as defined in section 332.071 unless and until the board has issued to the person a certificate

20 certifying that the person has been duly registered as a dentist in Missouri or to an entity that has
21 been duly registered to provide dental services by licensed dentists and dental hygienists and
22 unless and until the board has issued to the person a license, to be renewed each period, as
23 provided in this chapter, to practice dentistry or as a dental hygienist, or has issued to the person
24 or entity a permit, to be renewed each period, to provide dental services in Missouri. Nothing
25 in this chapter shall be so construed as to make it unlawful for:

26 (1) A legally qualified physician or surgeon, who does not practice dentistry as a
27 specialty, from extracting teeth;

28 (2) A dentist licensed in a state other than Missouri from making a clinical
29 demonstration before a meeting of dentists in Missouri;

30 (3) Dental students in any accredited dental school to practice dentistry under the
31 personal direction of instructors;

32 (4) Dental hygiene students in any accredited dental hygiene school to practice dental
33 hygiene under the personal direction of instructors;

34 (5) A duly registered and licensed dental hygienist in Missouri to practice dental hygiene
35 as defined in section 332.091;

36 (6) A dental assistant, certified dental assistant, or expanded functions dental assistant
37 to be delegated duties as defined in section 332.093;

38 (7) A duly registered dentist or dental hygienist to teach in an accredited dental or dental
39 hygiene school;

40 (8) A duly qualified anesthesiologist or nurse anesthetist to administer an anesthetic in
41 connection with dental services or dental surgery; or

42 (9) A person to practice dentistry in or for:

43 (a) The United States Armed Forces;

44 (b) The United States Public Health Service;

45 (c) Migrant, community, or health care for the homeless health centers provided in
46 Section 330 of the Public Health Service Act (42 U.S.C. 254(b));

47 (d) Federally qualified health centers as defined in Section 1905(l) (42 U.S.C. 1396d(l))
48 of the Social Security Act;

49 (e) Governmental entities, including county health departments; or

50 (f) The United States Veterans Bureau; or

51 (10) A dentist licensed in a state other than Missouri to evaluate a patient or render an
52 oral, written, or otherwise documented dental opinion when providing testimony or records for
53 the purpose of a civil or criminal action before any judicial or administrative proceeding of this
54 state or other forum in this state.

55 [2-] 3. No corporation shall practice dentistry as defined in section 332.071 unless that
56 corporation is organized under the provisions of chapter 355 or 356 provided that a corporation
57 organized under the provisions of chapter 355 and qualifying as an organization under 26 U.S.C.
58 Section 501(c)(3) may only employ dentists and dental hygienists licensed in this state to render
59 dental services to Medicaid recipients, low-income individuals who have available income below
60 two hundred percent of the federal poverty level, and all participants in the SCHIP program,
61 unless such limitation is contrary to or inconsistent with federal or state law or regulation. This
62 subsection shall not apply to:

63 (1) A hospital licensed under chapter 197 that provides care and treatment only to
64 children under the age of eighteen at which a person regulated under this chapter provides dental
65 care within the scope of his or her license or registration;

66 (2) A federally qualified health center as defined in Section 1905(l) of the Social Security
67 Act (42 U.S.C. 1396(d)(1)), or a migrant, community, or health care for the homeless health
68 center provided for in Section 330 of the Public Health Services Act (42 U.S.C. 254(b)) at which
69 a person regulated under this chapter provides dental care within the scope of his or her license
70 or registration;

71 (3) A city or county health department organized under chapter 192 or chapter 205 at
72 which a person regulated under this chapter provides dental care within the scope of his or her
73 license or registration;

74 (4) A social welfare board organized under section 205.770, a city health department
75 operating under a city charter, or a city-county health department at which a person regulated
76 under this chapter provides dental care within the scope of his or her license or registration;

77 (5) Any entity that has received a permit from the dental board and does not receive
78 compensation from the patient or from any third party on the patient's behalf at which a person
79 regulated under this chapter provides dental care within the scope of his or her license or
80 registration;

81 (6) Any hospital nonprofit corporation exempt from taxation under Section 501(c)(3) of
82 the Internal Revenue Code, as amended, that engages in its operations and provides dental
83 services at facilities owned by a city, county, or other political subdivision of the state at which
84 a person regulated under this chapter provides dental care within the scope of his or her license
85 or registration.

86

87 If any of the entities exempted from the requirements of this subsection are unable to provide
88 services to a patient due to the lack of a qualified provider and a referral to another entity is
89 made, the exemption shall extend to the person or entity that subsequently provides services to
90 the patient.

91 ~~[3-]~~ **4.** No unincorporated organization shall practice dentistry as defined in section
92 332.071 unless such organization is exempt from federal taxation under Section 501(c)(3) of the
93 Internal Revenue Code of 1986, as amended, and provides dental treatment without
94 compensation from the patient or any third party on their behalf as a part of a broader program
95 of social services including food distribution. Nothing in this chapter shall prohibit organizations
96 under this subsection from employing any person regulated by this chapter.

97 ~~[4-]~~ **5.** A dentist shall not enter into a contract that allows a person who is not a dentist
98 to influence or interfere with the exercise of the dentist's independent professional judgment.

99 ~~[5-]~~ **6.** A not-for-profit corporation organized under the provisions of chapter 355 and
100 qualifying as an organization under 26 U.S.C. Section 501(c)(3), an unincorporated organization
101 operating pursuant to subsection 3 of this section, or any other person should not direct or
102 interfere or attempt to direct or interfere with a licensed dentist's professional judgment and
103 competent practice of dentistry. Nothing in this subsection shall be so construed as to make it
104 unlawful for not-for-profit organizations to enforce employment contracts, corporate policy and
105 procedure manuals, or quality improvement or assurance requirements.

106 ~~[6-]~~ **7.** All entities defined in subsection 2 of this section and those exempted under
107 subsection 3 of this section shall apply for a permit to employ dentists and dental hygienists
108 licensed in this state to render dental services, and the entity shall apply for the permit in writing
109 on forms provided by the Missouri dental board. The board shall not charge a fee of any kind
110 for the issuance or renewal of such permit. The provisions of this subsection shall not apply to
111 a federally qualified health center as defined in Section 1905(l) of the Social Security Act (42
112 U.S.C. 1396d(l)).

113 ~~[7-]~~ **8.** Any entity that obtains a permit to render dental services in this state is subject
114 to discipline pursuant to section 332.321. If the board concludes that the person or entity has
115 committed an act or is engaging in a course of conduct that would be grounds for disciplinary
116 action, the board may file a complaint before the administrative hearing commission. The board
117 may refuse to issue or renew the permit of any entity for one or any combination of causes stated
118 in subsection 2 of section 332.321. The board shall notify the applicant in writing of the reasons
119 for the refusal and shall advise the applicant of his or her right to file a complaint with the
120 administrative hearing commission as provided by chapter 621.

121 ~~[8-]~~ **9.** A federally qualified health center as defined in Section 1905(l) of the Social
122 Security Act (42 U.S.C. 1396d(l)) shall register with the board. The information provided to the
123 board as part of the registration shall include the name of the health center, the nonprofit status
124 of the health center, sites where dental services will be provided, and the names of all persons
125 employed by, or contracting with, the health center who are required to hold a license pursuant
126 to this chapter. The registration shall be renewed every twenty-four months. The board shall not

127 charge a fee of any kind for the issuance or renewal of the registration. The registration of the
128 health center shall not be subject to discipline pursuant to section 332.321. Nothing in this
129 subsection shall prohibit disciplinary action against a licensee of this chapter who is employed
130 by, or contracts with, such health center for the actions of the licensee in connection with such
131 employment or contract. All licensed persons employed by, or contracting with, the health center
132 shall certify in writing to the board at the time of issuance and renewal of the registration that the
133 facility of the health center meets the same operating standards regarding cleanliness, sanitation,
134 and professionalism as would the facility of a dentist licensed by this chapter. The board shall
135 promulgate rules regarding such standards.

136 ~~[9-]~~ **10.** The board may promulgate rules and regulations to ensure not-for-profit
137 corporations are rendering care to the patient populations as set forth herein, including
138 requirements for covered not-for-profit corporations to report patient census data to the board.
139 The provisions of this subsection shall not apply to a federally qualified health center as defined
140 in Section 1905(l) of the Social Security Act (42 U.S.C. 1396d(l)).

141 ~~[10-]~~ **11.** All not-for-profit corporations organized or operated pursuant to the provisions
142 of chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), or the
143 requirements relating to migrant, community, or health care for the homeless health centers
144 provided in Section 330 of the Public Health Service Act (42 U.S.C. 254(b)) and federally
145 qualified health centers as defined in Section 1905(l) (42 U.S.C. 1396d(l)) of the Social Security
146 Act, that employ persons who practice dentistry or dental hygiene in this state shall do so in
147 accordance with the relevant laws of this state except to the extent that such laws are contrary
148 to, or inconsistent with, federal statute or regulation.

334.037. 1. A physician may enter into collaborative practice arrangements with
2 assistant physicians. Collaborative practice arrangements shall be in the form of written
3 agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care
4 services. Collaborative practice arrangements, which shall be in writing, may delegate to an
5 assistant physician the authority to administer or dispense drugs and provide treatment as long
6 as the delivery of such health care services is within the scope of practice of the assistant
7 physician and is consistent with that assistant physician's skill, training, and competence and the
8 skill and training of the collaborating physician.

9 2. The written collaborative practice arrangement shall contain at least the following
10 provisions:

11 (1) Complete names, home and business addresses, zip codes, and telephone numbers
12 of the collaborating physician and the assistant physician;

13 (2) A list of all other offices or locations besides those listed in subdivision (1) of this
14 subsection where the collaborating physician authorized the assistant physician to prescribe;

15 (3) A requirement that there shall be posted at every office where the assistant physician
16 is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure
17 statement informing patients that they may be seen by an assistant physician and have the right
18 to see the collaborating physician;

19 (4) All specialty or board certifications of the collaborating physician and all
20 certifications of the assistant physician;

21 (5) The manner of collaboration between the collaborating physician and the assistant
22 physician, including how the collaborating physician and the assistant physician shall:

23 (a) Engage in collaborative practice consistent with each professional's skill, training,
24 education, and competence;

25 (b) Maintain a geographic proximity **of no further than seventy-five miles**; except, the
26 collaborative practice arrangement may allow for geographic proximity to be waived for a
27 maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-
28 210, as long as the collaborative practice arrangement includes alternative plans as required in
29 paragraph (c) of this subdivision. Such exception to geographic proximity shall apply only to
30 independent rural health clinics, provider-based rural health clinics if the provider is a critical
31 access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics
32 if the main location of the hospital sponsor is greater than fifty miles from the clinic. The
33 collaborating physician shall maintain documentation related to such requirement and present
34 it to the state board of registration for the healing arts when requested; and

35 (c) Provide coverage during absence, incapacity, infirmity, or emergency by the
36 collaborating physician;

37 (6) A description of the assistant physician's controlled substance prescriptive authority
38 in collaboration with the physician, including a list of the controlled substances the physician
39 authorizes the assistant physician to prescribe and documentation that it is consistent with each
40 professional's education, knowledge, skill, and competence;

41 (7) A list of all other written practice agreements of the collaborating physician and the
42 assistant physician;

43 (8) The duration of the written practice agreement between the collaborating physician
44 and the assistant physician;

45 (9) A description of the time and manner of the collaborating physician's review of the
46 assistant physician's delivery of health care services. The description shall include provisions
47 that the assistant physician shall submit a minimum of ten percent of the charts documenting the
48 assistant physician's delivery of health care services to the collaborating physician for review by
49 the collaborating physician, or any other physician designated in the collaborative practice
50 arrangement, every fourteen days; and

51 (10) The collaborating physician, or any other physician designated in the collaborative
52 practice arrangement, shall review every fourteen days a minimum of twenty percent of the
53 charts in which the assistant physician prescribes controlled substances. The charts reviewed
54 under this subdivision may be counted in the number of charts required to be reviewed under
55 subdivision (9) of this subsection.

56 3. The state board of registration for the healing arts under section 334.125 shall
57 promulgate rules regulating the use of collaborative practice arrangements for assistant
58 physicians. Such rules shall specify:

59 (1) Geographic areas to be covered;

60 (2) The methods of treatment that may be covered by collaborative practice
61 arrangements;

62 (3) In conjunction with deans of medical schools and primary care residency program
63 directors in the state, the development and implementation of educational methods and programs
64 undertaken during the collaborative practice service which shall facilitate the advancement of
65 the assistant physician's medical knowledge and capabilities, and which may lead to credit
66 toward a future residency program for programs that deem such documented educational
67 achievements acceptable; and

68 (4) The requirements for review of services provided under collaborative practice
69 arrangements, including delegating authority to prescribe controlled substances.

70

71 Any rules relating to dispensing or distribution of medications or devices by prescription or
72 prescription drug orders under this section shall be subject to the approval of the state board of
73 pharmacy. Any rules relating to dispensing or distribution of controlled substances by
74 prescription or prescription drug orders under this section shall be subject to the approval of the
75 department of health and senior services and the state board of pharmacy. The state board of
76 registration for the healing arts shall promulgate rules applicable to assistant physicians that shall
77 be consistent with guidelines for federally funded clinics. The rulemaking authority granted in
78 this subsection shall not extend to collaborative practice arrangements of hospital employees
79 providing inpatient care within hospitals as defined in chapter 197 or population-based public
80 health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

81 4. The state board of registration for the healing arts shall not deny, revoke, suspend, or
82 otherwise take disciplinary action against a collaborating physician for health care services
83 delegated to an assistant physician provided the provisions of this section and the rules
84 promulgated thereunder are satisfied.

85 5. Within thirty days of any change and on each renewal, the state board of registration
86 for the healing arts shall require every physician to identify whether the physician is engaged in

87 any collaborative practice arrangement, including collaborative practice arrangements delegating
88 the authority to prescribe controlled substances, and also report to the board the name of each
89 assistant physician with whom the physician has entered into such arrangement. The board may
90 make such information available to the public. The board shall track the reported information
91 and may routinely conduct random reviews of such arrangements to ensure that arrangements
92 are carried out for compliance under this chapter.

93 6. A collaborating physician shall not enter into a collaborative practice arrangement
94 with more than three full-time equivalent assistant physicians. Such limitation shall not apply
95 to collaborative arrangements of hospital employees providing inpatient care service in hospitals
96 as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-
97 5.100 as of April 30, 2008.

98 7. The collaborating physician shall determine and document the completion of at least
99 a one-month period of time during which the assistant physician shall practice with the
100 collaborating physician continuously present before practicing in a setting where the
101 collaborating physician is not continuously present. Such limitation shall not apply to
102 collaborative arrangements of providers of population-based public health services as defined
103 by 20 CSR 2150-5.100 as of April 30, 2008.

104 8. No agreement made under this section shall supersede current hospital licensing
105 regulations governing hospital medication orders under protocols or standing orders for the
106 purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020
107 if such protocols or standing orders have been approved by the hospital's medical staff and
108 pharmaceutical therapeutics committee.

109 9. No contract or other agreement shall require a physician to act as a collaborating
110 physician for an assistant physician against the physician's will. A physician shall have the right
111 to refuse to act as a collaborating physician, without penalty, for a particular assistant physician.
112 No contract or other agreement shall limit the collaborating physician's ultimate authority over
113 any protocols or standing orders or in the delegation of the physician's authority to any assistant
114 physician, but such requirement shall not authorize a physician in implementing such protocols,
115 standing orders, or delegation to violate applicable standards for safe medical practice
116 established by a hospital's medical staff.

117 10. No contract or other agreement shall require any assistant physician to serve as a
118 collaborating assistant physician for any collaborating physician against the assistant physician's
119 will. An assistant physician shall have the right to refuse to collaborate, without penalty, with
120 a particular physician.

121 11. All collaborating physicians and assistant physicians in collaborative practice
122 arrangements shall wear identification badges while acting within the scope of their collaborative

123 practice arrangement. The identification badges shall prominently display the licensure status
124 of such collaborating physicians and assistant physicians.

125 12. (1) An assistant physician with a certificate of controlled substance prescriptive
126 authority as provided in this section may prescribe any controlled substance listed in Schedule
127 III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated
128 the authority to prescribe controlled substances in a collaborative practice arrangement.
129 Prescriptions for Schedule II medications prescribed by an assistant physician who has a
130 certificate of controlled substance prescriptive authority are restricted to only those medications
131 containing hydrocodone. Such authority shall be filed with the state board of registration for the
132 healing arts. The collaborating physician shall maintain the right to limit a specific scheduled
133 drug or scheduled drug category that the assistant physician is permitted to prescribe. Any
134 limitations shall be listed in the collaborative practice arrangement. Assistant physicians shall
135 not prescribe controlled substances for themselves or members of their families. Schedule III
136 controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day
137 supply without refill. Assistant physicians who are authorized to prescribe controlled substances
138 under this section shall register with the federal Drug Enforcement Administration and the state
139 bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration
140 registration number on prescriptions for controlled substances.

141 (2) The collaborating physician shall be responsible to determine and document the
142 completion of at least one hundred twenty hours in a four-month period by the assistant physician
143 during which the assistant physician shall practice with the collaborating physician on-site prior
144 to prescribing controlled substances when the collaborating physician is not on-site. Such
145 limitation shall not apply to assistant physicians of population-based public health services as
146 defined in 20 CSR 2150-5.100 as of April 30, 2009.

147 (3) An assistant physician shall receive a certificate of controlled substance prescriptive
148 authority from the state board of registration for the healing arts upon verification of licensure
149 under section 334.036.

334.104. 1. A physician may enter into collaborative practice arrangements with
2 registered professional nurses. Collaborative practice arrangements shall be in the form of
3 written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health
4 care services. Collaborative practice arrangements, which shall be in writing, may delegate to
5 a registered professional nurse the authority to administer or dispense drugs and provide
6 treatment as long as the delivery of such health care services is within the scope of practice of
7 the registered professional nurse and is consistent with that nurse's skill, training and
8 competence.

9 2. Collaborative practice arrangements, which shall be in writing, may delegate to a
10 registered professional nurse the authority to administer, dispense or prescribe drugs and provide
11 treatment if the registered professional nurse is an advanced practice registered nurse as defined
12 in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an
13 advanced practice registered nurse, as defined in section 335.016, the authority to administer,
14 dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017,
15 and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not
16 delegate the authority to administer any controlled substances listed in Schedules III, IV, and V
17 of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general
18 anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled
19 substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-
20 hour supply without refill. Such collaborative practice arrangements shall be in the form of
21 written agreements, jointly agreed-upon protocols or standing orders for the delivery of health
22 care services.

23 3. The written collaborative practice arrangement shall contain at least the following
24 provisions:

25 (1) Complete names, home and business addresses, zip codes, and telephone numbers
26 of the collaborating physician and the advanced practice registered nurse;

27 (2) A list of all other offices or locations besides those listed in subdivision (1) of this
28 subsection where the collaborating physician authorized the advanced practice registered nurse
29 to prescribe;

30 (3) A requirement that there shall be posted at every office where the advanced practice
31 registered nurse is authorized to prescribe, in collaboration with a physician, a prominently
32 displayed disclosure statement informing patients that they may be seen by an advanced practice
33 registered nurse and have the right to see the collaborating physician;

34 (4) All specialty or board certifications of the collaborating physician and all
35 certifications of the advanced practice registered nurse;

36 (5) The manner of collaboration between the collaborating physician and the advanced
37 practice registered nurse, including how the collaborating physician and the advanced practice
38 registered nurse will:

39 (a) Engage in collaborative practice consistent with each professional's skill, training,
40 education, and competence;

41 (b) Maintain geographic proximity **of no further than seventy-five miles**, except the
42 collaborative practice arrangement may allow for geographic proximity to be waived for a
43 maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-
44 210, as long as the collaborative practice arrangement includes alternative plans as required in

45 paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to
46 independent rural health clinics, provider-based rural health clinics where the provider is a
47 critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health
48 clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic.
49 The collaborating physician is required to maintain documentation related to this requirement
50 and to present it to the state board of registration for the healing arts when requested; and

51 (c) Provide coverage during absence, incapacity, infirmity, or emergency by the
52 collaborating physician;

53 (6) A description of the advanced practice registered nurse's controlled substance
54 prescriptive authority in collaboration with the physician, including a list of the controlled
55 substances the physician authorizes the nurse to prescribe and documentation that it is consistent
56 with each professional's education, knowledge, skill, and competence;

57 (7) A list of all other written practice agreements of the collaborating physician and the
58 advanced practice registered nurse;

59 (8) The duration of the written practice agreement between the collaborating physician
60 and the advanced practice registered nurse;

61 (9) A description of the time and manner of the collaborating physician's review of the
62 advanced practice registered nurse's delivery of health care services. The description shall
63 include provisions that the advanced practice registered nurse shall submit a minimum of ten
64 percent of the charts documenting the advanced practice registered nurse's delivery of health care
65 services to the collaborating physician for review by the collaborating physician, or any other
66 physician designated in the collaborative practice arrangement, every fourteen days; and

67 (10) The collaborating physician, or any other physician designated in the collaborative
68 practice arrangement, shall review every fourteen days a minimum of twenty percent of the
69 charts in which the advanced practice registered nurse prescribes controlled substances. The
70 charts reviewed under this subdivision may be counted in the number of charts required to be
71 reviewed under subdivision (9) of this subsection.

72 4. The state board of registration for the healing arts pursuant to section 334.125 and the
73 board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of
74 collaborative practice arrangements. Such rules shall be limited to specifying geographic areas
75 to be covered, the methods of treatment that may be covered by collaborative practice
76 arrangements and the requirements for review of services provided pursuant to collaborative
77 practice arrangements including delegating authority to prescribe controlled substances. Any
78 rules relating to dispensing or distribution of medications or devices by prescription or
79 prescription drug orders under this section shall be subject to the approval of the state board of
80 pharmacy. Any rules relating to dispensing or distribution of controlled substances by

81 prescription or prescription drug orders under this section shall be subject to the approval of the
82 department of health and senior services and the state board of pharmacy. In order to take effect,
83 such rules shall be approved by a majority vote of a quorum of each board. Neither the state
84 board of registration for the healing arts nor the board of nursing may separately promulgate rules
85 relating to collaborative practice arrangements. Such jointly promulgated rules shall be
86 consistent with guidelines for federally funded clinics. The rulemaking authority granted in this
87 subsection shall not extend to collaborative practice arrangements of hospital employees
88 providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based
89 public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

90 5. The state board of registration for the healing arts shall not deny, revoke, suspend or
91 otherwise take disciplinary action against a physician for health care services delegated to a
92 registered professional nurse provided the provisions of this section and the rules promulgated
93 thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action
94 imposed as a result of an agreement between a physician and a registered professional nurse or
95 registered physician assistant, whether written or not, prior to August 28, 1993, all records of
96 such disciplinary licensure action and all records pertaining to the filing, investigation or review
97 of an alleged violation of this chapter incurred as a result of such an agreement shall be removed
98 from the records of the state board of registration for the healing arts and the division of
99 professional registration and shall not be disclosed to any public or private entity seeking such
100 information from the board or the division. The state board of registration for the healing arts
101 shall take action to correct reports of alleged violations and disciplinary actions as described in
102 this section which have been submitted to the National Practitioner Data Bank. In subsequent
103 applications or representations relating to his medical practice, a physician completing forms or
104 documents shall not be required to report any actions of the state board of registration for the
105 healing arts for which the records are subject to removal under this section.

106 6. Within thirty days of any change and on each renewal, the state board of registration
107 for the healing arts shall require every physician to identify whether the physician is engaged in
108 any collaborative practice agreement, including collaborative practice agreements delegating the
109 authority to prescribe controlled substances, or physician assistant agreement and also report to
110 the board the name of each licensed professional with whom the physician has entered into such
111 agreement. The board may make this information available to the public. The board shall track
112 the reported information and may routinely conduct random reviews of such agreements to
113 ensure that agreements are carried out for compliance under this chapter.

114 7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as
115 defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services
116 without a collaborative practice arrangement provided that he or she is under the supervision of

117 an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if
118 needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered
119 nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a
120 collaborative practice arrangement under this section, except that the collaborative practice
121 arrangement may not delegate the authority to prescribe any controlled substances listed in
122 Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

123 8. A collaborating physician shall not enter into a collaborative practice arrangement
124 with more than three full-time equivalent advanced practice registered nurses. This limitation
125 shall not apply to collaborative arrangements of hospital employees providing inpatient care
126 service in hospitals as defined in chapter 197 or population-based public health services as
127 defined by 20 CSR 2150-5.100 as of April 30, 2008.

128 9. It is the responsibility of the collaborating physician to determine and document the
129 completion of at least a one-month period of time during which the advanced practice registered
130 nurse shall practice with the collaborating physician continuously present before practicing in
131 a setting where the collaborating physician is not continuously present. This limitation shall not
132 apply to collaborative arrangements of providers of population-based public health services as
133 defined by 20 CSR 2150-5.100 as of April 30, 2008.

134 10. No agreement made under this section shall supersede current hospital licensing
135 regulations governing hospital medication orders under protocols or standing orders for the
136 purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020
137 if such protocols or standing orders have been approved by the hospital's medical staff and
138 pharmaceutical therapeutics committee.

139 11. No contract or other agreement shall require a physician to act as a collaborating
140 physician for an advanced practice registered nurse against the physician's will. A physician
141 shall have the right to refuse to act as a collaborating physician, without penalty, for a particular
142 advanced practice registered nurse. No contract or other agreement shall limit the collaborating
143 physician's ultimate authority over any protocols or standing orders or in the delegation of the
144 physician's authority to any advanced practice registered nurse, but this requirement shall not
145 authorize a physician in implementing such protocols, standing orders, or delegation to violate
146 applicable standards for safe medical practice established by hospital's medical staff.

147 12. No contract or other agreement shall require any advanced practice registered nurse
148 to serve as a collaborating advanced practice registered nurse for any collaborating physician
149 against the advanced practice registered nurse's will. An advanced practice registered nurse shall
150 have the right to refuse to collaborate, without penalty, with a particular physician.

334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

2 (1) "Applicant", any individual who seeks to become licensed as a physician assistant;

3 (2) "Certification" or "registration", a process by a certifying entity that grants
4 recognition to applicants meeting predetermined qualifications specified by such certifying
5 entity;

6 (3) "Certifying entity", the nongovernmental agency or association which certifies or
7 registers individuals who have completed academic and training requirements;

8 (4) "Department", the department of insurance, financial institutions and professional
9 registration or a designated agency thereof;

10 (5) "License", a document issued to an applicant by the board acknowledging that the
11 applicant is entitled to practice as a physician assistant;

12 (6) "Physician assistant", a person who has graduated from a physician assistant program
13 accredited by the American Medical Association's Committee on Allied Health Education and
14 Accreditation or by its successor agency, who has passed the certifying examination administered
15 by the National Commission on Certification of Physician Assistants and has active certification
16 by the National Commission on Certification of Physician Assistants who provides health care
17 services delegated by a licensed physician. A person who has been employed as a physician
18 assistant for three years prior to August 28, 1989, who has passed the National Commission on
19 Certification of Physician Assistants examination, and has active certification of the National
20 Commission on Certification of Physician Assistants;

21 (7) "Recognition", the formal process of becoming a certifying entity as required by the
22 provisions of sections 334.735 to 334.749;

23 (8) "Supervision", control exercised over a physician assistant working with a
24 supervising physician and oversight of the activities of and accepting responsibility for the
25 physician assistant's delivery of care. The physician assistant shall only practice at a location
26 where the physician routinely provides patient care, except existing patients of the supervising
27 physician in the patient's home and correctional facilities. The supervising physician must be
28 immediately available in person or via telecommunication during the time the physician assistant
29 is providing patient care. Prior to commencing practice, the supervising physician and physician
30 assistant shall attest on a form provided by the board that the physician shall provide supervision
31 appropriate to the physician assistant's training and that the physician assistant shall not practice
32 beyond the physician assistant's training and experience. Appropriate supervision shall require
33 the supervising physician to be working within the same facility as the physician assistant for at
34 least four hours within one calendar day for every fourteen days on which the physician assistant
35 provides patient care as described in subsection 3 of this section. Only days in which the
36 physician assistant provides patient care as described in subsection 3 of this section shall be
37 counted toward the fourteen-day period. The requirement of appropriate supervision shall be
38 applied so that no more than thirteen calendar days in which a physician assistant provides

39 patient care shall pass between the physician's four hours working within the same facility. The
40 board shall promulgate rules pursuant to chapter 536 for documentation of joint review of the
41 physician assistant activity by the supervising physician and the physician assistant.

42 2. (1) A supervision agreement shall limit the physician assistant to practice only at
43 locations described in subdivision (8) of subsection 1 of this section, where the supervising
44 physician is no further than ~~fifty~~ **seventy-five** miles by road using the most direct route
45 available and where the location is not so situated as to create an impediment to effective
46 intervention and supervision of patient care or adequate review of services.

47 (2) For a physician-physician assistant team working in a rural health clinic under the
48 federal Rural Health Clinic Services Act, P.L. 95-210, as amended, no supervision requirements
49 in addition to the minimum federal law shall be required.

50 3. The scope of practice of a physician assistant shall consist only of the following
51 services and procedures:

52 (1) Taking patient histories;

53 (2) Performing physical examinations of a patient;

54 (3) Performing or assisting in the performance of routine office laboratory and patient
55 screening procedures;

56 (4) Performing routine therapeutic procedures;

57 (5) Recording diagnostic impressions and evaluating situations calling for attention of
58 a physician to institute treatment procedures;

59 (6) Instructing and counseling patients regarding mental and physical health using
60 procedures reviewed and approved by a licensed physician;

61 (7) Assisting the supervising physician in institutional settings, including reviewing of
62 treatment plans, ordering of tests and diagnostic laboratory and radiological services, and
63 ordering of therapies, using procedures reviewed and approved by a licensed physician;

64 (8) Assisting in surgery;

65 (9) Performing such other tasks not prohibited by law under the supervision of a licensed
66 physician as the physician's assistant has been trained and is proficient to perform; and

67 (10) Physician assistants shall not perform or prescribe abortions.

68 4. Physician assistants shall not prescribe nor dispense any drug, medicine, device or
69 therapy unless pursuant to a physician supervision agreement in accordance with the law, nor
70 prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the
71 measurement of visual power or visual efficiency of the human eye, nor administer or monitor
72 general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures.
73 Prescribing and dispensing of drugs, medications, devices or therapies by a physician assistant
74 shall be pursuant to a physician assistant supervision agreement which is specific to the clinical

75 conditions treated by the supervising physician and the physician assistant shall be subject to the
76 following:

77 (1) A physician assistant shall only prescribe controlled substances in accordance with
78 section 334.747;

79 (2) The types of drugs, medications, devices or therapies prescribed or dispensed by a
80 physician assistant shall be consistent with the scopes of practice of the physician assistant and
81 the supervising physician;

82 (3) All prescriptions shall conform with state and federal laws and regulations and shall
83 include the name, address and telephone number of the physician assistant and the supervising
84 physician;

85 (4) A physician assistant, or advanced practice registered nurse as defined in section
86 335.016 may request, receive and sign for noncontrolled professional samples and may distribute
87 professional samples to patients;

88 (5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies
89 the supervising physician is not qualified or authorized to prescribe; and

90 (6) A physician assistant may only dispense starter doses of medication to cover a period
91 of time for seventy-two hours or less.

92 5. A physician assistant shall clearly identify himself or herself as a physician assistant
93 and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr."
94 or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician
95 assistant shall practice or attempt to practice without physician supervision or in any location
96 where the supervising physician is not immediately available for consultation, assistance and
97 intervention, except as otherwise provided in this section, and in an emergency situation, nor
98 shall any physician assistant bill a patient independently or directly for any services or procedure
99 by the physician assistant; except that, nothing in this subsection shall be construed to prohibit
100 a physician assistant from enrolling with the department of social services as a MO HealthNet
101 or Medicaid provider while acting under a supervision agreement between the physician and
102 physician assistant.

103 6. For purposes of this section, the licensing of physician assistants shall take place
104 within processes established by the state board of registration for the healing arts through rule
105 and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536
106 establishing licensing and renewal procedures, supervision, supervision agreements, fees, and
107 addressing such other matters as are necessary to protect the public and discipline the profession.
108 An application for licensing may be denied or the license of a physician assistant may be
109 suspended or revoked by the board in the same manner and for violation of the standards as set
110 forth by section 334.100, or such other standards of conduct set by the board by rule or

111 regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to
112 be licensed as physician assistants. All applicants for physician assistant licensure who complete
113 a physician assistant training program after January 1, 2008, shall have a master's degree from
114 a physician assistant program.

115 7. "Physician assistant supervision agreement" means a written agreement, jointly
116 agreed-upon protocols or standing order between a supervising physician and a physician
117 assistant, which provides for the delegation of health care services from a supervising physician
118 to a physician assistant and the review of such services. The agreement shall contain at least the
119 following provisions:

120 (1) Complete names, home and business addresses, zip codes, telephone numbers, and
121 state license numbers of the supervising physician and the physician assistant;

122 (2) A list of all offices or locations where the physician routinely provides patient care,
123 and in which of such offices or locations the supervising physician has authorized the physician
124 assistant to practice;

125 (3) All specialty or board certifications of the supervising physician;

126 (4) The manner of supervision between the supervising physician and the physician
127 assistant, including how the supervising physician and the physician assistant shall:

128 (a) Attest on a form provided by the board that the physician shall provide supervision
129 appropriate to the physician assistant's training and experience and that the physician assistant
130 shall not practice beyond the scope of the physician assistant's training and experience nor the
131 supervising physician's capabilities and training; and

132 (b) Provide coverage during absence, incapacity, infirmity, or emergency by the
133 supervising physician;

134 (5) The duration of the supervision agreement between the supervising physician and
135 physician assistant; and

136 (6) A description of the time and manner of the supervising physician's review of the
137 physician assistant's delivery of health care services. Such description shall include provisions
138 that the supervising physician, or a designated supervising physician listed in the supervision
139 agreement review a minimum of ten percent of the charts of the physician assistant's delivery of
140 health care services every fourteen days.

141 8. When a physician assistant supervision agreement is utilized to provide health care
142 services for conditions other than acute self-limited or well-defined problems, the supervising
143 physician or other physician designated in the supervision agreement shall see the patient for
144 evaluation and approve or formulate the plan of treatment for new or significantly changed
145 conditions as soon as practical, but in no case more than two weeks after the patient has been
146 seen by the physician assistant.

147 9. At all times the physician is responsible for the oversight of the activities of, and
148 accepts responsibility for, health care services rendered by the physician assistant.

149 10. It is the responsibility of the supervising physician to determine and document the
150 completion of at least a one-month period of time during which the licensed physician assistant
151 shall practice with a supervising physician continuously present before practicing in a setting
152 where a supervising physician is not continuously present.

153 11. No contract or other agreement shall require a physician to act as a supervising
154 physician for a physician assistant against the physician's will. A physician shall have the right
155 to refuse to act as a supervising physician, without penalty, for a particular physician assistant.
156 No contract or other agreement shall limit the supervising physician's ultimate authority over any
157 protocols or standing orders or in the delegation of the physician's authority to any physician
158 assistant, but this requirement shall not authorize a physician in implementing such protocols,
159 standing orders, or delegation to violate applicable standards for safe medical practice
160 established by the hospital's medical staff.

161 12. Physician assistants shall file with the board a copy of their supervising physician
162 form.

163 13. No physician shall be designated to serve as supervising physician for more than
164 three full-time equivalent licensed physician assistants. This limitation shall not apply to
165 physician assistant agreements of hospital employees providing inpatient care service in hospitals
166 as defined in chapter 197.

336.080. 1. Every licensed optometrist who continues in active practice or service shall,
2 on or before the renewal date, renew his or her license and pay the required renewal fee and
3 present satisfactory evidence to the board of his or her attendance for a minimum of thirty-two
4 hours of board-approved continuing education, or their equivalent during the preceding two-year
5 continuing education reporting period as established by rule and regulation. **As part of the**
6 **thirty-two hours of continuing education, a licensed optometrist shall be required to obtain**
7 **two hours in the area of Missouri jurisprudence, as approved by the board.** The continuing
8 education requirement may be waived by the board upon presentation to it of satisfactory
9 evidence of the illness of the optometrist or for other good cause as defined by rule and
10 regulation. The board shall not reject any such application if approved programs are not
11 available within the state of Missouri. Every license which has not been renewed on or before
12 the renewal date shall expire.

13 2. Any licensed optometrist who permits his or her license to expire may renew it within
14 five years of expiration upon payment of the required reactivation fee and presentation of
15 satisfactory evidence to the board of his or her attendance for a minimum of forty-eight hours
16 of board-approved continuing education, or their equivalent, during the five years.

337.100. Findings and declaration of purpose.**1. The party states find that:**

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

(2) This compact is intended to regulate the day to day practice of telepsychology (i.e. the provision of psychological services using telecommunication technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;

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

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

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

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

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

2. The general purposes of this compact are to:

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

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

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

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

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

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

337.105. Definitions.

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

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

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

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

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

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

19 (6) "Commissioner": the voting representative appointed by each state psychology
20 regulatory authority pursuant to section 337.145.

21 (7) "Compact state": a state, the District of Columbia, or United States territory
22 that has enacted this compact legislation and which has not withdrawn pursuant to section
23 337.160.3 or been terminated pursuant to 337.155.2.

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 and/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 FBI,**
49 **or other designee with similar authority, in connection with arrests and, in some instances,**
50 **federal employment, naturalization, or military service.**

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

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

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

61 **(19) "Noncompact state": any state which is not at the time a compact state.**

62 **(20) "Psychologist": an individual licensed for the independent practice of**
63 **psychology.**

64 **(21) "Psychology interjurisdictional compact commission" also referred to as**
65 **"commission": the national administration of which all compact states are members.**

66 **(22) "Receiving state": a compact state where the client/patient is physically**
67 **located when the telepsychological services are delivered.**

68 **(23) "Rule": a written statement by the psychology interjurisdictional compact**
69 **commission promulgated pursuant to section 337.150 of the compact that is of general**
70 **applicability, implements, interprets, or prescribes a policy or provision of the compact,**
71 **or an organizational, procedural, or practice requirement of the commission and has the**

72 **force and effect of statutory law in a compact state, and includes the amendment, repeal**
73 **or suspension of an existing rule.**

74 **(24) "Significant investigatory information":**

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

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

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

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

87 **(27) "Telepsychology": the provision of psychological services using**
88 **telecommunication technologies.**

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

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

337.110. Home State Licensure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

337.115. Compact Privilege to Practice Telepsychology.

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

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

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

11 **(a) Regionally accredited by an accrediting body recognized by the U.S.**
12 **Department of Education to grant graduate degrees, or authorized by provincial statute**
13 **or royal charter to grant doctoral degrees; or**

14 **(b) A foreign college or university deemed to be equivalent to 1(a) above by a**
15 **foreign credential evaluation service that is a member of the National Association of**
16 **Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation**
17 **service; and**

18 **(2) Hold a graduate degree in psychology that meets the following criteria:**

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

23 **(b) The psychology program must stand as a recognizable, coherent, organizational**
24 **entity within the institution;**

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

27 **(d) The program must consist of an integrated, organized sequence of study;**

28 **(e) There must be an identifiable psychology faculty sufficient in size and breadth**
29 **to carry out its responsibilities;**

30 **(f) The designated director of the program must be a psychologist and a member**
31 **of the core faculty;**

32 **(g) The program must have an identifiable body of students who are matriculated**
33 **in that program for a degree;**

34 **(h) The program must include supervised practicum, internship, or field training**
35 **appropriate to the practice of psychology;**

36 **(i) The curriculum shall encompass a minimum of three academic years of full-time**
37 **graduate study for doctoral degree and a minimum of one academic year of full-time**
38 **graduate study for master's degree;**

39 **(j) The program includes an acceptable residency as defined by the rules of the**
40 **commission.**

41 **(3) Possess a current, full and unrestricted license to practice psychology in a home**
42 **state which is a compact state;**

43 **(4) Have no history of adverse action that violate the rules of the commission;**

44 **(5) Have no criminal record history reported on an identity history summary that**
45 **violates the rules of the commission;**

46 **(6) Possess a current, active E.Passport;**

47 **(7) Provide attestations in regard to areas of intended practice, conformity with**
48 **standards of practice, competence in telepsychology technology; criminal background; and**
49 **knowledge and adherence to legal requirements in the home and receiving states, and**
50 **provide a release of information to allow for primary source verification in a manner**
51 **specified by the commission; and**

52 **(8) Meet other criteria as defined by the rules of the commission.**

53 **3. The home state maintains authority over the license of any psychologist**
54 **practicing into a receiving state under the authority to practice interjurisdictional**
55 **telepsychology.**

56 **4. A psychologist practicing into a receiving state under the authority to practice**
57 **interjurisdictional telepsychology will be subject to the receiving state's scope of practice.**
58 **A receiving state may, in accordance with that state's due process law, limit or revoke a**
59 **psychologist's authority to practice interjurisdictional telepsychology in the receiving state**
60 **and may take any other necessary actions under the receiving state's applicable law to**
61 **protect the health and safety of the receiving state's citizens. If a receiving state takes**
62 **action, the state shall promptly notify the home state and the commission.**

63 **5. If a psychologist's license in any home state, another compact state, or any**
64 **authority to practice interjurisdictional telepsychology in any receiving state, is restricted,**
65 **suspended or otherwise limited, the E.Passport shall be revoked and therefore the**
66 **psychologist shall not be eligible to practice telepsychology in a compact state under the**
67 **authority to practice interjurisdictional telepsychology.**

337.120. Compact Temporary Authorization to Practice.

2 **1. Compact states shall also recognize the right of a psychologist, licensed in a**
3 **compact state in conformance with section 337.110, to practice temporarily in other**
4 **compact states (distant states) in which the psychologist is not licensed, as provided in the**
5 **compact.**

6 **2. To exercise the temporary authorization to practice under the terms and**
7 **provisions of this compact, a psychologist licensed to practice in a compact state must:**

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 U.S.**
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 1(a) above by a**
14 **foreign credential evaluation service that is a member of the National Association of**
15 **Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation**
16 **service; and**

17 **(2) Hold a graduate degree in psychology that meets the following criteria:**

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

22 **(b) The psychology program must stand as a recognizable, coherent, organizational**
23 **entity within the institution;**

24 **(c) There must 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 must consist of an integrated, organized sequence of study;**

27 **(e) There must be an identifiable psychology faculty sufficient in size and breadth**
28 **to carry out its responsibilities;**

29 **(f) The designated director of the program must be a psychologist and a member**
30 **of the core faculty;**

31 **(g) The program must have an identifiable body of students who are matriculated**
32 **in that program for a degree;**

33 **(h) The program must 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 degrees 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) No history of adverse action that violate the rules of the commission;**

43 **(5) No criminal record history that violates the rules of the commission;**

44 **(6) Possess a current, active IPC;**

45 **(7) Provide attestations in regard to areas of intended practice and work experience**
46 **and provide a release of information to allow for primary source verification in a manner**
47 **specified by the commission; and**

48 **(8) Meet other criteria as defined by the rules of the commission.**

49 **3. A psychologist practicing into a distant state under the temporary authorization**
50 **to practice shall practice within the scope of practice authorized by the distant state.**

51 **4. A psychologist practicing into a distant state under the temporary authorization**
52 **to practice will be subject to the distant state's authority and law. A distant state may, in**
53 **accordance with that state's due process law, limit or revoke a psychologist's temporary**
54 **authorization to practice in the distant state and may take any other necessary actions**
55 **under the distant state's applicable law to protect the health and safety of the distant state's**
56 **citizens. If a distant state takes action, the state shall promptly notify the home state and**
57 **the commission.**

58 **5. If a psychologist's license in any home state, another compact state, or any**
59 **temporary authorization to practice in any distant state, is restricted, suspended or**
60 **otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be**
61 **eligible to practice in a compact state under the temporary authorization to practice.**

337.125. Conditions of Telepsychology Practice in a Receiving State.

2 **1. A psychologist may practice in a receiving state under the authority to practice**
3 **interjurisdictional telepsychology only in the performance of the scope of practice for**
4 **psychology as assigned by an appropriate state psychology regulatory authority, as defined**
5 **in the rules of the commission, and under the following circumstances:**

6 **(1) The psychologist initiates a client/patient contact in a home state via**
7 **telecommunications technologies with a client/patient in a receiving state;**

8 **(2) Other conditions regarding telepsychology as determined by rules promulgated**
9 **by the commission.**

337.130. Adverse Actions.

2 **1. A home state shall have the power to impose adverse action against a**
3 **psychologist's license issued by the home state. A distant state shall have the power to take**
4 **adverse action on a psychologist's temporary authorization to practice within that distant**
5 **state.**

6 **2. A receiving state may take adverse action on a psychologist's authority to**
7 **practice interjurisdictional telepsychology within that receiving state. A home state may**
8 **take adverse action against a psychologist based on an adverse action taken by a distant**
9 **state regarding temporary in-person, face-to-face practice.**

10 **3. If a home state takes adverse action against a psychologist's license, that**
11 **psychologist's authority to practice interjurisdictional telepsychology is terminated and the**
12 **E.Passport is revoked. Furthermore, that psychologist's temporary authorization to**
13 **practice is terminated and the IPC is revoked.**

14 **(1) All home state disciplinary orders which impose adverse action shall be**
15 **reported to the commission in accordance with the rules promulgated by the commission.**
16 **A compact state shall report adverse actions in accordance with the rules of the**
17 **commission.**

18 **(2) In the event discipline is reported on a psychologist, the psychologist will not be**
19 **eligible for telepsychology or temporary in-person, face-to-face practice in accordance with**
20 **the rules of the commission.**

21 **(3) Other actions may be imposed as determined by the rules promulgated by the**
22 **commission.**

23 **4. A home state's psychology regulatory authority shall investigate and take**
24 **appropriate action with respect to reported inappropriate conduct engaged in by a licensee**
25 **which occurred in a receiving state as it would if such conduct had occurred by a licensee**
26 **within the home state. In such cases, the home state's law shall control in determining any**
27 **adverse action against a psychologist's license.**

28 **5. A distant state's psychology regulatory authority shall investigate and take**
29 **appropriate action with respect to reported inappropriate conduct engaged in by a**
30 **psychologist practicing under temporary authorization practice which occurred in that**
31 **distant state as it would if such conduct had occurred by a licensee within the home state.**
32 **In such cases, distant state's law shall control in determining any adverse action against**
33 **a psychologist's temporary authorization to practice.**

34 **6. Nothing in this compact shall override a compact state's decision that a**
35 **psychologist's participation in an alternative program may be used in lieu of adverse action**
36 **and that such participation shall remain non-public if required by the compact state's law.**
37 **Compact states must require psychologists who enter any alternative programs to not**
38 **provide telepsychology services under the authority to practice interjurisdictional**
39 **telepsychology or provide temporary psychological services under the temporary**
40 **authorization to practice in any other compact state during the term of the alternative**
41 **program.**

42 **7. No other judicial or administrative remedies shall be available to a psychologist**
43 **in the event a compact state imposes an adverse action pursuant to subsection 3, above.**

337.135. Additional Authorities Invested in a Compact State's Psychology
2 **Regulatory Authority.**

3 **1. In addition to any other powers granted under state law, a compact state's**
4 **psychology regulatory authority shall have the authority under this compact to:**

5 **(1) Issue subpoenas, for both hearings and investigations, which require the**
6 **attendance and testimony of witnesses and the production of evidence. Subpoenas issued**

7 by a compact state's psychology regulatory authority for the attendance and testimony of
8 witnesses, and/or the production of evidence from another compact state shall be enforced
9 in the latter state by any court of competent jurisdiction, according to that court's practice
10 and procedure in considering subpoenas issued in its own proceedings. The issuing state
11 psychology regulatory authority shall pay any witness fees, travel expenses, mileage and
12 other fees required by the service statutes of the state where the witnesses and/or evidence
13 are located; and

14 (2) Issue cease and desist and/or injunctive relief orders to revoke a psychologist's
15 authority to practice interjurisdictional telepsychology and/or temporary authorization to
16 practice.

17 (3) During the course of any investigation, a psychologist may not change his/her
18 home state licensure. A home state psychology regulatory authority is authorized to
19 complete any pending investigations of a psychologist and to take any actions appropriate
20 under its law. The home state psychology regulatory authority shall promptly report the
21 conclusions of such investigations to the commission. Once an investigation has been
22 completed, and pending the outcome of said investigation, the psychologist may change
23 his/her home state licensure. The commission shall promptly notify the new home state of
24 any such decisions as provided in the rules of the commission. All information provided
25 to the commission or distributed by compact states pursuant to the psychologist shall be
26 confidential, filed under seal and used for investigatory or disciplinary matters. The
27 commission may create additional rules for mandated or discretionary sharing of
28 information by compact states.

337.140. Coordinated Licensure Information System.

2 1. The commission shall provide for the development and maintenance of a
3 coordinated licensure information system (coordinated database) and reporting system
4 containing licensure and disciplinary action information on all psychologists individuals
5 to whom this compact is applicable in all compact states as defined by the rules of the
6 commission.

7 2. Notwithstanding any other provision of state law to the contrary, a compact state
8 shall submit a uniform data set to the coordinated database on all licensees as required by
9 the rules of the commission, including:

- 10 (1) Identifying information;
11 (2) Licensure data;
12 (3) Significant investigatory information;
13 (4) Adverse actions against a psychologist's license;

14 **(5) An indicator that a psychologist's authority to practice interjurisdictional**
15 **telepsychology and/or temporary authorization to practice is revoked;**

16 **(6) Nonconfidential information related to alternative program participation**
17 **information;**

18 **(7) Any denial of application for licensure, and the reasons for such denial; and**

19 **(8) Other information which may facilitate the administration of this compact, as**
20 **determined by the rules of the commission.**

21 **3. The coordinated database administrator shall promptly notify all compact states**
22 **of any adverse action taken against, or significant investigative information on, any licensee**
23 **in a compact state.**

24 **4. Compact states reporting information to the coordinated database may designate**
25 **information that may not be shared with the public without the express permission of the**
26 **compact state reporting the information.**

27 **5. Any information submitted to the coordinated database that is subsequently**
28 **required to be expunged by the law of the compact state reporting the information shall**
29 **be removed from the coordinated database.**

337.145. Establishment of the Psychology Interjurisdictional Compact Commission.

2 **1. The compact states hereby create and establish a joint public agency known as**
3 **the psychology interjurisdictional compact commission.**

4 **(1) The commission is a body politic and an instrumentality of the compact states.**

5 **(2) Venue is proper and judicial proceedings by or against the commission shall be**
6 **brought solely and exclusively in a court of competent jurisdiction where the principal**
7 **office of the commission is located. The commission may waive venue and jurisdictional**
8 **defenses to the extent it adopts or consents to participate in alternative dispute resolution**
9 **proceedings.**

10 **(3) Nothing in this compact shall be construed to be a waiver of sovereign**
11 **immunity.**

12 **2. Membership, Voting, and Meetings**

13 **(1) The commission shall consist of one voting representative appointed by each**
14 **compact state who shall serve as that state's commissioner. The state psychology**
15 **regulatory authority shall appoint its delegate. This delegate shall be empowered to act on**
16 **behalf of the compact state. This delegate shall be limited to:**

17 **(a) Executive director, executive secretary or similar executive;**

18 **(b) Current member of the state psychology regulatory authority of a compact**
19 **state; or**

20 (c) Designee empowered with the appropriate delegate authority to act on behalf
21 of the compact state.

22 (2) Any commissioner may be removed or suspended from office as provided by the
23 law of the state from which the commissioner is appointed. Any vacancy occurring in the
24 commission shall be filled in accordance with the laws of the compact state in which the
25 vacancy exists.

26 (3) Each commissioner shall be entitled to one vote with regard to the promulgation
27 of rules and creation of bylaws and shall otherwise have an opportunity to participate in
28 the business and affairs of the commission. A commissioner shall vote in person or by such
29 other means as provided in the bylaws. The bylaws may provide for commissioners'
30 participation in meetings by telephone or other means of communication.

31 (4) The commission shall meet at least once during each calendar year. Additional
32 meetings shall be held as set forth in the bylaws.

33 (5) All meetings shall be open to the public, and public notice of meetings shall be
34 given in the same manner as required under the rulemaking provisions in section 337.150.

35 (6) The commission may convene in a closed, nonpublic meeting if the commission
36 must discuss:

37 (a) Noncompliance of a compact state with its obligations under the compact;

38 (b) The employment, compensation, discipline or other personnel matters, practices
39 or procedures related to specific employees or other matters related to the commission's
40 internal personnel practices and procedures;

41 (c) Current, threatened, or reasonably anticipated litigation against the
42 commission;

43 (d) Negotiation of contracts for the purchase or sale of goods, services or real estate;

44 (e) Accusation against any person of a crime or formally censuring any person;

45 (f) Disclosure of trade secrets or commercial or financial information which is
46 privileged or confidential;

47 (g) Disclosure of information of a personal nature where disclosure would
48 constitute a clearly unwarranted invasion of personal privacy;

49 (h) Disclosure of investigatory records compiled for law enforcement purposes;

50 (i) Disclosure of information related to any investigatory reports prepared by or
51 on behalf of or for use of the commission or other committee charged with responsibility
52 for investigation or determination of compliance issues pursuant to the compact;

53 (j) Matters specifically exempted from disclosure by federal and state statute.

54 (7) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
55 commission's legal counsel or designee shall certify that the meeting may be closed and

56 shall reference each relevant exempting provision. The commission shall keep minutes
57 which fully and clearly describe all matters discussed in a meeting and shall provide a full
58 and accurate summary of actions taken, of any person participating in the meeting, and
59 the reasons therefore, including a description of the views expressed. All documents
60 considered in connection with an action shall be identified in such minutes. All minutes
61 and documents of a closed meeting shall remain under seal, subject to release only by a
62 majority vote of the commission or order of a court of competent jurisdiction.

63 3. The commission shall, by a majority vote of the commissioners, prescribe bylaws
64 and/or rules to govern its conduct as may be necessary or appropriate to carry out the
65 purposes 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 must 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 and/or reserving of all of its debts and obligations;

91 **(8) 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 **(9) The commission shall maintain its financial records in accordance with the**
95 **bylaws; and**

96 **(10) The commission shall meet and take such actions as are consistent with the**
97 **provisions of this compact and the bylaws.**

98 **4. 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, define 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 and/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 **5. The Executive Board. The elected officers shall serve as the executive board,**
135 **which shall have the power to act on behalf of the commission according to the terms of**
136 **this compact.**

137 **(1) The executive board shall be comprised of six members:**

138 **(a) Five voting members who are elected from the current membership of the**
139 **commission by the commission;**

140 **(b) One ex officio, nonvoting member from the recognized membership**
141 **organization composed of state and provincial psychology regulatory authorities.**

142 **(2) The ex officio member must have served as staff or member on a state**
143 **psychology regulatory authority and will be selected by its respective organization.**

144 **(3) The commission may remove any member of the executive board as provided**
145 **in bylaws.**

146 **(4) The executive board shall meet at least annually.**

147 **(5) The executive board shall have the following duties and responsibilities:**

148 **(a) Recommend to the entire commission changes to the rules or bylaws, changes**
149 **to this compact legislation, fees paid by compact states such as annual dues, and any other**
150 **applicable fees;**

151 **(b) Ensure compact administration services are appropriately provided,**
152 **contractual or otherwise;**

153 **(c) Prepare and recommend the budget;**

154 **(d) Maintain financial records on behalf of the commission;**

155 **(e) Monitor compact compliance of member states and provide compliance reports**
156 **to the commission;**

157 **(f) Establish additional committees as necessary; and**

158 **(g) Other duties as provided in rules or bylaws.**

159 **6. Financing of the Commission**

160 (1) The commission shall pay, or provide for the payment of the reasonable
161 expenses of its establishment, organization and ongoing activities.

162 (2) The commission may accept any and all appropriate revenue sources, donations
163 and grants of money, equipment, supplies, materials and services.

164 (3) The commission may levy on and collect an annual assessment from each
165 compact state or impose fees on other parties to cover the cost of the operations and
166 activities of the commission and its staff which must be in a total amount sufficient to cover
167 its annual budget as approved each year for which revenue is not provided by other
168 sources. The aggregate annual assessment amount shall be allocated based upon a formula
169 to be determined by the commission which shall promulgate a rule binding upon all
170 compact states.

171 (4) The commission shall not incur obligations of any kind prior to securing the
172 funds adequate to meet the same; nor shall the commission pledge the credit of any of the
173 compact states, except by and with the authority of the compact state.

174 (5) The commission shall keep accurate accounts of all receipts and disbursements.
175 The receipts and disbursements of the commission shall be subject to the audit and
176 accounting procedures established under its bylaws. However, all receipts and
177 disbursements of funds handled by the commission shall be audited yearly by a certified
178 or licensed public accountant and the report of the audit shall be included in and become
179 part of the annual report of the commission.

180 7. Qualified Immunity, Defense, and Indemnification

181 (1) The members, officers, executive director, employees and representatives of the
182 commission shall be immune from suit and liability, either personally or in their official
183 capacity, for any claim for damage to or loss of property or personal injury or other civil
184 liability caused by or arising out of any actual or alleged act, error or omission that
185 occurred, or that the person against whom the claim is made had a reasonable basis for
186 believing occurred within the scope of commission employment, duties or responsibilities;
187 provided that nothing in this paragraph shall be construed to protect any such person from
188 suit and/or liability for any damage, loss, injury or liability caused by the intentional or
189 willful or wanton misconduct of that person.

190 (2) The commission shall defend any member, officer, executive director, employee
191 or representative of the commission in any civil action seeking to impose liability arising
192 out of any actual or alleged act, error or omission that occurred within the scope of
193 commission employment, duties or responsibilities, or that the person against whom the
194 claim is made had a reasonable basis for believing occurred within the scope of commission
195 employment, duties or responsibilities; provided that nothing herein shall be construed to

196 **prohibit that person from retaining his or her own counsel; and provided further, that the**
197 **actual or alleged act, error or omission did not result from that person's intentional or**
198 **willful or wanton misconduct.**

199 **(3) The commission shall indemnify and hold harmless any member, officer,**
200 **executive director, employee or representative of the commission for the amount of any**
201 **settlement or judgment obtained against that person arising out of any actual or alleged**
202 **act, error or omission that occurred within the scope of commission employment, duties**
203 **or responsibilities, or that such person had a reasonable basis for believing occurred within**
204 **the scope of commission employment, duties or responsibilities, provided that the actual**
205 **or alleged act, error or omission did not result from the intentional or willful or wanton**
206 **misconduct of that person.**

337.150. Rulemaking.

2 **1. The commission shall exercise its rulemaking powers pursuant to the criteria set**
3 **forth in this section and the rules adopted thereunder. Rules and amendments shall**
4 **become binding as of the date specified in each rule or amendment.**

5 **2. If a majority of the legislatures of the compact states rejects a rule, by enactment**
6 **of a statute or resolution in the same manner used to adopt the compact, then such rule**
7 **shall have no further force and effect in any compact state.**

8 **3. Rules or amendments to the rules shall be adopted at a regular or special meeting**
9 **of the commission.**

10 **4. Prior to promulgation and adoption of a final rule or rules by the commission,**
11 **and at least sixty days in advance of the meeting at which the rule will be considered and**
12 **voted upon, the commission shall file a Notice of proposed rulemaking:**

13 **(1) On the website of the commission; and**

14 **(2) On the website of each compact states' psychology regulatory authority or the**
15 **publication in which each state would otherwise publish proposed rules.**

16 **5. The notice of proposed rulemaking shall include:**

17 **(1) The proposed time, date, and location of the meeting in which the rule will be**
18 **considered and voted upon;**

19 **(2) The text of the proposed rule or amendment and the reason for the proposed**
20 **rule;**

21 **(3) A request for comments on the proposed rule from any interested person;**

22 **(4) The manner in which interested persons may submit notice to the commission**
23 **of their intention to attend the public hearing and any written comments.**

24 **6. Prior to adoption of a proposed rule, the commission shall allow persons to**
25 **submit written data, facts, opinions and arguments, which shall be made available to the**
26 **public.**

27 **7. The commission shall grant an opportunity for a public hearing before it adopts**
28 **a rule or amendment if a hearing is requested by:**

29 **(1) At least twenty-five persons who submit comments independently of each other;**

30 **(2) A governmental subdivision or agency; or**

31 **(3) A duly appointed person in an association that has having at least twenty-five**
32 **members.**

33 **8. If a hearing is held on the proposed rule or amendment, the commission shall**
34 **publish the place, time, and date of the scheduled public hearing.**

35 **(1) All persons wishing to be heard at the hearing shall notify the executive director**
36 **of the commission or other designated member in writing of their desire to appear and**
37 **testify at the hearing not less than five business days before the scheduled date of the**
38 **hearing.**

39 **(2) Hearings shall be conducted in a manner providing each person who wishes to**
40 **comment a fair and reasonable opportunity to comment orally or in writing.**

41 **(3) No transcript of the hearing is required, unless a written request for a transcript**
42 **is made, in which case the person requesting the transcript shall bear the cost of producing**
43 **the transcript. A recording may be made in lieu of a transcript under the same terms and**
44 **conditions as a transcript. This subsection shall not preclude the commission from making**
45 **a transcript or recording of the hearing if it so chooses.**

46 **(4) Nothing in this section shall be construed as requiring a separate hearing on**
47 **each rule. Rules may be grouped for the convenience of the commission at hearings**
48 **required by this section.**

49 **9. Following the scheduled hearing date, or by the close of business on the**
50 **scheduled hearing date if the hearing was not held, the commission shall consider all**
51 **written and oral comments received.**

52 **10. The commission shall, by majority vote of all members, take final action on the**
53 **proposed rule and shall determine the effective date of the rule, if any, based on the**
54 **rulemaking record and the full text of the rule.**

55 **11. If no written notice of intent to attend the public hearing by interested parties**
56 **is received, the commission may proceed with promulgation of the proposed rule without**
57 **a public hearing.**

58 **12. Upon determination that an emergency exists, the commission may consider and**
59 **adopt an emergency rule without prior notice, opportunity for comment, or hearing,**

60 provided that the usual rulemaking procedures provided in the compact and in this section
61 shall be retroactively applied to the rule as soon as reasonably possible, in no event later
62 than ninety days after the effective date of the rule. For the purposes of this provision, an
63 emergency rule is one that must be adopted immediately in order to:

64 (1) Meet an imminent threat to public health, safety, or welfare;

65 (2) Prevent a loss of commission or compact state funds;

66 (3) Meet a deadline for the promulgation of an administrative rule that is
67 established by federal law or rule; or

68 (4) Protect public health and safety.

69 13. The commission or an authorized committee of the commission may direct
70 revisions to a previously adopted rule or amendment for purposes of correcting
71 typographical errors, errors in format, errors in consistency, or grammatical errors.
72 Public notice of any revisions shall be posted on the website of the commission. The
73 revision shall be subject to challenge by any person for a period of thirty days after
74 posting. The revision may be challenged only on grounds that the revision results in a
75 material change to a rule.

76 (1) A challenge shall be made in writing, and delivered to the chair of the
77 commission prior to the end of the notice period. If no challenge is made, the revision will
78 take effect without further action. If the revision is challenged, the revision may not take
79 effect without the approval of the commission.

337.155. Oversight, Dispute Resolution and Enforcement.

2 1. Oversight

3 (1) The executive, legislative and judicial branches of state government in each
4 compact state shall enforce this compact and take all actions necessary and appropriate to
5 effectuate the compact's purposes and intent. The provisions of this compact and the rules
6 promulgated hereunder shall have standing as statutory law.

7 (2) All courts shall take judicial notice of the compact and the rules in any judicial
8 or administrative proceeding in a compact state pertaining to the subject matter of this
9 compact which may affect the powers, responsibilities or actions of the commission.

10 (3) The commission shall be entitled to receive service of process in any such
11 proceeding, and shall have standing to intervene in such a proceeding for all purposes.
12 Failure to provide service of process to the commission shall render a judgment or order
13 void as to the commission, this compact or promulgated rules.

14 2. Default, Technical Assistance, and Termination

15 **(1) If the commission determines that a compact state has defaulted in the**
16 **performance of its obligations or responsibilities under this compact or the promulgated**
17 **rules, the commission shall:**

18 **(a) Provide written notice to the defaulting state and other compact states of the**
19 **nature of the default, the proposed means of remedying the default and/or any other action**
20 **to be taken by the commission; and**

21 **(b) Provide remedial training and specific technical assistance regarding the**
22 **default.**

23 **(2) If a state in default fails to remedy the default, the defaulting state may be**
24 **terminated from the compact upon an affirmative vote of a majority of the compact states,**
25 **and all rights, privileges and benefits conferred by this compact shall be terminated on the**
26 **effective date of termination. A remedy of the default does not relieve the offending state**
27 **of obligations or liabilities incurred during the period of default.**

28 **(3) Termination of membership in the compact shall be imposed only after all other**
29 **means of securing compliance have been exhausted. Notice of intent to suspend or**
30 **terminate shall be submitted by the commission to the governor, the majority and minority**
31 **leaders of the defaulting state's legislature, and each of the compact states.**

32 **(4) A compact state which has been terminated is responsible for all assessments,**
33 **obligations and liabilities incurred through the effective date of termination, including**
34 **obligations which extend beyond the effective date of termination.**

35 **(5) The commission shall not bear any costs incurred by the state which is found**
36 **to be in default or which has been terminated from the compact, unless agreed upon in**
37 **writing between the commission and the defaulting state.**

38 **(6) The defaulting state may appeal the action of the commission by petitioning the**
39 **U.S. District Court for the state of Georgia or the federal district where the compact has**
40 **its principal offices. The prevailing member shall be awarded all costs of such litigation,**
41 **including reasonable attorney's fees.**

42 **3. Dispute Resolution**

43 **(1) Upon request by a compact state, the commission shall attempt to resolve**
44 **disputes related to the compact which arise among compact states and between compact**
45 **and noncompact states.**

46 **(2) The commission shall promulgate a rule providing for both mediation and**
47 **binding dispute resolution for disputes that arise before the commission.**

48 **4. Enforcement**

49 **(1) The commission, in the reasonable exercise of its discretion, shall enforce the**
50 **provisions and rules of this compact.**

51 **(2) By majority vote, the commission may initiate legal action in the United States**
52 **District Court for the State of Georgia or the federal district where the compact has its**
53 **principal offices against a compact state in default to enforce compliance with the**
54 **provisions of the compact and its promulgated rules and bylaws. The relief sought may**
55 **include both injunctive relief and damages. In the event judicial enforcement is necessary,**
56 **the prevailing member shall be awarded all costs of such litigation, including reasonable**
57 **attorney's fees.**

58 **(3) The remedies herein shall not be the exclusive remedies of the commission. The**
59 **commission may pursue any other remedies available under federal or state law.**

337.160. Date of Implementation of the Psychology Interjurisdictional Compact
2 **Commission and Associated Rules, Withdrawal, and Amendments.**

3 **1. The compact shall come into effect on the date on which the compact is enacted**
4 **into law in the seventh compact state. The provisions which become effective at that time**
5 **shall be limited to the powers granted to the commission relating to assembly and the**
6 **promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking**
7 **powers necessary to the implementation and administration of the compact.**

8 **2. Any state which joins the compact subsequent to the commission's initial**
9 **adoption of the rules shall be subject to the rules as they exist on the date on which the**
10 **compact becomes law in that state. Any rule which has been previously adopted by the**
11 **commission shall have the full force and effect of law on the day the compact becomes law**
12 **in that state.**

13 **3. Any compact state may withdraw from this compact by enacting a statute**
14 **repealing the same.**

15 **(1) A compact state's withdrawal shall not take effect until six months after**
16 **enactment of the repealing statute.**

17 **(2) Withdrawal shall not affect the continuing requirement of the withdrawing**
18 **state's psychology regulatory authority to comply with the investigative and adverse action**
19 **reporting requirements of this act prior to the effective date of withdrawal.**

20 **4. Nothing contained in this compact shall be construed to invalidate or prevent any**
21 **psychology licensure agreement or other cooperative arrangement between a compact state**
22 **and a noncompact state which does not conflict with the provisions of this compact.**

23 **5. This compact may be amended by the compact states. No amendment to this**
24 **compact shall become effective and binding upon any compact state until it is enacted into**
25 **the law of all compact states.**

337.165. Construction and Severability.

2 **1. This compact shall be liberally construed so as to effectuate the purposes thereof.**
3 **If this compact shall be held contrary to the constitution of any state member thereto, the**
4 **compact shall remain in full force and effect as to the remaining compact states.**

 345.051. 1. Every person licensed or registered pursuant to the provisions of sections
2 345.010 to 345.080 shall renew the license or registration on or before the renewal date. Such
3 renewal date shall be determined by the board, **but shall be no less than three years.** The
4 application shall be made on a form furnished by the board. The application shall include, but
5 not be limited to, disclosure of the applicant's full name and the applicant's office and residence
6 addresses and the date and number of the applicant's license or registration, all final disciplinary
7 actions taken against the applicant by any speech-language-hearing association or society, state,
8 territory or federal agency or country and information concerning the applicant's current physical
9 and mental fitness to practice.

10 2. A blank form for application for license or registration renewal shall be mailed to each
11 person licensed or registered in this state at the person's last known office or residence address.
12 The failure to mail the form of application or the failure to receive it does not, however, relieve
13 any person of the duty to renew the license or registration and pay the fee required by sections
14 345.010 to 345.080 for failure to renew the license or registration.

15 3. An applicant for renewal of a license or registration under this section shall:

16 (1) Submit an amount established by the board; and

17 (2) Meet any other requirements the board establishes as conditions for license or
18 registration renewal, including the demonstration of continued competence to practice the
19 profession for which the license or registration is issued. A requirement of continued
20 competence may include, but is not limited to, **up to thirty hours triennially of** continuing
21 education, examination, self-evaluation, peer review, performance appraisal or practical
22 simulation.

23 4. If a license or registration is suspended pursuant to section 345.065, the license or
24 registration expires on the expiration date as established by the board for all licenses and
25 registrations issued pursuant to sections 345.010 to 345.080. Such license or registration may
26 be renewed but does not entitle the licensee to engage in the licensed or registered activity or in
27 any other conduct or activity which violates the order of judgment by which the license or
28 registration was suspended until such license or registration has been reinstated.

29 5. If a license or registration is revoked on disciplinary grounds pursuant to section
30 345.065, the license or registration expires on the expiration date as established by the board for
31 all licenses and registrations issued pursuant to sections 345.010 to 345.080. Such license or
32 registration may not be renewed. If a license or registration is reinstated after its expiration, the
33 licensee, as a condition of reinstatement, shall pay a reinstatement fee that is equal to the renewal

34 fee in effect on the last regular renewal date immediately preceding the date of reinstatement plus
35 any late fee established by the board.

**621.280 1. For any new board or commission created after July 1, 2017, and
2 charged with regulating or licensing an occupation or profession, those practitioners
3 actively engaged in the newly regulated occupation or profession for at least one year prior
4 to the effective date of the regulatory statute shall have a property right in their continued
5 legal ability to engage in their occupation or profession.**

**6 2. Any decision of a newly created board or commission to refuse licensure to a
7 preexisting practitioner shall be in writing, shall inform the preexisting practitioner of the
8 specific reasons for the denial, and shall inform the preexisting practitioner of his or her
9 right to appeal before a neutral decision-maker at the administrative hearing commission.**

**10 Any preexisting practitioner denied licensure shall have the right to file an appeal to the
11 administrative hearing commission on his or her license denial within thirty days after the
12 decision of the newly created board or commission. If the preexisting practitioner does not
13 timely appeal, his or her right to continue practicing the occupation or profession shall
14 extinguish immediately. In the event of a timely appeal, the preexisting practitioner's right
15 to practice his or her occupation or profession shall continue until a final decision of the
16 administrative hearing commission. The burden of proof in any hearing under this section
17 shall be on the new board or commission to show that the preexisting practitioner does not
18 meet the requirements of the new regulatory regime.**

19

~~[326.313. After notice and hearings as provided in chapter 621, the board
2 may revoke the permit of a CPA firm if it does not have all the qualifications
3 prescribed by section 326.289; or may revoke, suspend or censure the permit
4 holder for any of the causes enumerated in section 326.310.]~~

5

~~[328.100. The board may at any time require any barber to whom a
2 certificate of registration is issued to be examined at the licensee's expense by a
3 licensed physician to ascertain if such barber is free of infectious or contagious
4 diseases and is not afflicted with any physical or mental ailment which would
5 render him unfit to practice the occupation of barbering.]~~

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