

FIRST REGULAR SESSION

SENATE BILL NO. 258

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time January 15, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1303S.011

AN ACT

To repeal sections 214.276, 256.477, 317.015, 324.086, 324.217, 324.496, 324.523, 324.1112, 328.150, 329.140, 337.330, 337.525, 337.630, 337.730, 339.532, 346.105, and 436.230, RSMo, and to enact in lieu thereof eighteen new sections relating to professional registration, with existing penalty provisions.

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

Section A. Sections 214.276, 256.477, 317.015, 324.086, 324.217, 324.496, 2 324.523, 324.1112, 328.150, 329.140, 337.330, 337.525, 337.630, 337.730, 339.532, 3 346.105, and 436.230, RSMo, are repealed and eighteen new sections enacted in 4 lieu thereof, to be known as sections 214.276, 256.477, 317.015, 324.019, 324.086, 5 324.217, 324.496, 324.523, 324.1112, 328.150, 329.140, 337.330, 337.525, 337.630, 6 337.730, 339.532, 346.105, and 436.230, to read as follows:

214.276. 1. The division may refuse to issue or renew any license, 2 required pursuant to sections 214.270 to 214.516 for one or any combination of 3 causes stated in subsection 2 of this section. The division shall notify the 4 applicant in writing of the reasons for the refusal and shall advise the applicant 5 of his or her right to file a complaint with the administrative hearing commission 6 as provided by chapter 621.

7 2. The division may cause a complaint to be filed with the administrative 8 hearing commission as provided in chapter 621 against any holder of any license, 9 required by sections 214.270 to 214.516 or any person who has failed to surrender 10 his or her license, for any one or any combination of the following causes:

11 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic 12 beverage to an extent that such use impairs a person's ability to perform the work 13 of any profession licensed or regulated by sections 214.270 to 214.516;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 (2) The person has been finally adjudicated and found guilty, or entered
15 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws
16 of any state or of the United States, for any offense reasonably related to the
17 qualifications, functions or duties of any profession licensed or regulated
18 pursuant to sections 214.270 to 214.516, for any offense an essential element of
19 which is fraud, dishonesty or an act of violence, or for any offense [involving
20 moral turpitude] **described in subsection 2 of section 324.019**, whether or
21 not sentence is imposed;

22 (3) Use of fraud, deception, misrepresentation or bribery in securing any
23 license, issued pursuant to sections 214.270 to 214.516 or in obtaining permission
24 to take any examination given or required pursuant to sections 214.270 to
25 214.516;

26 (4) Obtaining or attempting to obtain any fee, charge or other
27 compensation by fraud, deception or misrepresentation;

28 (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation
29 or dishonesty in the performance of the functions or duties of any profession
30 regulated by sections 214.270 to 214.516;

31 (6) Violation of, or assisting or enabling any person to violate, any
32 provision of sections 214.270 to 214.516, or any lawful rule or regulation adopted
33 pursuant to sections 214.270 to 214.516;

34 (7) Impersonation of any person holding a license or allowing any person
35 to use his or her license;

36 (8) Disciplinary action against the holder of a license or other right to
37 practice any profession regulated by sections 214.270 to 214.516 granted by
38 another state, territory, federal agency or country upon grounds for which
39 revocation or suspension is authorized in this state;

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

42 (10) Assisting or enabling any person to practice or offer to practice any
43 profession licensed or regulated by sections 214.270 to 214.516 who is not
44 registered and currently eligible to practice pursuant to sections 214.270 to
45 214.516;

46 (11) Issuance of a license based upon a material mistake of fact;

47 (12) Failure to display a valid license;

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

49 (14) Use of any advertisement or solicitation which is false, misleading or

50 deceptive to the general public or persons to whom the advertisement or
51 solicitation is primarily directed;

52 (15) Willfully and through undue influence selling a burial space,
53 cemetery services or merchandise.

54 3. After the filing of such complaint, the proceedings shall be conducted
55 in accordance with the provisions of chapter 621. Upon a finding by the
56 administrative hearing commission that the grounds, provided in subsection 2 of
57 this section, for disciplinary action are met, the division may singly or in
58 combination, censure or place the person named in the complaint on probation on
59 such terms and conditions as the division deems appropriate for a period not to
60 exceed five years, or may suspend, or revoke the license or permit or may impose
61 a penalty allowed by subsection 4 of section 214.410. No new license shall be
62 issued to the owner or operator of a cemetery or to any corporation controlled by
63 such owner for three years after the revocation of the certificate of the owner or
64 of a corporation controlled by the owner.

65 4. The division may settle disputes arising under subsections 2 and 3 of
66 this section by consent agreement or settlement agreement between the division
67 and the holder of a license. Within such a settlement agreement, the division
68 may singly or in combination impose any discipline or penalties allowed by this
69 section or subsection 4 of section 214.410. Settlement of such disputes shall be
70 entered into pursuant to the procedures set forth in section 621.045.

71 5. Use of the procedures set out in this section shall not preclude the
72 application of any other remedy provided by this chapter.

256.477. 1. No person shall employ fraud or deceit in obtaining the
2 certificate of registration. A violation of this subsection shall be a class B
3 misdemeanor.

4 2. Any person found to have performed geologic work regulated under
5 sections 256.450 to 256.483 in a negligent manner shall be guilty of a class B
6 misdemeanor.

7 3. Any person who uses the seal of a registered geologist, other than the
8 person to whom the seal was issued, shall be guilty of a class B misdemeanor.

9 4. The board shall revoke the certification of registration for a person
10 convicted of any felony or any [crime involving moral turpitude] **offense**
11 **described in subsection 2 of section 324.019** or sentence of imprisonment or
12 probation in lieu thereof; or for any misdemeanor relating to or arising out of the
13 practice of geology affecting public health, safety and welfare.

317.015. 1. Any person wishing to make a complaint against a licensee
2 under sections 317.001 to 317.014 shall file the written complaint with the
3 division setting forth supporting details. If the division determines that the
4 charges warrant a hearing to ascertain whether the licensee shall be disciplined,
5 it shall file a complaint with the administrative hearing commission as provided
6 in chapter 621. Any person holding more than one license issued by the division
7 and disciplined under one license will automatically be disciplined under all
8 licenses.

9 2. (1) The division may refuse to issue any permit or license pursuant to
10 this chapter for one or any combination of reasons stated in paragraphs (a)
11 through (m) of subdivision (2) of this subsection. The division shall notify the
12 applicant in writing of the reasons for the refusal and shall advise the applicant
13 of their rights to file a complaint or an appeal with the administrative hearing
14 commission as provided in chapter 621.

15 (2) The division may file a complaint with the administrative hearing
16 commission, as provided in chapter 621, against any holder of any permit or
17 license issued pursuant to this chapter, or against any person who has failed to
18 renew or has surrendered their permit or license, for any one or more of the
19 following reasons:

20 (a) Use of an alcoholic beverage or any controlled substance, as defined
21 in chapter 195, before or during a bout;

22 (b) The person has been found guilty or has entered a plea of guilty or
23 nolo contendere in a criminal prosecution under any state or federal law for any
24 offense reasonably related to the qualifications, functions or duties of any
25 profession licensed or regulated under this chapter, for any offense an essential
26 element of which is fraud, dishonesty or an act of violence, or for any offense
27 [involving moral turpitude] **described in subsection 2 of section 324.019,**
28 whether or not a sentence is imposed;

29 (c) Use of fraud, deception, misrepresentation or bribery in securing any
30 permit or license issued pursuant to this chapter;

31 (d) Providing false information on applications or medical forms;

32 (e) Incompetency, misconduct, gross negligence, fraud, misrepresentation
33 or dishonesty in the performing of the functions or duties of any profession
34 licensed or regulated by this chapter;

35 (f) Violating or enabling any person to violate any provision of this
36 chapter or any rule adopted pursuant to this chapter;

37 (g) Impersonating any permit or license holder or allowing any person to
38 use their permit or license;

39 (h) Contestants failing to put forth their best effort during a bout;

40 (i) Disciplinary action against the holder of a license or other right to
41 practice any profession regulated by this chapter and issued by another state,
42 territory, federal agency or country upon grounds for which revocation or
43 suspension is authorized in this state;

44 (j) A person adjudged mentally incompetent by a court of competent
45 jurisdiction;

46 (k) Use of any advertisement or solicitation which is false, misleading or
47 deceptive to the general public or persons to whom the advertisement or
48 solicitation is primarily directed;

49 (l) Use of foul or abusive language or mannerisms or threats of physical
50 harm by any person associated with any bout or contest licensed pursuant to this
51 chapter; or

52 (m) Issuance of a permit or license based upon a mistake of fact.

53 (3) After the complaint is filed, the proceeding shall be conducted in
54 accordance with the provisions of chapter 621. If the administrative hearing
55 commission finds that a person has violated one or more of the grounds as
56 provided in paragraphs (a) through (m) of subdivision (2) of this subsection, the
57 division may censure or place the person named in the **[compliant] complaint**
58 on probation on appropriate terms and conditions for a period not to exceed five
59 years, may suspend the person's license for a period not to exceed three years, or
60 may revoke the person's license.

61 3. Upon a finding that the grounds provided in subsection 2 of this section
62 for disciplinary action are met, the office may, singly or in combination, censure
63 or place on probation on such terms and conditions as the office deems
64 appropriate for a period not to exceed five years, or may suspend for a period not
65 to exceed three years or revoke the certificate, license, or permit. In any order
66 of revocation, the office may provide that the person shall not apply for a new
67 license for a maximum of three years and one day following the date of the order
68 of revocation. All stay orders shall toll the disciplinary time periods allotted
69 herein. In lieu of or in addition to any remedy specifically provided in subsection
70 1 of this section, the office may require of a licensee:

71 (1) Satisfactory completion of medical testing and/or rehabilitation
72 programs as the office may specify; and/or

73 (2) A review conducted as the office may specify and satisfactory
74 completion of medical testing and/or rehabilitation programs as the office may
75 specify.

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

3 (1) "Criminal offense", any type of felony conviction or
4 misdemeanor conviction;

5 (2) "Licensing authority", any agency, examining board,
6 credentialing board, or other office with the authority to impose
7 occupational fees or licensing requirements on any occupation or
8 profession;

9 (3) "Licensing requirement", any required training, education, or
10 fee to work in a specific occupation or profession;

11 (4) "Occupational fee", a fee or tax on professionals or businesses
12 that is charged for the privilege of providing goods or services within
13 a certain jurisdiction. The term "occupational fee" shall include any fee
14 to obtain a license or renew a license;

15 (5) "Political subdivision", any city, town, village, or county.

16 2. All state and political subdivision licensing authorities shall
17 revise their existing licensing requirements to explicitly list the
18 specific criminal offenses, civil penalties or judgments, or disciplinary
19 actions taken by other licensing authorities that may disqualify an
20 applicant from receiving a license. Such lists shall be made available
21 to the public. Beginning August 28, 2019, applicants for examination of
22 licensure who have pleaded guilty to, entered a plea of nolo contendere
23 to, or been found guilty of any of the following offenses or offenses of
24 a similar nature established under the laws of this state, any other
25 state, the United States, or any other country, notwithstanding whether
26 sentence is imposed, may be considered by state and political
27 subdivision licensing authorities to have committed a criminal offense
28 that directly relates to the duties and responsibilities of a licensed
29 profession:

30 (1) Any dangerous felony as defined under section 556.061 or
31 murder in the first degree;

32 (2) Any of the following sexual offenses: rape in the first degree,
33 forcible rape, rape, statutory rape in the first degree, statutory rape in
34 the second degree, rape in the second degree, sexual assault, sodomy

35 in the first degree, forcible sodomy, statutory sodomy in the first
36 degree, statutory sodomy in the second degree, child molestation in the
37 first degree, child molestation in the second degree, sodomy in the
38 second degree, deviate sexual assault, sexual misconduct involving a
39 child, sexual misconduct in the first degree under section 566.090 as it
40 existed prior to August 28, 2013, sexual abuse under section 566.100 as
41 it existed prior to August 28, 2013, sexual abuse in the first or second
42 degree, enticement of a child, or attempting to entice a child;

43 (3) Any of the following offenses against the family and related
44 offenses: incest, abandonment of a child in the first degree,
45 abandonment of a child in the second degree, endangering the welfare
46 of a child in the first degree, abuse of a child, using a child in a sexual
47 performance, promoting sexual performance by a child, or trafficking
48 in children; and

49 (4) Any of the following offenses involving child pornography
50 and related offenses: promoting obscenity in the first degree,
51 promoting obscenity in the second degree when the penalty is enhanced
52 to a class E felony, promoting child pornography in the first degree,
53 promoting child pornography in the second degree, possession of child
54 pornography in the first degree, possession of child pornography in the
55 second degree, furnishing child pornography to a minor, furnishing
56 pornographic materials to minors, or coercing acceptance of obscene
57 material.

58 3. Any requirement of a state or political subdivision licensing
59 authority that assesses the character or moral fitness of the applicant
60 for licensure shall be limited to consideration of the criminal offenses,
61 civil penalties or judgments, or disciplinary actions taken by other
62 licensing authorities contained in the list developed by the licensing
63 authority under subsection 2 of this section. If an applicant is denied
64 licensure because such applicant has pleaded guilty to, entered a plea
65 of nolo contendere to, or been found guilty of any criminal offenses
66 contained in the list developed by the licensing authority under
67 subsection 2 of this section, or because the applicant has been subject
68 to any civil penalties or judgments, or disciplinary actions taken by
69 other licensing authorities, the applicant may appeal such decision and
70 request a hearing before the licensing authority, and the licensing
71 authority may, at its discretion, reverse its initial decision.

72 4. A licensing authority shall include in the list described under
73 subsection 2 of this section only criminal offenses, civil penalties or
74 judgments, or disciplinary action taken by other licensing authorities
75 that directly relate to the duties and responsibilities of the occupation
76 or profession it regulates.

77 5. All licensing authorities shall meet the requirements of
78 subsections 2 to 4 of this section within ten months of the effective date
79 of this section.

80 6. The provisions of subsections 2 to 4 of this section shall only
81 apply to the following professions and occupations licensed in Missouri:

- 82 (1) Acupuncturists;
- 83 (2) Appraisers;
- 84 (3) Athlete agents;
- 85 (4) Athletics;
- 86 (5) Barbers;
- 87 (6) Behavior analysts;
- 88 (7) Cosmetologists;
- 89 (8) Dietitians;
- 90 (9) Endowed care cemeteries;
- 91 (10) Geology;
- 92 (11) Hearing instrument specialists;
- 93 (12) Marital and family therapists;
- 94 (13) Occupational therapists;
- 95 (14) Private investigators;
- 96 (15) Professional counselors;
- 97 (16) Social workers;
- 98 (17) Tattooing, body piercing, and branding.

99 7. If the state, on or after August 28, 2019, requires a license to
100 practice an occupation or profession for which no license was required
101 by the state before August 28, 2019, the state licensing authority for
102 that occupation or profession shall establish a list of disqualifying
103 criminal offenses in accordance with the requirements of subsections
104 2 and 4 of this section and ensure that its consideration of character
105 and moral fitness is limited as described under subsection 3 of this
106 section.

107 8. State licensing authorities shall promulgate rules to
108 implement the provisions of this section. Any rule or portion of a rule,

109 as that term is defined in section 536.010 that is created under the
110 authority delegated in this section shall become effective only if it
111 complies with and is subject to all of the provisions of chapter 536, and,
112 if applicable, section 536.028. This section and chapter 536 are
113 nonseverable and if any of the powers vested with the general assembly
114 pursuant to chapter 536, to review, to delay the effective date, or to
115 disapprove and annul a rule are subsequently held unconstitutional,
116 then the grant of rulemaking authority and any rule proposed or
117 adopted after August 28, 2019, shall be invalid and void.

324.086. 1. The board may refuse to issue or renew any certificate of
2 registration or authority, permit or license required pursuant to sections 324.050
3 to 324.089 for one or any combination of causes stated in subsection 2 of this
4 section. The board shall notify the applicant in writing of the reasons for the
5 refusal and shall advise the applicant of his or her right to file a complaint with
6 the administrative hearing commission as provided by chapter 621.

7 2. The board may cause a complaint to be filed with the administrative
8 hearing commission as provided by chapter 621 against any holder of any
9 certificate of registration or authority, permit or license required by sections
10 324.050 to 324.089 or any person who has failed to renew or has surrendered his
11 or her certificate of registration or authority, permit or license for any one or any
12 combination of the following causes:

13 (1) Use or unlawful possession of any controlled substance, as defined in
14 chapter 195, or alcoholic beverage to an extent that such use impairs a person's
15 ability to perform the work of an occupational therapist or occupational therapy
16 assistant;

17 (2) The person has been finally adjudicated and found guilty, or entered
18 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
19 any state or of the United States, for any offense reasonably related to the
20 qualifications, functions or duties of any profession licensed or regulated by
21 sections 324.050 to 324.089, for any offense an essential element of which is
22 fraud, dishonesty or an act of violence, or for any offense [involving moral
23 turpitude] **described in subsection 2 of section 324.019**, whether or not
24 sentence is imposed;

25 (3) Use of fraud, deception, misrepresentation or bribery in securing any
26 certificate of registration or authority, permit or license issued pursuant to
27 sections 324.050 to 324.089 or in obtaining permission to take any examination

28 given or required pursuant to sections 324.050 to 324.089;

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

31 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation
32 or dishonesty in the performance of the functions and duties of any profession
33 licensed or regulated by sections 324.050 to 324.089;

34 (6) Violation of, or assisting or enabling any person to violate, any
35 provision of sections 324.050 to 324.089 or any lawful rule or regulation adopted
36 pursuant to sections 324.050 to 324.089;

37 (7) Impersonation of any person holding a certificate of registration or
38 authority, permit or license or allowing any person to use his or her certificate of
39 registration or authority, permit, license or diploma from any school;

40 (8) Disciplinary action against the holder of a license or other right to
41 practice any profession regulated by sections 324.050 to 324.089 granted by
42 another state, territory, federal agency or country upon grounds for which
43 revocation or suspension is authorized in this state;

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

46 (10) Assisting or enabling any person to practice or offer to practice any
47 profession licensed or regulated by sections 324.050 to 324.089 who is not
48 registered and currently eligible to practice pursuant to sections 324.050 to
49 324.089;

50 (11) Issuance of a certificate of registration or authority, permit or license
51 based upon a material mistake of fact;

52 (12) Violation of any professional trust or confidence;

53 (13) Use of any advertisement or solicitation which is false, misleading or
54 deceptive to the general public or persons to whom the advertisement or
55 solicitation is primarily directed;

56 (14) Unethical conduct as defined in the ethical standards for occupational
57 therapists and occupational therapy assistants adopted by the board and filed
58 with the secretary of state;

59 (15) Violation of the drug laws or rules and regulations of this state, any
60 other state or federal government.

61 3. After the filing of such complaint, the proceedings shall be conducted
62 in accordance with the provisions of chapter 621. Upon a finding by the
63 administrative hearing commission that the grounds provided in subsection 2 of

64 this section for disciplinary action are met, the board may, singly or in
65 combination, censure or place the person named in the complaint on probation
66 with such terms and conditions as the board deems appropriate for a period not
67 to exceed five years, or may suspend, for a period not to exceed three years, or
68 may revoke the license, certificate or permit.

69 4. An individual whose license has been revoked shall wait at least one
70 year from the date of revocation to apply for relicensure. Relicensure shall be at
71 the discretion of the board after compliance with all requirements of sections
72 324.050 to 324.089 relative to the licensing of the applicant for the first time.

324.217. 1. The committee may refuse to issue any license or renew any
2 license required by the provisions of sections 324.200 to 324.225 for one or any
3 combination of reasons stated in subsection 2 of this section. The committee shall
4 notify the applicant in writing of the reasons for the refusal and shall advise the
5 applicant of the right to file a complaint with the administrative hearing
6 commission as provided in chapter 621.

7 2. The committee may cause a complaint to be filed with the
8 administrative hearing commission as provided in chapter 621 against the holder
9 of any license required by sections 324.200 to 324.225 or any person who has
10 failed to renew or has surrendered the person's license for any one or any
11 combination of the following causes:

12 (1) Use of fraud, deception, misrepresentation or bribery in securing a
13 license issued pursuant to the provisions of sections 324.200 to 324.225 or in
14 obtaining permission to take the examination required pursuant to sections
15 324.200 to 324.225;

16 (2) Impersonation of any person holding a license or allowing any person
17 to use his or her license or diploma from any school;

18 (3) Disciplinary action against the holder of a license or other right to
19 practice medical nutrition therapy by another state, territory, federal agency or
20 country upon grounds for which revocation or suspension is authorized in this
21 state;

22 (4) Issuance of a license based upon a material mistake of fact;

23 (5) The person has been finally adjudicated and found guilty, or entered
24 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws
25 of any state or the United States, for any offense reasonably related to the
26 qualifications, functions, or duties of the professional who is regulated pursuant
27 to sections 324.200 to 324.225, for any offense an essential element of which is

28 fraud, dishonesty or act of violence, or for any offense [involving moral turpitude]
29 **described in subsection 2 of section 324.019**, regardless of whether or not
30 sentence is imposed;

31 (6) Incompetence, misconduct, gross negligence, fraud, misrepresentation
32 or dishonesty in the performance of the functions or duties of the profession that
33 is regulated by sections 324.200 to 324.225;

34 (7) Violation of, or assisting or enabling any person to violate, any
35 provision of sections 324.200 to 324.225, or any lawful rule or regulation adopted
36 pursuant to such sections;

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

39 (9) Use of any advertisement or solicitation that is false, misleading or
40 deceptive to the general public or persons to whom the advertisement or
41 solicitation is primarily directed;

42 (10) Obtaining or attempting to obtain any fee, charge, tuition or other
43 compensation by fraud, deception or misrepresentation;

44 (11) Use or unlawful possession of any controlled substance, as defined in
45 chapter 195, or alcoholic beverage to an extent that such use impairs a person's
46 ability to perform the work of any profession that is licensed or regulated by
47 sections 324.200 to 324.225;

48 (12) Violation of the drug laws or rules and regulations of this state, any
49 other state or the federal government; or

50 (13) Violation of any professional trust or confidence.

51 3. Any person, organization, association or corporation who reports or
52 provides information to the committee pursuant to the provisions of sections
53 324.200 to 324.225 and who does so in good faith shall not be subject to an action
54 for civil damages as a result thereof.

55 4. After the filing of a complaint pursuant to subsection 2 of this section,
56 the proceedings shall be conducted in accordance with the provisions of chapter
57 621. Upon a finding by the administrative hearing commission that the grounds,
58 provided in subsection 2 of this section, for disciplinary action are met, the
59 committee may, singly or in combination, censure or place the person named in
60 the complaint on probation on such terms and conditions as the committee deems
61 appropriate for a period not to exceed five years, or may suspend, for a period not
62 to exceed three years, or revoke the license of the person. An individual whose
63 license has been revoked shall wait one year from the date of revocation to apply

64 for relicensure. Relicensure shall be at the discretion of the committee after
65 compliance with all requirements of sections 324.200 to 324.225 relative to the
66 licensing of an applicant for the first time.

67 5. The committee shall maintain an information file containing each
68 complaint filed with the committee relating to a holder of a license.

69 6. The committee shall recommend for prosecution violations of sections
70 324.200 to 324.225 to an appropriate prosecuting or circuit attorney.

324.496. 1. The board, with recommendation by the committee, may
2 refuse to issue, renew or reinstate any license required by sections 324.475 to
3 324.499 for one or any combination of causes stated in subsection 2 of this
4 section. The board shall notify the applicant in writing of the reasons for the
5 refusal and shall advise the applicant of his or her right to file a complaint with
6 the administrative hearing commission as provided by chapter 621.

7 2. The board, with recommendation by the committee, may cause a
8 complaint to be filed with the administrative hearing commission as provided by
9 chapter 621 against any holder of any license issued pursuant to sections 324.475
10 to 324.499 or any person who has failed to renew or has surrendered his or her
11 license for any one or any combination of the following causes:

12 (1) The person has been finally adjudicated and found guilty, or entered
13 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws
14 of any state or of the United States, for any offense reasonably related to the
15 qualifications, functions or duties of the profession regulated pursuant to sections
16 324.475 to 324.499, for any offense an essential element of which is fraud,
17 dishonesty or an act of violence, or for any offense [involving moral turpitude]
18 **described in subsection 2 of section 324.019**, whether or not sentence is
19 imposed;

20 (2) Use of fraud, deception, misrepresentation or bribery in securing any
21 license issued pursuant to sections 324.475 to 324.499 or in obtaining permission
22 to take any examination given or required pursuant to sections 324.475 to
23 324.499;

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

26 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation
27 or dishonesty in the performance of the functions or duties of the profession
28 regulated by sections 324.475 to 324.499;

29 (5) Violation of, or assisting or enabling any person to violate, any

30 provision of sections 324.475 to 324.499, or of any lawful rule or regulation
31 adopted pursuant to such sections;

32 (6) Impersonation of any person holding a license or allowing any person
33 to use his or her certificate or diploma from any school or certification entity;

34 (7) Disciplinary action against the holder of a license or other right to
35 practice the profession regulated by sections 324.475 to 324.499 granted by
36 another state, territory, federal agency or country upon grounds for which
37 revocation or suspension is authorized in this state;

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

40 (9) Issuance of a license based upon a material mistake of fact;

41 (10) Use of any advertisement or solicitation which is false, misleading or
42 deceptive to the general public or persons to whom the advertisement or
43 solicitation is primarily directed;

44 (11) Use of any controlled substance, as defined in chapter 195, or
45 alcoholic beverage to an extent that such use impairs a person's ability to perform
46 the work of any profession licensed or regulated by sections 324.475 to 324.499.

47 3. Any person, organization, association or corporation who reports or
48 provides information to the division, board or committee pursuant to the
49 provisions of sections 324.475 to 324.499 and who does so in good faith and
50 without negligence shall not be subject to an action for civil damages as a result
51 thereof.

52 4. After the filing of a complaint pursuant to subsection 2 of this section,
53 the proceedings shall be conducted in accordance with the provisions of chapter
54 621. Upon a finding by the administrative hearing commission that the grounds,
55 provided in subsection 2 of this section, for disciplinary action are met, the board
56 may, upon recommendation of the committee, singly or in combination, censure
57 or place the person named in the complaint on probation, suspension or revoke
58 the license of the person on such terms and conditions as the division deems
59 appropriate.

324.523. 1. The division may refuse to issue or cause a complaint to be
2 filed with the administrative hearing commission as provided by chapter 621
3 against any holder of any certificate of registration or authority, permit or license
4 required under sections 324.520 to 324.526, or any person who has failed to renew
5 or has surrendered his or her certificate of registration or authority, permit, or
6 license for any one or any combination of the following causes:

7 (1) Use or illegal possession of any controlled substance, as defined in
8 chapter 195, or use of any alcoholic beverage to an extent that such use impairs
9 a person's ability to perform the work of any profession that is licensed or
10 regulated under sections 324.520 to 324.526;

11 (2) Final adjudication and finding of guilt, or the entrance of a plea of
12 guilty or nolo contendere, in a criminal prosecution under the laws of any state
13 or of the United States, for any offense reasonably related to the qualifications,
14 functions, or duties of any profession that is licensed or regulated under sections
15 324.520 to 324.526, and the regulations promulgated thereunder, for any offense
16 an essential element of which is fraud, dishonesty, or an act of violence, or for any
17 offense [involving moral turpitude] **described in subsection 2 of section**
18 **324.019**, whether or not sentence is imposed;

19 (3) Use of fraud, deception, misrepresentation, or bribery in securing any
20 certificate of registration or authority, permit or license required under sections
21 324.520 to 324.526;

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

24 (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation,
25 or dishonesty in the performance of the functions or duties of any profession that
26 is licensed or regulated under sections 324.520 to 324.526;

27 (6) Violation of, or assisting or enabling any person to violate, any
28 provision of sections 324.520 to 324.526, or any lawful rule or regulation adopted
29 under sections 324.520 to 324.526;

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

33 (8) Disciplinary action against the holder of a license or other right to
34 practice any profession regulated under sections 324.520 to 324.526 granted by
35 another state, territory, federal agency, or country upon grounds for which
36 revocation or suspension is authorized in this state;

37 (9) Final adjudication by a court of competent jurisdiction that a person
38 is insane or incompetent;

39 (10) Assisting or enabling any person to practice or offer to practice any
40 profession licensed or regulated under sections 324.520 to 324.526 who is licensed
41 and is currently ineligible to practice under sections 324.520 to 324.526;

42 (11) Causing the division to issue a certificate of registration or authority,

43 permit, or license based upon a material mistake of fact;

44 (12) Failure to display a valid license;

45 (13) Violation of any advertisement or solicitation that is false,
46 misleading, or deceptive to the general public, or persons to whom the
47 advertisement or solicitation is primarily directed;

48 (14) Failure or refusal to properly guard against contagious, infectious,
49 or communicable diseases and the spread thereof.

50 2. After the filing of such complaint, the proceedings shall be conducted
51 in accordance with the provisions of chapter 621. Upon a finding by the
52 administrative hearing commission that grounds, provided in subsection 1 of this
53 section, for disciplinary action are met, the division may, singly, or in
54 combination, censure or place the person named in the complaint on probation on
55 such terms and conditions as the division deems appropriate for a period not to
56 exceed five years, or may suspend, for a period not to exceed three years, or
57 revoke the license, certificate, or permit.

58 3. The division, acting upon its own knowledge or written or verified
59 complaint filed by any person, may discipline a person as provided in subsections
60 1 or 2 of this section or the division may bring an action to enjoin any person,
61 establishment, firm, or corporation from engaging in an occupation regulated by
62 the provisions of sections 324.520 to 324.526, if such person, firm, or corporation
63 without being licensed to do so by the division engages in or practices an
64 occupation licensed under sections 324.520 to 324.526. The action shall be
65 brought in the county in which such person resides, or, in the case of an
66 establishment, firm, or corporation, where the establishment, firm, or corporation
67 maintains its principal office; and unless it appears that such person,
68 establishment, firm, or corporation so engaging or practicing such occupation is
69 licensed, the injunction shall be issued, and such person, firm, or corporation
70 shall be perpetually enjoined from engaging in such activities throughout the
71 state.

324.1112. 1. The board may deny a request for a license if the applicant:

2 (1) Has committed any act which, if committed by a licensee, would be
3 grounds for the suspension or revocation of a license under the provisions of
4 sections 324.1100 to 324.1148;

5 (2) Has been convicted of or entered a plea of guilty or nolo contendere to
6 a felony offense, including the receiving of a suspended imposition of sentence
7 following a plea or finding of guilty to a felony offense;

8 (3) Has been convicted of or entered a plea of guilty or nolo contendere to
9 a misdemeanor offense [involving moral turpitude] **described in subsection 2**
10 **of section 324.019**, including receiving a suspended imposition of sentence
11 following a plea of guilty to a misdemeanor offense;

12 (4) Has been refused a license under sections 324.1100 to 324.1148 or had
13 a license revoked or denied in this state or any other state;

14 (5) Has falsified or willfully misrepresented information in an employment
15 application, records of evidence, or in testimony under oath;

16 (6) Has been dependent on or abused alcohol or drugs; or

17 (7) Has used, possessed, or trafficked in any illegal substance;

18 (8) While unlicensed, committed or aided and abetted the commission of
19 any act for which a license is required by sections 324.1100 to 324.1148 after
20 August 28, 2007; or

21 (9) Knowingly made any false statement in the application to the board.

22 2. The board shall consider any evidence of the applicant's rehabilitation
23 when considering a request for licensure.

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

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

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

16 (2) The person has been finally adjudicated and found guilty, or entered
17 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
18 any state or of the United States, for any offense reasonably related to the
19 qualifications, functions or duties of any profession licensed or regulated under
20 this chapter, for any offense an essential element of which is fraud, dishonesty

21 or an act of violence, or for any offense [involving moral turpitude] **described**
22 **in subsection 2 of section 324.019**, whether or not sentence is imposed;

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any
24 certificate of registration or authority, permit or license issued pursuant to this
25 chapter or in obtaining permission to take any examination given or required
26 pursuant to this chapter;

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

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

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

35 (7) Impersonation of any person holding a certificate of registration or
36 authority, permit or license or allowing any person to use his or her certificate of
37 registration or authority, permit, license or diploma from any school;

38 (8) Disciplinary action against the holder of a license or other right to
39 practice any profession regulated by this chapter granted by another state,
40 territory, federal agency or country upon grounds for which revocation or
41 suspension is authorized in this state;

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

44 (10) Assisting or enabling any person to practice or offer to practice any
45 profession licensed or regulated by this chapter who is not registered and
46 currently eligible to practice under this chapter;

47 (11) Issuance of a certificate of registration or authority, permit or license
48 based upon a material mistake of fact;

49 (12) Failure to display a valid certificate or license if so required by this
50 chapter or any rule promulgated hereunder;

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

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

55 (15) Failure or refusal to properly guard against contagious, infectious or
56 communicable diseases or the spread thereof.

57 3. After the filing of such complaint, the proceedings shall be conducted
58 in accordance with the provisions of chapter 621. Upon a finding by the
59 administrative hearing commission that the grounds, provided in subsection 2,
60 for disciplinary action are met, the board may, singly or in combination, censure
61 or place the person named in the complaint on probation on such terms and
62 conditions as the board deems appropriate for a period not to exceed five years,
63 or may suspend, for a period not to exceed three years, or revoke the license,
64 certificate, or permit.

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

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

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

17 (2) The person has been finally adjudicated and found guilty, or entered
18 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
19 any state or of the United States, for any offense reasonably related to the
20 qualifications, functions or duties of any profession licensed or regulated under
21 this chapter, for any offense an essential element of which is fraud, dishonesty
22 or an act of violence, or for any offense [involving moral turpitude] **described**
23 **in subsection 2 of section 324.019**, whether or not sentence is imposed;

24 (3) Use of fraud, deception, misrepresentation or bribery in securing any
25 certificate of registration or authority, permit or license issued pursuant to this
26 chapter or in obtaining permission to take any examination given or required
27 pursuant to this chapter;

28 (4) Obtaining or attempting to obtain any fee, charge, tuition or other

29 compensation by fraud, deception or misrepresentation;

30 (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation
31 or dishonesty in the performance of the functions or duties of any profession
32 licensed or regulated by this chapter;

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

36 (7) Impersonation of any person holding a certificate of registration or
37 authority, permit or license or allowing any person to use his or her certificate of
38 registration or authority, permit, license or diploma from any school;

39 (8) Disciplinary action against the holder of a license or other right to
40 practice any profession regulated by this chapter granted by another state,
41 territory, federal agency or country upon grounds for which revocation or
42 suspension is authorized in this state;

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

45 (10) Assisting or enabling any person to practice or offer to practice any
46 profession licensed or regulated by this chapter who is not licensed and currently
47 eligible to practice under this chapter;

48 (11) Issuance of a certificate of registration or authority, permit or license
49 based upon a material mistake of fact;

50 (12) Failure to display a valid license if so required by this chapter or any
51 rule promulgated hereunder;

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

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

56 (15) Failure or refusal to properly guard against contagious, infectious or
57 communicable diseases or the spread thereof.

58 3. After the filing of such complaint, the proceedings shall be conducted
59 in accordance with the provisions of chapter 621. Upon a finding by the
60 administrative hearing commission that the grounds, provided in subsection 2,
61 for disciplinary action are met, the board may, singly or in combination, censure
62 or place the person named in the complaint on probation on such terms and
63 conditions as the board deems appropriate for a period not to exceed five years,
64 or may suspend, for a period not to exceed three years, or revoke the license,

65 certificate, or permit.

66 4. The board, acting upon its own knowledge or written or verified
67 complaint filed by any person, may discipline a person as provided in subsections
68 1 to 3 of this section or the board may bring an action to enjoin any person, firm
69 or corporation from engaging in an occupation regulated by the provisions of this
70 chapter, if such person, firm or corporation without being licensed to do so by the
71 board, engages in or practices an occupation licensed pursuant to this
72 chapter. The action shall be brought in the county in which such person resides,
73 or, in the case of a firm or corporation, where the firm or corporation maintains
74 its principal office; and, unless it appears that such person, firm or corporation
75 so engaging or practicing such occupation is licensed, the injunction shall be
76 issued, and such person, firm or corporation shall be perpetually enjoined from
77 engaging in such activities throughout the state.

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

6 2. The committee may cause a complaint to be filed with the
7 administrative hearing commission, as provided by chapter 621, against any
8 holder of any license required by this chapter or any person who has failed to
9 renew or has surrendered the person's license for any one or any combination of
10 the following causes:

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

14 (2) The person has been finally adjudicated and found guilty, or entered
15 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
16 any state or of the United States, for any offense reasonably related to the
17 qualifications, functions, or duties of any profession licensed or regulated under
18 this chapter, for any offense an essential element of which is fraud, dishonesty
19 or an act of violence, or for any offense [involving moral turpitude] **described**
20 **in subsection 2 of section 324.019**, whether or not sentence is imposed;

21 (3) Use of fraud, deception, misrepresentation or bribery in securing any
22 permit or license issued under this chapter or in obtaining permission to take any
23 examination given or required under sections 337.300 to 337.345;

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

26 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation,
27 or dishonesty in the performance of the functions or duties of any profession
28 licensed by sections 337.300 to 337.345;

29 (6) Violation of, or assisting or enabling any person to violate, any
30 provision of sections 337.300 to 337.345, or of any lawful rule adopted thereunder;

31 (7) Impersonation of any person holding a certificate of registration or
32 authority, permit or license or allowing any person to use his or her certificate of
33 registration or authority, permit, license, or diploma from any school;

34 (8) Disciplinary action against the holder of a license or other right to
35 practice any profession regulated by sections 337.300 to 337.345 granted by
36 another state, territory, federal agency, or country upon grounds for which
37 revocation or suspension is authorized in this state;

38 (9) A person is finally adjudged insane or incapacitated by a court of
39 competent jurisdiction;

40 (10) Assisting or enabling any person to practice or offer to practice any
41 profession licensed or regulated by sections 337.300 to 337.345 who is not
42 registered and currently eligible to practice as provided in sections 337.300 to
43 337.345;

44 (11) Issuance of a certificate of registration or authority, permit, or license
45 based upon a material mistake of fact;

46 (12) Failure to display a valid certificate or license if so required by
47 sections 337.300 to 337.345 or any rule promulgated thereunder;

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

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

52 (15) Being guilty of unethical conduct as defined in the code of conduct as
53 adopted by the committee and filed with the secretary of state.

54 3. After the filing of such complaint, the proceedings shall be conducted
55 in accordance with the provisions of chapter 621. Upon a finding by the
56 administrative hearing commission that the grounds, provided in subsection 2 of
57 this section, for disciplinary action are met, the committee may, singly or in
58 combination, censure or place the person named in the complaint on probation on
59 such terms and conditions as the department deems appropriate for a period not

60 to exceed five years, or may suspend, for a period not to exceed three years, or
61 revoke the license, certificate, or permit.

337.525. 1. The committee may refuse to issue or renew any license
2 required by the provisions of sections 337.500 to 337.540 for one or any
3 combination of causes stated in subsection 2 of this section. The committee shall
4 notify the applicant in writing of the reasons for the refusal and shall advise the
5 applicant of his right to file a complaint with the administrative hearing
6 commission as provided by chapter 621.

7 2. The committee may cause a complaint to be filed with the
8 administrative hearing commission as provided by chapter 621 against any holder
9 of any license required by sections 337.500 to 337.540 or any person who has
10 failed to renew or has surrendered his license for any one or any combination of
11 the following causes:

12 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic
13 beverage to an extent that such use impairs a person's ability to engage in the
14 occupation of professional counselor;

15 (2) The person has been finally adjudicated and found guilty, or entered
16 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
17 any state or of the United States, for any offense reasonably related to the
18 qualifications, functions or duties of a professional counselor; for any offense an
19 essential element of which is fraud, dishonesty or an act of violence; or for any
20 offense [involving moral turpitude] **described in subsection 2 of section**
21 **324.019**, whether or not sentence is imposed;

22 (3) Use of fraud, deception, misrepresentation or bribery in securing any
23 license issued pursuant to the provisions of sections 337.500 to 337.540 or in
24 obtaining permission to take any examination given or required pursuant to the
25 provisions of sections 337.500 to 337.540;

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

28 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in
29 the performance of the functions or duties of a professional counselor;

30 (6) Violation of, or assisting or enabling any person to violate, any
31 provision of sections 337.500 to 337.540, or of any lawful rule or regulation
32 adopted pursuant to sections 337.500 to 337.540;

33 (7) Impersonation of any person holding a license or allowing any person
34 to use his or her license or diploma from any school;

35 (8) Revocation or suspension of a license or other right to practice
36 counseling granted by another state, territory, federal agency or country upon
37 grounds for which revocation or suspension is authorized in this state;

38 (9) A person is finally adjudged incapacitated by a court of competent
39 jurisdiction;

40 (10) Assisting or enabling any person to practice or offer to practice
41 professional counseling who is not licensed and currently eligible to practice
42 under the provisions of sections 337.500 to 337.540;

43 (11) Issuance of a license based upon a material mistake of fact;

44 (12) Failure to display a valid license if so required by sections 337.500
45 to 337.540 or any rule promulgated hereunder;

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

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

50 (15) Being guilty of unethical conduct as defined in the ethical standards
51 for counselors adopted by the division and filed with the secretary of state.

52 3. Any person, organization, association or corporation who reports or
53 provides information to the committee pursuant to the provisions of this chapter
54 and who does so in good faith shall not be subject to an action for civil damages
55 as a result thereof.

56 4. After the filing of such complaint, the proceedings shall be conducted
57 in accordance with the provisions of chapter 621. Upon a finding by the
58 administrative hearing commission that the grounds, provided in subsection 2 of
59 this section, for disciplinary action are met, the committee may censure or place
60 the person named in the complaint on probation on such terms and conditions as
61 the committee deems appropriate for a period not to exceed five years, or may
62 suspend, for a period not to exceed three years, or revoke the license.

337.630. 1. The committee may refuse to issue or renew any license
2 required by the provisions of sections 337.600 to 337.689 for one or any
3 combination of causes stated in subsection 2 of this section. The committee shall
4 notify the applicant in writing of the reasons for the refusal and shall advise the
5 applicant of the applicant's right to file a complaint with the administrative
6 hearing commission as provided by chapter 621.

7 2. The committee may cause a complaint to be filed with the
8 administrative hearing commission as provided by chapter 621 against any holder

9 of any license required by sections 337.600 to 337.689 or any person who has
10 failed to renew or has surrendered the person's license for any one or any
11 combination of the following causes:

12 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic
13 beverage to an extent that such use impairs a person's ability to engage in the
14 occupation of social work licensed under this chapter; except that the fact that a
15 person has undergone treatment for past substance or alcohol abuse and/or has
16 participated in a recovery program, shall not by itself be cause for refusal to issue
17 or renew a license;

18 (2) The person has been finally adjudicated and found guilty, or entered
19 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws
20 of any state or of the United States, for any offense reasonably related to the
21 qualifications, functions or duties of a social worker licensed under this chapter;
22 for any offense an essential element of which is fraud, dishonesty or an act of
23 violence; or for any offense [involving moral turpitude] **described in subsection**
24 **2 of section 324.019**, whether or not sentence is imposed;

25 (3) Use of fraud, deception, misrepresentation or bribery in securing any
26 license issued pursuant to the provisions of sections 337.600 to 337.689 or in
27 obtaining permission to take any examination given or required pursuant to the
28 provisions of sections 337.600 to 337.689;

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

31 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in
32 the performance of the functions or duties of a social worker licensed pursuant
33 to this chapter;

34 (6) Violation of, or assisting or enabling any person to violate, any
35 provision of sections 337.600 to 337.689, or of any lawful rule or regulation
36 adopted pursuant to sections 337.600 to 337.689;

37 (7) Impersonation of any person holding a license or allowing any person
38 to use the person's license or diploma from any school;

39 (8) Revocation or suspension of a license or other right to practice social
40 work licensed pursuant to this chapter granted by another state, territory, federal
41 agency or country upon grounds for which revocation or suspension is authorized
42 in this state;

43 (9) Final adjudication as incapacitated by a court of competent
44 jurisdiction;

45 (10) Assisting or enabling any person to practice or offer to practice social
46 work licensed pursuant to this chapter who is not licensed and currently eligible
47 to practice pursuant to the provisions of sections 337.600 to 337.689;

48 (11) Obtaining a license based upon a material mistake of fact;

49 (12) Failure to display a valid license if so required by sections 337.600
50 to 337.689 or any rule promulgated hereunder;

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

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

55 (15) Being guilty of unethical conduct as defined in the ethical standards
56 for clinical social workers adopted by the committee by rule and filed with the
57 secretary of state.

58 3. Any person, organization, association or corporation who reports or
59 provides information to the committee pursuant to the provisions of sections
60 337.600 to 337.689 and who does so in good faith shall not be subject to an action
61 for civil damages as a result thereof.

62 4. After the filing of such complaint, the proceedings shall be conducted
63 in accordance with the provisions of chapter 621. Upon a finding by the
64 administrative hearing commission that the grounds, provided in subsection 2 of
65 this section, for disciplinary action are met, the committee may censure or place
66 the person named in the complaint on probation on such terms and conditions as
67 the committee deems appropriate for a period not to exceed five years, or may
68 suspend, for a period not to exceed three years, or revoke the license.

337.730. 1. The committee may refuse to issue or renew any license
2 required by the provisions of sections 337.700 to 337.739 for one or any
3 combination of causes stated in subsection 2 of this section. The committee shall
4 notify the applicant in writing of the reasons for the refusal and shall advise the
5 applicant of the applicant's right to file a complaint with the administrative
6 hearing commission as provided by chapter 621.

7 2. The committee may cause a complaint to be filed with the
8 administrative hearing commission as provided by chapter 621 against any holder
9 of any license required by sections 337.700 to 337.739 or any person who has
10 failed to renew or has surrendered the person's license for any one or any
11 combination of the following causes:

12 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic

13 beverage to an extent that such use impairs a person's ability to engage in the
14 occupation of marital and family therapist; except the fact that a person has
15 undergone treatment for past substance or alcohol abuse or has participated in
16 a recovery program, shall not by itself be cause for refusal to issue or renew a
17 license;

18 (2) The person has been finally adjudicated and found guilty, or entered
19 a plea of guilty in a criminal prosecution under the laws of any state or of the
20 United States, for any offense reasonably related to the qualifications, functions
21 or duties of a marital and family therapist; for any offense an essential element
22 of which is fraud, dishonesty or an act of violence; or for any offense [involving
23 moral turpitude] **described in subsection 2 of section 324.019**, whether or
24 not sentence is imposed;

25 (3) Use of fraud, deception, misrepresentation or bribery in securing any
26 license issued pursuant to the provisions of sections 337.700 to 337.739 or in
27 obtaining permission to take any examination given or required pursuant to the
28 provisions of sections 337.700 to 337.739;

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

31 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in
32 the performance of the functions or duties of a marital and family therapist;

33 (6) Violation of, or assisting or enabling any person to violate, any
34 provision of sections 337.700 to 337.739 or of any lawful rule or regulation
35 adopted pursuant to sections 337.700 to 337.739;

36 (7) Impersonation of any person holding a license or allowing any person
37 to use the person's license or diploma from any school;

38 (8) Revocation or suspension of a license or other right to practice marital
39 and family therapy granted by another state, territory, federal agency or country
40 upon grounds for which revocation or suspension is authorized in this state;

41 (9) Final adjudication as incapacitated by a court of competent
42 jurisdiction;

43 (10) Assisting or enabling any person to practice or offer to practice
44 marital and family therapy who is not licensed and is not currently eligible to
45 practice under the provisions of sections 337.700 to 337.739;

46 (11) Obtaining a license based upon a material mistake of fact;

47 (12) Failure to display a valid license if so required by sections 337.700
48 to 337.739 or any rule promulgated hereunder;

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

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

53 (15) Being guilty of unethical conduct as defined in the ethical standards
54 for marital and family therapists adopted by the committee by rule and filed with
55 the secretary of state.

56 3. Any person, organization, association or corporation who reports or
57 provides information to the committee under sections 337.700 to 337.739 and who
58 does so in good faith shall not be subject to an action for civil damages as a result
59 thereof.

60 4. After filing of such complaint, the proceedings shall be conducted in
61 accordance with the provisions of chapter 621. Upon a finding by the
62 administrative hearing commission that the grounds provided in subsection 2 of
63 this section for disciplinary action are met, the division may censure or place the
64 person named in the complaint on probation on such terms and conditions as the
65 committee deems appropriate for a period not to exceed five years, or may
66 suspend for a period not to exceed three years, or revoke the license.

339.532. 1. The commission may refuse to issue or renew any certificate
2 or license issued pursuant to sections 339.500 to 339.549 for one or any
3 combination of causes stated in subsection 2 of this section. The commission
4 shall notify the applicant in writing of the reasons for the refusal and shall advise
5 the applicant of the right to file a complaint with the administrative hearing
6 commission as provided by chapter 621.

7 2. The commission may cause a complaint to be filed with the
8 administrative hearing commission as provided by chapter 621 against any
9 state-certified real estate appraiser, state-licensed real estate appraiser,
10 state-licensed appraiser trainee, state-certified residential appraiser trainee,
11 state-certified general appraiser trainee, state-licensed appraisal management
12 company that is a legal entity other than a natural person, any person who is a
13 controlling person as defined in this chapter, or any person who has failed to
14 renew or has surrendered his or her certificate or license for any one or any
15 combination of the following causes:

16 (1) Procuring or attempting to procure a certificate or license pursuant to
17 section 339.513 by knowingly making a false statement, submitting false
18 information, refusing to provide complete information in response to a question

19 in an application for certification or licensure, or through any form of fraud or
20 misrepresentation;

21 (2) Failing to meet the minimum qualifications for certification or
22 licensure or renewal established by sections 339.500 to 339.549;

23 (3) Paying money or other valuable consideration, other than as provided
24 for by section 339.513, to any member or employee of the commission to procure
25 a certificate or license pursuant to sections 339.500 to 339.549;

26 (4) The person has been finally adjudicated and found guilty, or entered
27 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
28 any state or the United States, for any offense reasonably related to the
29 qualifications, functions or duties of any profession licensed or regulated
30 pursuant to sections 339.500 to 339.549 for any offense of which an essential
31 element is fraud, dishonesty or an act of violence, or for any offense [involving
32 moral turpitude] **described in subsection 2 of section 324.019**, whether or
33 not sentence is imposed;

34 (5) Incompetency, misconduct, gross negligence, dishonesty, fraud, or
35 misrepresentation in the performance of the functions or duties of any profession
36 licensed or regulated by sections 339.500 to 339.549;

37 (6) Violation of any of the standards for the development or
38 communication of real estate appraisals as provided in or pursuant to sections
39 339.500 to 339.549;

40 (7) Failure to comply with the Uniform Standards of Professional
41 Appraisal Practice promulgated by the appraisal standards board of the appraisal
42 foundation;

43 (8) Failure or refusal without good cause to exercise reasonable diligence
44 in developing an appraisal, preparing an appraisal report, or communicating an
45 appraisal;

46 (9) Negligence or incompetence in developing an appraisal, in preparing
47 an appraisal report, or in communicating an appraisal;

48 (10) Violating, assisting or enabling any person to willfully disregard any
49 of the provisions of sections 339.500 to 339.549 or the regulations of the
50 commission for the administration and enforcement of the provisions of sections
51 339.500 to 339.549;

52 (11) Accepting an appraisal assignment when the employment itself is
53 contingent upon the appraiser's reporting a predetermined analysis or opinion or
54 where the fee to be paid for the performance of the appraisal assignment is

55 contingent upon the opinion, conclusion, or valuation reached or upon the
56 consequences resulting from the appraisal assignment;

57 (12) Violating the confidential nature of governmental records to which
58 the person gained access through employment or engagement to perform an
59 appraisal assignment or specialized appraisal services for a governmental agency;

60 (13) Violating any term or condition of a certificate or license issued by
61 the commission pursuant to the authority of sections 339.500 to 339.549;

62 (14) Violation of any professional trust or confidence;

63 (15) Obtaining or attempting to obtain any fee, charge, tuition or other
64 compensation by fraud, deception or misrepresentation;

65 (16) Assisting or enabling any person to practice or offer to practice any
66 profession licensed or regulated by sections 339.500 to 339.549 who is not licensed
67 or certified and currently eligible to practice pursuant to sections 339.500 to
68 339.549;

69 (17) Use of any advertisement or solicitation which is false, misleading or
70 deceptive to the general public or persons to whom the advertisement or
71 solicitation is primarily directed;

72 (18) Disciplinary action against the holder of a license, certificate or other
73 right to practice any profession regulated pursuant to sections 339.500 to 339.549,
74 imposed by another state, territory, federal agency or country upon grounds for
75 which revocation or suspension is authorized in this state;

76 (19) Making any material misstatement, misrepresentation, or omission
77 with regard to any application for licensure or certification, or for license or
78 certification renewal. As used in this section, "material" means important
79 information about which the commission should be informed and which may
80 influence a licensing decision;

81 (20) Engaging in or committing, or assisting any person in engaging in or
82 committing, any practice or act of mortgage fraud, as defined in section 443.930;

83 (21) Influencing or attempting to influence the development, reporting, or
84 review of an appraisal through coercion, extortion, collusion, compensation,
85 instruction, inducement, intimidation, or bribery.

86 3. After the filing of such complaint, the proceedings shall be conducted
87 in accordance with the provisions of chapter 621. Upon a finding by the
88 administrative hearing commission that the grounds, provided in subsection 2 of
89 this section, for disciplinary action are met, the commission may, singly or in
90 combination, publicly censure or place the person named in the complaint on

91 probation on such terms and conditions as the commission deems appropriate for
92 a period not to exceed five years, or may suspend, for a period not to exceed three
93 years, or revoke, the certificate or license. The holder of a certificate or license,
94 or the legal entity and any controlling person in the case of an appraisal
95 management company, revoked pursuant to this section may not obtain
96 certification as a state-certified real estate appraiser, licensure as a state-licensed
97 real estate appraiser, or licensure as an appraisal management company for at
98 least five years after the date of revocation.

99 4. Notwithstanding other provisions of this section, a real estate appraiser
100 license or certification or an appraisal management company license shall be
101 revoked, or in the case of an applicant, shall not be issued, if the licensee or
102 applicant, or any controlling person in the case of an appraisal management
103 company, has pleaded guilty to, entered a plea of nolo contendere to, or been
104 found guilty of mortgage fraud as defined in section 570.310. The commission
105 shall notify the individual or legal entity of the reasons for the revocation in
106 writing, by certified mail.

107 5. A person, or the legal entity or controlling person in the case of an
108 appraisal management company, whose license is revoked under subsection 4 of
109 this section may appeal such revocation to the administrative hearing
110 commission, as provided by chapter 621, within ninety days from the time the
111 commission mails the notice of revocation. A person who fails to do so waives all
112 rights to appeal the revocation.

113 6. A certification of a state-certified real estate appraiser, a license of a
114 state-licensed real estate appraiser, or a license of an appraisal management
115 company that has been suspended as a result of disciplinary action by the
116 commission shall not be reinstated, and a person, controlling person, or legal
117 entity may not obtain certification as a state-certified real estate appraiser,
118 licensure as a state-licensed real estate appraiser, or licensure as an appraisal
119 management company subsequent to revocation, unless the applicant presents
120 evidence of completion of the continuing education required by section 339.530
121 during the period of suspension or revocation as well as fulfillment of any other
122 conditions imposed by the commission. Applicants for recertification, relicensure
123 or reinstatement also shall be required to successfully complete the examination
124 for original certification or licensure required by section 339.515 as a condition
125 to reinstatement of certification or licensure, or recertification or relicensure
126 subsequent to revocation.

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

8 2. The division may cause a complaint to be filed with the administrative
9 hearing commission as provided by chapter 621 against any holder of any
10 certificate of registration or authority, permit or license required by this chapter
11 or against any person who has failed to renew or has surrendered such person's
12 certificate of registration or authority, permit or license for any one or any
13 combination of the following causes:

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

17 (2) The person has been finally adjudicated and found guilty, or entered
18 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
19 any state or of the United States, for any offense reasonably related to the
20 qualification, functions or duties of any profession licensed or regulated under
21 this chapter, for any offense an essential element of which is fraud, dishonesty
22 or an act of violence, or for any offense [involving moral turpitude] **described**
23 **in subsection 2 of section 324.019**, whether or not sentence is imposed;

24 (3) Use of fraud, deception, misrepresentation or bribery in securing any
25 certificate of registration or authority, permit or license issued pursuant to this
26 chapter or in obtaining permission to take any examination given or required
27 pursuant to this chapter;

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

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

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

36 (7) Impersonation of any person holding a certificate of registration or

37 authority, permit or license or allowing any person to use his or her certificate of
38 registration or authority, permit, license or diploma from any school;

39 (8) Disciplinary action against the holder of a license or other right to
40 practice any profession regulated by this chapter granted by another state,
41 territory, federal agency or country upon grounds for which revocation or
42 suspension is authorized in this state;

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

45 (10) Assisting or enabling any person to practice or offer to practice any
46 profession licensed or regulated by this chapter who is not registered and
47 currently eligible to practice under this chapter;

48 (11) Issuance of a certificate of registration or authority, permit or license
49 based upon a material mistake of fact;

50 (12) Failure to display a valid certificate or license if so required by this
51 chapter or any rule promulgated hereunder;

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

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

56 (15) Representing that the service or advice of a person licensed as a
57 physician pursuant to chapter 334 will be used or made available in the selection,
58 fitting, adjustment, maintenance or repair of hearing instruments when that is
59 not true, or using the words "doctor", "clinic", "clinical audiologist", "state-licensed
60 clinic", "state registered", "state certified", or "state approved" or any other term,
61 abbreviation, or symbol when it would falsely give the impression that service is
62 being provided by physicians licensed pursuant to chapter 334, or by audiologists
63 licensed pursuant to chapter 345, or that the licensee's service has been
64 recommended by the state when such is not the case.

436.230. 1. Except as otherwise provided in subsection 2 of this section,
2 the director shall issue a certificate of registration to an individual who complies
3 with section 436.227.

4 2. The director may refuse to issue a certificate of registration if the
5 director determines that the applicant has engaged in conduct that has a
6 significant adverse effect on the applicant's fitness to serve as an athlete agent.
7 In making the determination, the director may consider whether the applicant
8 has:

9 (1) Been convicted of a crime that if committed in this state would be a
10 felony or other crime [involving moral turpitude] **described in subsection 2 of**
11 **section 324.019;**

12 (2) Made a materially false, misleading, deceptive, or fraudulent
13 representation as an athlete agent or in the application;

14 (3) Engaged in conduct that would disqualify the applicant from serving
15 in a fiduciary capacity;

16 (4) Engaged in conduct prohibited by section 436.254;

17 (5) Had a registration or licensure as an athlete agent suspended,
18 revoked, or denied or been refused renewal of registration or licensure in any
19 state;

20 (6) Engaged in conduct or failed to engage in conduct the consequence of
21 which was that a sanction, suspension, or declaration of ineligibility to participate
22 in an interscholastic or intercollegiate athletic event was imposed on a student
23 athlete or educational institution; or

24 (7) Engaged in conduct that significantly adversely reflects on the
25 applicant's credibility, honesty, or integrity.

26 3. In making a determination under subsection [3] 2 of this section, the
27 director shall consider:

28 (1) How recently the conduct occurred;

29 (2) The nature of the conduct and the context in which it occurred; and

30 (3) Any other relevant conduct of the applicant.

31 4. An athlete agent may apply to renew a registration by submitting an
32 application for renewal in a form prescribed by the director. The application for
33 renewal must be signed by the applicant under penalty of perjury under section
34 575.040 and shall contain current information on all matters required in an
35 original registration.

36 5. A certificate of registration or a renewal of a registration is valid for
37 two years.

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