

HOUSE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

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FOR

SENATE BILL NO. 1122

AN ACT

1

2 To repeal sections 209.309, 209.321, 209.322,
3 209.323, 317.011, 324.200, 324.203, 324.205,
4 324.210, 324.215, 324.400, 324.403, 324.409,
5 324.415, 324.418, 324.421, 324.427, 324.430,
6 324.433, 328.080, 332.051, 332.071, 332.081,
7 332.086, 332.111, 332.121, 334.100, 334.506,
8 334.530, 334.540, 334.550, 334.655, 334.660,
9 334.665, 335.016, 335.212, 335.245, 337.085,
10 337.507, 337.615, 337.665, 337.712, 338.013,
11 338.055, 338.065, 338.220, 339.010, 339.020,
12 339.030, 339.040, 339.060, 339.100, 339.105,
13 339.120, 339.130, 339.150, 339.160, 339.170,
14 339.180, 339.600, 339.603, 339.605, 339.606,
15 339.607, 339.608, 339.610, 339.612, 339.614,
16 339.617, 339.710, 339.760, 339.780, 339.800,
17 345.015, 346.135, 374.700, 374.705, 374.710,
18 374.715, 374.725, 374.730, 374.735, 374.740,
19 374.755, 374.757, 374.763, 436.200, 436.205,
20 436.209, 436.212, 544.650, 620.127, and
21 620.145, RSMo, and to enact in lieu thereof
22 one hundred twenty new sections relating to
23 professional licensing, with penalty

1 provisions.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
3 AS FOLLOWS:

4 Section A. Sections 209.309, 209.321, 209.322, 209.323,
5 317.011, 324.200, 324.203, 324.205, 324.210, 324.215, 324.400,
6 324.403, 324.409, 324.415, 324.418, 324.421, 324.427, 324.430,
7 324.433, 328.080, 332.051, 332.071, 332.081, 332.086, 332.111,
8 332.121, 334.100, 334.506, 334.530, 334.540, 334.550, 334.655,
9 334.660, 334.665, 335.016, 335.212, 335.245, 337.085, 337.507,
10 337.615, 337.665, 337.712, 338.013, 338.055, 338.065, 338.220,
11 339.010, 339.020, 339.030, 339.040, 339.060, 339.100, 339.105,
12 339.120, 339.130, 339.150, 339.160, 339.170, 339.180, 339.600,
13 339.603, 339.605, 339.606, 339.607, 339.608, 339.610, 339.612,
14 339.614, 339.617, 339.710, 339.760, 339.780, 339.800, 345.015,
15 346.135, 374.700, 374.705, 374.710, 374.715, 374.725, 374.730,
16 374.735, 374.740, 374.755, 374.757, 374.763, 436.200, 436.205,
17 436.209, 436.212, 544.650, 620.127, and 620.145, RSMo, are
18 repealed and one hundred twenty new sections enacted in lieu
19 thereof, to be known as sections 209.309, 209.321, 209.322,
20 209.323, 317.011, 324.200, 324.203, 324.205, 324.206, 324.210,
21 324.215, 324.216, 324.400, 324.402, 324.403, 324.409, 324.415,
22 324.418, 324.421, 324.427, 324.430, 324.433, 324.526, 328.075,
23 328.080, 332.032, 332.051, 332.071, 332.081, 332.086, 332.111,
24 332.121, 332.122, 334.100, 334.506, 334.530, 334.540, 334.550,
25 334.655, 334.660, 334.665, 335.016, 335.212, 335.245, 337.085,
26 337.507, 337.615, 337.665, 337.712, 338.013, 338.055, 338.065,

1 338.145, 338.155, 338.220, 339.010, 339.020, 339.030, 339.040,
2 339.060, 339.100, 339.105, 339.120, 339.130, 339.150, 339.160,
3 339.170, 339.180, 339.710, 339.760, 339.780, 339.800, 345.015,
4 346.135, 374.695, 374.700, 374.702, 374.705, 374.710, 374.715,
5 374.716, 374.717, 374.719, 374.730, 374.735, 374.740, 374.755,
6 374.757, 374.759, 374.763, 374.764, 374.783, 374.784, 374.785,
7 374.786, 374.787, 374.788, 374.789, 436.215, 436.218, 436.221,
8 436.224, 436.227, 436.230, 436.233, 436.236, 436.239, 436.242,
9 436.245, 436.248, 436.251, 436.254, 436.257, 436.260, 436.263,
10 436.266, 436.269, 436.272, 620.127, and 620.145, to read as
11 follows:

12 209.309. 1. The board may offer provisional certification
13 to interpreters achieving a minimal level of certification
14 established by the board. A provisional certification is limited
15 to one year; during such year the interpreter must be reevaluated
16 and achieve the next higher level of certification. If an
17 evaluation slot is not available during the term of the
18 provisional license, the interpreter may be granted an extension.
19 A holder of a provisional certification may only be granted one
20 extension. A person nominated by a local public school district
21 in Missouri shall be granted a provisional public school
22 certificate when all of the following conditions are met:

23 (1) The local school district certifies that it was unable
24 to locate an interpreter certified and licensed under sections
25 209.319 to 209.339 and otherwise acceptable to the local school

1 district for employment, to accept the position;

2 (2) The local school district certifies that the person has
3 demonstrated the skills necessary for the assignment to the
4 satisfaction of the local school district;

5 (3) The local school district certifies that failure to
6 employ the person would to the best of their knowledge result in
7 noncompliance with applicable state or federal statutes or
8 regulations; and

9 (4) The person nominated certifies that he or she shall
10 begin the application process for the certification and licensure
11 requisite under sections 209.319 to 209.339 within ninety days.

12 2. Provisional public school certificates shall be issued
13 within seventy-two hours of application containing the above
14 certifications and shall remain valid for eighteen months or
15 until the person obtains the certification and licensure
16 otherwise required under sections 209.319 to 209.339.

17 3. Provisional public school certificates may be revoked
18 when the person ends his or her employment with the school
19 district or if the person commits any of the actions listed in
20 subsections 1 to 5 of section 209.317.

21 209.321. 1. No person shall represent himself or herself
22 as an interpreter or engage in the practice of interpreting as
23 defined in section 209.285 as provided in subsection 6 of this
24 section in the state of Missouri unless such person is licensed
25 as required by the provisions of sections 209.319 to 209.339.

1 2. A person registered, certified or licensed by this
2 state, another state or any recognized national certification
3 agent, acceptable to the committee that allows that person to
4 practice any other occupation or profession in this state, is not
5 considered to be interpreting if he or she is in performance of
6 the occupation or profession for which he or she is registered,
7 certified or licensed. The professions referred to in this
8 subsection include, but are not limited to, physicians,
9 psychologists, nurses, certified public accountants, architects
10 and attorneys.

11 3. A licensed interpreter shall limit his or her practice
12 to demonstrated areas of competence as documented by relevant
13 professional education, training, experience and certification.
14 An interpreter not trained in an area shall not practice in that
15 area without obtaining additional relevant professional
16 education, training and experience through an acceptable program
17 as defined by rule by the Missouri commission for the deaf and
18 hard of hearing.

19 4. A person is not considered to be interpreting pursuant
20 to the provisions of this section if, in a casual setting and as
21 defined by rule, a person is acting as an interpreter
22 gratuitously or is engaged in interpreting incidental to
23 traveling.

24 5. A person is not considered to be interpreting pursuant
25 to the provisions of this section if a person is engaged as a

1 telecommunications operator providing deaf relay service or
2 operator services for the deaf.

3 6. A person is not considered to be interpreting under the
4 provisions of this section if the person is currently enrolled in
5 an interpreter training program which has been accredited by a
6 certifying agency and approved by the committee. The training
7 program shall offer a degree in interpreting from an accredited
8 institution of higher education. Persons exempted under this
9 provision shall engage only in activities and services that
10 constitute part of a supervised course of study and shall clearly
11 designate themselves by a title of student, practicum student,
12 student interpreter, trainee, or intern.

13 7. A person holding a current certification of license from
14 another state or a recognized national certification system
15 deemed acceptable by the committee is not considered to be
16 interpreting as defined in this chapter when temporarily present
17 in the state for the purpose of providing interpreting services
18 for a convention, conference, meeting, professional group, or
19 educational field trip.

20 8. A person granted a provisional certificate to interpret
21 in a public school shall not be subject to the regular
22 certification or licensure requirements of sections 209.319 to
23 209.339.

24 209.322. The board shall recognize the following
25 certificates:

1 (1) National Registry of Interpreters for the Deaf (NRID)
2 certificates, which include Comprehensive Skills Certificate
3 (CSC), Certificate of Interpreting/Certificate of Transliteration
4 (CI/CT) and Certified Deaf Interpreter (CDI); [and]

5 (2) National Association of the Deaf (NAD) certificate
6 levels 3, 4 and 5; and

7 (3) A provisional public school certificate.

8 209.323. 1. Applications for licensure as an interpreter
9 shall be submitted to the division on forms prescribed by the
10 division and furnished to the applicant. The application shall
11 contain the applicant's statements showing the applicant's
12 education, certification by either the National Registry of
13 Interpreters for the Deaf, National Association of the Deaf or
14 Missouri Interpreter Certification System and such other
15 information as the division may require. Each application shall
16 contain a statement that it is made under oath or affirmation and
17 that the information contained in the application is true and
18 correct to the best knowledge and belief of the applicant,
19 subject to the penalties, as provided in sections 209.319 to
20 209.339, for the making of a false affidavit or declaration.
21 Each application shall be accompanied by the required application
22 fee. The application fee must be submitted in a manner as
23 required by the committee and shall not be refundable. The
24 applicant must be eighteen years of age or older.

25 2. Each license issued pursuant to the provisions of

1 sections 209.319 to 209.339 shall expire on the renewal date.
2 The division shall mail a renewal notice to the last known
3 address of each licensee prior to the [registration] license
4 renewal date. The license will expire and renewal may be denied
5 upon failure of the licensee to provide the division with the
6 information required for [registration] renewal including but not
7 limited to satisfactory evidence of current certification or to
8 pay the required [registration] renewal fee within sixty days of
9 the [registration] license renewal date. The license may be
10 reinstated within two years after the [registration] renewal
11 date, if the applicant applies for reinstatement and pays the
12 required [registration] license renewal fee plus a delinquency
13 fee as established by the committee and provides evidence of
14 current certification.

15 3. Except as provided in section 209.321, the committee
16 with assistance from the division shall issue or renew a license
17 to each person who files an application and fee as required by
18 the provisions of sections 209.319 to 209.339 and who furnishes
19 satisfactory evidence to the committee that he has complied with
20 the provisions of subsection 1 or 2 of this section.

21 4. The committee may issue a new license to replace any
22 license which is lost, destroyed or mutilated upon payment of a
23 fee as provided by the committee.

24 317.011. 1. The division of professional registration
25 shall have the power, and it shall be its duty, to accept

1 application for and issue permits to hold professional boxing,
2 sparring, professional wrestling, professional kickboxing or
3 professional full-contact karate contests in the state of
4 Missouri, and to charge a fee for the issuance of same in an
5 amount established by rule; such funds to be paid to the division
6 of professional registration which shall pay such funds into the
7 state treasury to be set apart into the athletic fund.

8 2. The provisions of section 33.080, RSMo, to the contrary
9 notwithstanding, money in this fund shall not be transferred and
10 placed to the credit of general revenue until the amount in the
11 fund at the end of the biennium exceeds two times the amount of
12 the appropriation from the fund for the preceding fiscal year
13 or, if the division requires by rule renewal less frequently than
14 yearly then three times the appropriation from the fund for the
15 preceding fiscal year. The amount, if any, in the fund which
16 shall lapse is that amount in the fund which exceeds the
17 appropriate multiple of the appropriations from the fund for the
18 preceding fiscal year.

19 3. The division of professional registration shall not
20 grant any permit to hold professional boxing, sparring,
21 professional wrestling, professional kickboxing or professional
22 full-contact karate contests in the state of Missouri except:

23 (1) Where such professional boxing, sparring, professional
24 wrestling, professional kickboxing or professional full-contact
25 karate contest is to be held under the auspices of a promoter

1 duly licensed by the division;

2 (2) Where such contest shall be of not more than fifteen
3 rounds of three minutes each duration per bout; and

4 (3) Where a fee has been paid for such permit, in an amount
5 established by rule.

6 4. In such contests a decision shall be rendered by three
7 judges licensed by the division.

8 5. Specifically exempted from the provisions of chapter
9 317, are contests or exhibitions for amateur boxing, amateur
10 kick-boxing, amateur wrestling and amateur full-contact karate.
11 However, all amateur boxing, amateur kickboxing, amateur
12 wrestling and amateur full-contact karate must be sanctioned by a
13 nationally recognized amateur sanctioning body approved by the
14 office.

15 324.200. 1. Sections 324.200 to 324.225 shall be known and
16 may be cited as the "Dietitian Practice Act".

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

19 (1) ["Committee", the state committee of dietitians;

20 (2) "Dietitian", a health care professional engaged in the
21 practice of medical nutrition therapy;

22 (3) "Director", the director of the division of
23 professional registration in the department of economic
24 development;

25 (4) "Division", the division of professional registration

1 of the department of economic development;

2 (5) "Licensed dietitian", a person who is licensed pursuant
3 to the provisions of sections 324.200 to 324.225 to engage in the
4 practice of medical nutrition therapy;

5 (6) "Medical nutrition therapy", specific medical nutrition
6 therapies and treatment modalities based on clinical scientific
7 research and practice that are used to treat illness, conditions
8 and injuries and are referred by a person licensed in this state
9 to prescribe medical nutrition therapies and modalities. Medical
10 nutrition therapy includes clinical nutrition assessment, diet
11 modification and intensive intervention and administration of
12 specialized nutrition therapies.] "Commission on Accreditation
13 for Dietetics Education (CADE)", the American Dietetic
14 Association's accrediting agency for education programs preparing
15 students for professions as registered dietitians;

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

18 (3) "Dietetics Practice", the application of principles
19 derived from integrating knowledge of food, nutrition,
20 biochemistry, physiology, management, and behavioral and social
21 science to achieve and maintain the health of people by providing
22 nutrition assessment and nutrition care services. The primary
23 function of dietetic practice is the provision of nutrition care
24 services that shall include, but not be limited to:

25 (a) Assessing the nutrition needs of individuals and groups

1 and determining resources and constraints in the practice
2 setting;

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

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

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

10 (e) Evaluating, making changes in, and maintaining
11 appropriate standards of quality and safety in food and in
12 nutrition services;

13 (f) Engaged in medical nutritional therapy as defined in
14 subsection 8 of this section;

15 (4) "Dietitian", one engaged in dietetic practice as
16 defined in subsection 3 of this section;

17 (5) "Director", the director of the division of
18 professional registration in the department of economic
19 development;

20 (6) "Division", the division of professional registration
21 of economic development;

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

25 (8) "Medical nutrition therapy", nutritional diagnostic,

1 therapy, and counseling services which are furnished by a
2 registered dietitian;

3 (9) "Registered dietitian", a person who:

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

7 (b) Completed the academic requirements of a didactic
8 program in dietetics, as approved by CADE;

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

11 (d) Accrued seventy-five hours of approved continuing
12 professional units every five years;

13 as determined by the committee on dietetic registration.

14 324.203. 1. There is hereby [established] created within
15 the division of professional registration, a committee to be
16 known as the "State Committee of Dietitians" [which shall guide,
17 advise and make recommendations to the division and fulfill other
18 responsibilities designated by sections 324.200 to 324.225. The
19 committee shall approve the examination required by section
20 324.210 and shall assist the division in carrying out the
21 provisions of sections 324.200 to 324.225]. The committee shall
22 assist the division in administering and enforcing the provisions
23 of sections 324.200 to 324.225, adopt, publish, and enforce such
24 rules and regulations within the scope and purview of the

1 provisions of sections 324.200 to 324.225 as may be considered to
2 be necessary or proper for the effective administration and
3 interpretation of the provisions of sections 324.200 to 324.225,
4 and for the conduct of its business and management of its
5 internal affairs.

6 2. The committee shall approve the examination required by
7 section 324.210.

8 3. The committee shall consist of six members including one
9 public member, appointed by the governor with the advice and
10 consent of the senate. Each member of the committee shall be a
11 citizen of the United States and a resident of this state, and,
12 except as provided in this section and except for the first
13 members appointed, shall be licensed as a dietitian by this
14 state. Beginning with the first appointments made after August
15 28, 1998, two members shall be appointed for four years, two
16 members shall be appointed for three years and two members shall
17 be appointed for two years. Thereafter, all members shall be
18 appointed to serve four-year terms. No person shall be eligible
19 for reappointment who has served as a member of the committee for
20 a total of eight years. The membership of the committee shall
21 reflect the differences in levels of education and work
22 experience with consideration being given to race, gender, and
23 ethnic origins. No more than three members shall be from the
24 same political party. The membership shall be representative of
25 the various geographic regions of the state.

1 [3.] 4. A vacancy in the office of a member shall be filled
2 by appointment by the governor for the remainder of the unexpired
3 term.

4 [4.] 5. Each member of the committee shall receive as
5 compensation an amount set by the division not to exceed fifty
6 dollars, and shall be reimbursed for necessary and actual
7 expenses incurred in the performance of the member's official
8 duties. The director, in collaboration with the department of
9 economic development, shall establish by rule, guidelines for
10 payment. All staff for the committee shall be provided by the
11 division.

12 [5.] 6. The committee shall hold an annual meeting at which
13 it shall elect from its membership a chairperson and secretary.
14 The committee may hold such additional meetings as may be
15 required in the performance of its duties, provided that notice
16 of every meeting shall be given to each member at least three
17 days prior to the date of the meeting. A quorum of the committee
18 shall consist of a majority of its members.

19 [6.] 7. The governor may remove a committee member for
20 misconduct, incompetency, neglect of the member's official
21 duties, or for cause.

22 [7.] 8. The public member shall be at the time of the
23 person's appointment a citizen of the United States; a resident
24 of this state for a period of one year and a registered voter; a
25 person who is not and never was a member of any profession

1 licensed or regulated by sections 324.200 to 324.225, or the
2 spouse of such a person; and a person who does not have and never
3 has had a material financial interest in either the providing of
4 the professional services regulated by sections 324.200 to
5 324.225, or an activity or organization directly related to any
6 profession licensed or regulated by sections 324.200 to 324.225.
7 The duties of the public member shall not include the
8 determination of the technical requirements to be met for
9 licensure or whether any person meets such technical requirements
10 or of the technical competence or technical judgment of a
11 licensee or a candidate for licensure.

12 324.205. 1. [After July 1, 2000, no person may use the
13 title licensed dietitian or L.D. in this state unless the person
14 is licensed pursuant to the provisions of sections 324.200 to
15 324.225.

16 2. Any person who violates the provisions of subsection 1
17 of this section is guilty of an infraction.] Any person who holds
18 a license to practice dietetics in this state may use the title
19 "Dietitian" or the abbreviation "L.D.". No other person may use
20 the title "Dietitian" or the abbreviation "L.D.". No other
21 person shall assume any title or use any title or use any
22 abbreviation or any other words, letters, signs, or devices to
23 indicate that the person using the same is a licensed dietitian.

24 2. No person shall practice or offer to practice dietetics
25 in this state for compensation or use any title, sign,

1 abbreviation, card, or device to indicate that such person is
2 practicing dietetics unless he or she has been duly licensed
3 pursuant to the provisions of sections 324.200 to 324.225.

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

6 324.206. As long as the person involved does not represent
7 or hold himself or herself out as a dietitian as defined by
8 subdivision (2) of subsection 2 of section 324.200, nothing in
9 sections 324.200 to 324.225 is intended to limit, preclude, or
10 otherwise interfere with:

11 (1) Self-care by a person or gratuitous care by a friend or
12 family member;

13 (2) Persons in the military services or working in federal
14 facilities from performing any activities described in sections
15 324.200 to 324.225 during the course of their assigned duties in
16 the military service or a federal facility;

17 (3) A licensed healthcare provider performing any
18 activities described in sections 324.200 to 324.225 that are
19 within the scope of practice of the licensee;

20 (4) A person pursuing an approved educational program
21 leading to a degree or certificate in dietetics at an accredited
22 or approved educational program as long as such person does not
23 provide dietetic services outside the educational program. Such
24 person shall be designated by a title that clearly indicates the
25 person's status as a student;

1 (5) Individuals who do not hold themselves out as
2 dietitians marketing or distributing food products including
3 dietary supplements as defined by the Food and Drug
4 Administration or engaging in the explanation and education of
5 customers regarding the use of such products;

6 (6) Any person furnishing general nutrition information as
7 to the use of food, food materials, or dietary supplements, nor
8 prevent in any way the free dissemination of literature;
9 provided, however, no such individual may call himself or herself
10 a dietitian unless he or she is licensed under this chapter.

11 324.210. 1. An applicant for licensure as a dietitian
12 shall be at least twenty-one years of age.

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

15 (1) The applicant has completed a didactic program in
16 dietetics which is approved or accredited by the commission on
17 [accreditation/approval for dietetic education] accreditation for
18 dietetics education and a minimum of a baccalaureate degree from
19 an acceptable educational institution accredited by a regional
20 accrediting body or accredited by an accrediting body which has
21 been approved by the United States Department of Education.
22 Applicants who have obtained their education outside of the
23 United States and its territories must have their academic
24 degrees validated as equivalent to the baccalaureate or master's
25 degree conferred by a regionally accredited college or university

1 in the United States. Validation of a foreign degree does not
2 eliminate the need for a verification statement of completion of
3 a didactic program in dietetics;

4 (2) The applicant has completed a supervised practice
5 requirement from an institution that is certified by a nationally
6 recognized professional organization as having a dietetics
7 specialty or who meets criteria for dietetics education
8 established by the committee. The committee may specify those
9 professional organization certifications which are to be
10 recognized and may set standards for education training and
11 experience required for those without such specialty
12 certification to become dietitians.

13 3. The applicant shall successfully pass an examination as
14 determined by the committee. The committee may waive the
15 examination requirement and grant licensure to an applicant for a
16 license as a dietitian who presents satisfactory evidence to the
17 committee of current registration as a dietitian with the
18 commission on dietetic registration.

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

24 5. The committee may determine the type of documentation
25 needed to verify that an applicant meets the qualifications

1 provided in subsection 3 of this section.

2 324.215. 1. The committee shall issue a license to each
3 candidate who files an application and pays the fee as required
4 by the provisions of sections 324.200 to 324.225 and who
5 furnishes evidence satisfactory to the committee that the
6 candidate has complied with the provisions of section 324.210 or
7 with the provisions of subsection 2 of this section.

8 2. The committee may issue a license to any dietitian who
9 has a valid current license to practice dietetics or medical
10 nutrition therapy in any jurisdiction, provided that such person
11 is licensed in a jurisdiction whose requirements for licensure
12 are substantially equal to, or greater than, the requirements for
13 licensure of dietitians in Missouri at the time the applicant
14 applies for licensure.

15 3. The committee may not allow any person to sit for the
16 examination for licensure as a dietitian in this state who has
17 failed the examination as approved by the committee three times,
18 until the applicant submits evidence of satisfactory completion
19 of additional course work or experience and has been approved by
20 the committee for reexamination.

21 324.216. 1. A licensed dietitian may choose not to renew
22 his or her license and thereby allow such license to lapse, or
23 may ask to be put on inactive status, provided such person does
24 not practice dietetics during such period that the license is
25 lapsed or the practitioner is on inactive status. If a person

1 with a lapsed license desires to resume the practice of
2 dietetics, the person shall apply for licensure pursuant to the
3 licensing requirements in effect at the time the person applies
4 to resume the practice of dietetics and pay the required fee as
5 established by the committee. If the person desires to maintain
6 such license on an inactive status and in order to avoid lapsing
7 of such license, the person shall pay the required fee as
8 established by the committee for maintaining an inactive license.
9 An inactive license shall be renewed biennially. An inactive
10 license may be reactivated by the committee as provided by rule.

11 2. Any person who practices as a dietitian during the time
12 his or her license is inactive or lapsed shall be considered an
13 illegal practitioner and shall be subject to the penalties for
14 violation of the dietitian practice act.

15 324.400. As used in sections 324.400 to 324.439, the
16 following terms mean:

17 (1) "Council", the interior design council created in
18 section 324.406;

19 (2) "Department", the department of economic development;

20 (3) "Division", the division of professional registration
21 of the department of economic development;

22 (4) "Registered [commercial] interior designer", a design
23 professional who provides services including preparation of
24 documents and specifications relative to nonload bearing interior
25 construction, furniture, finishes, fixtures and equipment and who

1 meets the criteria of education, experience and examination as
2 provided in sections 324.400 to 324.439.

3 324.402. The state or any county, municipality, or other
4 political subdivision shall not require the use of a registered
5 interior designer for any residential building, residential
6 remodeling, residential rehabilitation, or residential
7 construction purposes.

8 324.403. No person may use the name or title, registered
9 [commercial] interior designer, in this state unless that person
10 is registered as required by sections 324.400 to 324.439.

11 Nothing in sections 324.400 to 324.439 shall be construed as
12 limiting or preventing the practice of a person's profession or
13 restricting a person from providing interior design services,
14 provided such person does not indicate to the public that such
15 person is registered as an interior designer pursuant to the
16 provisions of sections 324.400 to 324.439.

17 324.409. 1. To be a registered [commercial] interior
18 designer, a person:

19 (1) Shall take and pass or have passed the examination
20 administered by the National Council for Interior Design
21 Qualification or an equivalent examination approved by the
22 council. In addition to proof of passage of the examination, the
23 application shall provide substantial evidence to the council
24 that the applicant:

25 (a) Is a graduate of a five-year or four-year interior

1 design program from an accredited institution and has completed
2 at least two years of diversified and appropriate interior design
3 experience; or

4 (b) Has completed at least three years of an interior
5 design curriculum from an accredited institution and has
6 completed at least three years of diversified and appropriate
7 interior design experience; or

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

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

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

23 3. The council shall verify if an applicant has complied
24 with the provisions of this section and has paid the required
25 fees, then the council shall recommend such applicant be

1 registered as a registered [commercial] interior designer by the
2 council.

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

18 324.418. 1. The certificate of registration issued
19 biennially to a registered [commercial] interior designer
20 pursuant to sections 324.400 to 324.439 shall be renewed on or
21 before the certificate renewal date accompanied by the required
22 fee. The certificate of registration of a registered
23 [commercial] interior designer which is not renewed within three
24 months after the certificate renewal date shall be suspended
25 automatically, subject to the right of the holder to have the

1 suspended certificate of registration reinstated within nine
2 months of the date of suspension if the person pays the required
3 reinstatement fee. Any certificate of registration suspended and
4 not reinstated within nine months of the suspension date shall
5 expire and be void and the holder of such certificate shall have
6 no rights or privileges provided to holders of valid
7 certificates. Any person whose certificate of registration has
8 expired may, upon demonstration of current qualifications and
9 payment of required fees, be reregistered or reauthorized under
10 the person's original certificate of registration number.

11 2. Each application for the renewal or reinstatement of a
12 registration shall be on a form furnished to the applicant and
13 shall be accompanied by the required fees and proof of current
14 completion of at least one unit every two years of approved or
15 verifiable continuing education in interior design or
16 architecture, immediately prior to such renewal or reinstatement.
17 Ten contact hours constitutes one continuing education unit.
18 Five contact hours of teaching in interior design or architecture
19 constitutes one continuing education unit. One college course
20 credit in interior design or architecture constitutes one
21 continuing education unit.

22 324.421. The council shall register without examination,
23 any interior designer certified, licensed or registered in
24 another state or territory of the United States or foreign
25 country if the applicant has qualifications which are at least

1 equivalent to the requirements for registration as a registered
2 [commercial] interior designer in this state and such applicant
3 pays the required fees.

4 324.427. It is unlawful for any person to advertise or
5 indicate to the public that the person is a registered
6 [commercial] interior designer in this state, unless such person
7 is registered as a registered [commercial] interior designer by
8 the council and is in good standing pursuant to sections 324.400
9 to 324.439.

10 324.430. No person may use the designation registered
11 [commercial] interior designer in Missouri, unless the council
12 has issued a current certificate of registration certifying that
13 the person has been duly registered as a registered [commercial]
14 interior designer in Missouri and unless such registration has
15 been renewed or reinstated as provided in section 324.418.

16 324.433. The right to use the title of registered
17 [commercial] interior designer shall be deemed a personal right,
18 based upon the qualifications of the individual, evidenced by the
19 person's current certificate of registration and such certificate
20 is not transferable; except that, a registered [commercial]
21 interior designer may perform the interior designer's profession
22 through, or as a member of, or as an employee of, a partnership
23 or corporation.

24 324.526. 1. Notwithstanding any other law to the contrary,
25 the director of the division of professional registration shall

1 issue a temporary license to practice tattooing, body piercing,
2 or branding under the following requirements:

3 (1) The applicant for temporary licensure is entering the
4 state for the sole purpose of participating in a state or
5 national convention at which the applicant will be practicing the
6 profession of tattooing, body piercing, or branding;

7 (2) The applicant files a completed application with the
8 division at least two days prior to the start of the convention
9 and tenders a fee of fifty dollars; and

10 (3) The applicant is otherwise qualified for licensure
11 under sections 324.520 to 324.526 and the rule promulgated under
12 the authority of this statute.

13 2. A temporary license to practice tattooing, body
14 piercing, or branding issued under this section shall be valid
15 for a period not to exceed fourteen days and shall not be
16 renewable.

17 3. Notwithstanding the requirements of sections 620.127 and
18 620.145, RSMo, an applicant for temporary licensure under this
19 section shall not be required to provide a Social Security number
20 if the application is submitted by a citizen of a foreign country
21 who has not yet been issued a Social Security number and who
22 previously has not been licensed by any other state, United
23 States territory, or federal agency. A citizen of a foreign
24 country who applies for a temporary permit under this section
25 shall provide the division of professional registration with his

1 or her visa or passport identification number in lieu of the
2 Social Security number.

3 328.075. 1. Any person desiring to practice as an
4 apprentice for barbering in this state shall apply to the board,
5 registered as an apprentice with the board, and shall pay the
6 appropriate fees prior to beginning their apprenticeship. Barber
7 apprentices shall be of good moral character and shall be at
8 least seventeen years of age.

9 2. Any person desiring to act as an apprentice supervisor
10 for barbering in this state shall first possess a license to
11 practice the occupation of barbering, apply to the board, pay the
12 appropriate fees, complete an eight-hour apprentice supervision
13 instruction course certified by the board, and be issued a
14 certificate of registration as a barber apprentice supervisor
15 prior to supervising barber apprentices.

16 3. The board may promulgate rules establishing the criteria
17 for the supervision and training of barber apprentices.

18 4. Any rule or portion of a rule, as that term is defined
19 in section 536.010, RSMo, that is created under the authority
20 delegated in this section shall become effective only if it
21 complies with and is subject to all of the provisions of chapter
22 536, RSMo, and, if applicable, section 536.028, RSMo. This
23 section and chapter 536, RSMo, are nonseverable and if any of the
24 powers vested with the general assembly pursuant to chapter 536,
25 RSMo, to review, to delay the effective date, or to disapprove

1 and annul a rule are subsequently held unconstitutional, then the
2 grant of rulemaking authority and any rule proposed or adopted
3 after August 28, 2004, shall be invalid and void.

4 328.080. 1. Any person desiring to practice barbering in
5 this state shall make application for a certificate to the board
6 and shall pay the required barber examination fee. He or she
7 shall be present at the next regular meeting of the board for the
8 examination of applicants.

9 2. The board shall examine the applicant and, upon
10 successful completion of the examination and payment of the
11 required registration fee, shall issue to him or her a
12 certificate of registration authorizing him or her to practice
13 the trade in this state and enter his name in the register herein
14 provided for, if it finds that he or she:

15 (1) Is seventeen years of age or older and of good moral
16 character;

17 (2) Is free of contagious or infectious diseases;

18 (3) Has studied for at least one thousand hours in a period
19 of not less than six months in a properly appointed and conducted
20 barber school under the direct supervision of a licensed
21 instructor; or, if the applicant is an apprentice, the applicant
22 shall have served and completed no less than two thousand hours
23 under the direct supervision of a licensed barber apprentice
24 supervisor;

25 (4) Is possessed of requisite skill in the trade of

1 barbering to properly perform the duties thereof, including the
2 preparation of tools, shaving, haircutting and all the duties and
3 services incident thereto; and

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

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

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

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

16 332.032. 1. Upon unanimous consent of the members of the
17 board, the president or secretary of the board shall administer
18 oaths, subpoena witnesses, issue subpoenas duces tecum, and
19 require production of documents and records pertaining to the
20 practice of dentistry. Subpoenas, including subpoenas duces
21 tecum, shall be served by a person authorized to serve subpoenas
22 of courts of record. In lieu of requiring attendance of a person
23 to produce original documents in response to a subpoena duces
24 tecum, the board may require sworn copies of such documents to be
25 filed with it or delivered to its designated representative.

1 2. The board may enforce its subpoenas, including subpoena
2 duces tecum, by applying to a circuit court of Cole County, the
3 county of the investigation, hearing, or proceeding, or any
4 county where the person resides or may be found, for an order
5 upon any person who shall fail to obey a subpoena to show cause
6 why such subpoena should not be enforced, which such order and a
7 copy of the application therefore shall be served upon the person
8 in the same manner as a summons in a civil action, and if the
9 circuit court shall, after a hearing, determine that the subpoena
10 should be sustained and enforced, such court shall proceed to
11 enforce the subpoena in the same manner as though the subpoena
12 had been issued in a civil case in the circuit court.

13 332.051. 1. The board shall establish and maintain an
14 office at Jefferson City, Missouri, where its records and files
15 shall be kept.

16 2. Investigators employed by the board shall, among other
17 duties, have the power in the name of the board to investigate
18 alleged violations of this chapter including the right to
19 inspect, on order of the board, [dental offices, including
20 records, dental laboratories, dental equipment and instruments]
21 any person licensed to practice dentistry or entity providing
22 dental services in this state, including all facilities and
23 equipment related to the delivery of dental care or the
24 fabrication or adjustment of dental prostheses and all clinical
25 and administrative records related to the dental care of patients

1 with respect to violations of the provisions of this chapter.

2 332.071. A person or other entity "practices dentistry"
3 within the meaning of this chapter who:

4 (1) Undertakes to do or perform dental work or dental
5 services or dental operations or oral surgery, by any means or
6 methods, including the use of lasers, gratuitously or for a
7 salary or fee or other reward, paid directly or indirectly to the
8 person or to any other person or entity;

9 (2) Diagnoses or professes to diagnose, prescribes for or
10 professes to prescribe for, treats or professes to treat, any
11 disease, pain, deformity, deficiency, injury or physical
12 condition of human teeth or adjacent structures or treats or
13 professes to treat any disease or disorder or lesions of the oral
14 regions;

15 (3) Attempts to or does replace or restore a part or
16 portion of a human tooth;

17 (4) Attempts to or does extract human teeth or attempts to
18 or does correct malformations of human teeth or jaws;

19 (5) Attempts to or does adjust an appliance or appliances
20 for use in or used in connection with malposed teeth in the human
21 mouth;

22 (6) Interprets or professes to interpret or read dental
23 radiographs;

24 (7) Administers an anesthetic in connection with dental
25 services or dental operations or dental surgery;

1 (8) Undertakes to or does remove hard and soft deposits
2 from or polishes natural and restored surfaces of teeth;

3 (9) Uses or permits to be used for the person's benefit or
4 for the benefit of any other person or other entity the following
5 titles or words in connection with the person's name: "Doctor",
6 "Dentist", "Dr.", "D.D.S.", or "D.M.D.", or any other letters,
7 titles, degrees or descriptive matter which directly or
8 indirectly indicate or imply that the person is willing or able
9 to perform any type of dental service for any person or persons,
10 or uses or permits the use of for the person's benefit or for the
11 benefit of any other person or other entity any card, directory,
12 poster, sign or any other means by which the person indicates or
13 implies or represents that the person is willing or able to
14 perform any type of dental services or operation for any person;

15 (10) Directly or indirectly owns, leases, operates,
16 maintains, manages or conducts an office or establishment of any
17 kind in which dental services or dental operations of any kind
18 are performed for any purpose; but this section shall not be
19 construed to prevent owners or lessees of real estate from
20 lawfully leasing premises to those who are qualified to practice
21 dentistry within the meaning of this chapter;

22 (11) Controls, influences, attempts to control or
23 influence, or otherwise interferes with the dentist's independent
24 professional judgment regarding the diagnosis or treatment of a
25 dental disease, disorder, or physical condition except that any

1 opinion rendered by any health care professional licensed under
2 this chapter or chapter 330, 331, 334, 335, 336, 337, or 338,
3 RSMo, regarding the diagnosis, treatment, disorder, or physical
4 condition of any patient shall not be construed to control,
5 influence, attempt to control or influence or otherwise interfere
6 with a dentist's independent professional judgement;

7 (12) Constructs, supplies, reproduces or repairs any
8 prosthetic denture, bridge, artificial restoration, appliance or
9 other structure to be used or worn as a substitute for natural
10 teeth, except when one, not a registered and licensed dentist,
11 does so pursuant to a written uniform laboratory work order, in
12 the form to be prescribed by the board and copies of which shall
13 be retained by the nondentist for two years, of a dentist
14 registered and currently licensed in Missouri and which the
15 substitute in this subdivision described is constructed upon or
16 by use of casts or models made from an impression furnished by a
17 dentist registered and currently licensed in Missouri;

18 [(12)] (13) Attempts to or does place any substitute
19 described in subdivision [(11)] (12) of this section in a human
20 mouth or attempts to or professes to adjust any substitute or
21 delivers any substitute to any person other than the dentist upon
22 whose order the work in producing the substitute was performed;

23 [(13)] (14) Advertises, solicits, or offers to or does
24 sell or deliver any substitute described in subdivision [(11)]
25 (12) of this section or offers to or does sell the person's

1 services in constructing, reproducing, supplying or repairing the
2 substitute to any person other than a registered and licensed
3 dentist in Missouri;

4 ~~[(14)]~~ (15) Undertakes to do or perform any physical
5 evaluation of a patient in the person's office or in a hospital,
6 clinic, or other medical or dental facility prior to or incident
7 to the performance of any dental services, dental operations, or
8 dental surgery;

9 (16) Reviews examination findings, x-rays, or other patient
10 data to make judgments or decisions about the dental care
11 rendered to a patient in this state.

12 332.081. 1. No person or other entity shall practice
13 dentistry in Missouri or provide dental services as defined in
14 section 332.071 unless and until the board has issued to the
15 person a certificate certifying that the person has been duly
16 registered as a dentist in Missouri or to an entity that has been
17 duly registered to provide dental services by licensed dentists
18 and dental hygienists and unless and until the board has issued
19 to the person a license, to be renewed each period, as provided
20 in this chapter, to practice dentistry or as a dental hygienist,
21 or has issued to the person or entity a permit, to be renewed
22 each period, to provide dental services in Missouri[; but].

23 Nothing in this chapter shall be so construed as to make it
24 unlawful for: [a legally qualified and licensed physician or
25 surgeon, who does not practice dentistry as a specialty, from

1 extracting teeth, or to make it unlawful for a dentist licensed
2 in a state other than Missouri from making a clinical
3 demonstration before a meeting of dentists in Missouri, or to
4 make it unlawful for dental students in any accredited dental
5 school to practice dentistry under the personal direction of
6 instructors, or to make it unlawful for any duly registered and
7 licensed dental hygienist in Missouri to practice as a dental
8 hygienist as defined in section 332.091, or to make it unlawful
9 for dental assistants, certified dental assistants or expanded
10 functions dental assistants to be delegated duties as defined in
11 section 332.093, or to make it unlawful for persons to practice
12 dentistry in the United States armed services or in or for the
13 United States Public Health Service, or in or for the United
14 States Veterans Bureau, or to make it unlawful to teach in an
15 accredited dental school, or to make it unlawful for a duly
16 qualified anesthesiologist or anesthetist to administer an
17 anesthetic in connection with dental services or dental surgery.]

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

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

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

25 (4) Dental hygiene students in any accredited dental

1 hygiene school to practice dental hygiene under the personal
2 direction of instructors;

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

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

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

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

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

15 (a) The United States armed forces;

16 (b) The United States Public Health Service;

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

20 (d) Federally qualified health centers as defined in
21 section 1905(1) (42 U.S.C. 1396d(1)) of the Social Security Act;

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

24 (f) The United States Veterans Bureau.

25 (10) A dentist licensed in a state other than Missouri to

1 evaluate a patient or render an oral, written, or otherwise
2 documented dental opinion when providing testimony or records for
3 the purpose of a civil or criminal action before any judicial or
4 administrative proceeding of this state or other forum in this
5 state.

6 2. No corporation shall practice dentistry as defined in
7 section 332.071 unless that corporation is organized under the
8 provisions of chapter 355 or 356, RSMo, provided that a
9 corporation organized under the provisions of chapter 355, RSMo,
10 and qualifying as an organization under 26 U.S.C. Section
11 501(c)(3), may only employ dentists and dental hygienists
12 licensed in this state to render dental services to Medicaid
13 recipients, low-income individuals who have available income
14 below two hundred percent of the federal poverty level, and all
15 participants in the SCHIP program, unless such limitation is
16 contrary to or inconsistent with federal or state law or
17 regulation. This subsection shall not apply to:

18 (1) A hospital licensed under chapter 197, RSMo, that
19 provides care and treatment only to children under the age of
20 eighteen at which a person regulated under this chapter provides
21 dental care within the scope of his or her license or
22 registration;

23 (2) A federally qualified health center as defined in
24 Section 1905(1) of the Social Security Act (42 U.S.C.
25 1396(d)(1)), or a migrant, community, or health care for the

1 homeless health center provided for in Section 330 of the Public
2 Health Services Act (42 U.S.C. 254(b)) at which a person
3 regulated under this chapter provides dental care within the
4 scope of his or her license or registration;

5 (3) A city or county health department organized under
6 chapter 192, RSMo, or chapter 205, RSMo, at which a person
7 regulated under this chapter provides dental care within the
8 scope of his or her license or registration;

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

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

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

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

6 3. No unincorporated organization shall practice dentistry
7 as defined in section 332.071, RSMo, unless such organization is
8 exempt from federal taxation under Section 501(c)(3) of the
9 Internal Revenue Code of 1986, as amended, and provides dental
10 treatment without compensation from the patient or any third
11 party on their behalf as a part of a broader program of social
12 services including food distribution. Nothing in this chapter
13 shall prohibit organizations under this subsection from employing
14 any person regulated by this chapter.

15 4. A dentist shall not enter into a contract that allows a
16 person who is not a dentist to influence or interfere with the
17 exercise of the dentist's independent professional judgment.

18 5. A not-for-profit corporation organized under the
19 provisions of chapter 355, RSMo, and qualifying as an
20 organization under 26 U.S.C. Section 501(c)(3), an unincorporated
21 organization operating pursuant to subsection 3 of this section,
22 or any other person should not direct or interfere or attempt to
23 direct or interfere with a licensed dentist's professional
24 judgment and competent practice of dentistry. Nothing in this
25 subsection shall be so construed as to make it unlawful for not-

1 for-profit organizations to enforce employment contracts,
2 corporate policy and procedure manuals, or quality improvement or
3 assurance requirements.

4 6. All entities defined in subsection 2 of this section and
5 those exempted under subsection 3 of this section shall apply for
6 a permit to employ dentists and dental hygienists licensed in
7 this state to render dental services, and the entity shall apply
8 for the permit in writing on forms provided by the Missouri
9 dental board. The board shall not charge a fee of any kind for
10 the issuance or renewal of such permit. The provisions of this
11 subsection shall not apply to a federally qualified health center
12 as defined in Section 1905(1) of the Social Security Act (42
13 U.S.C. 1396d(1)).

14 7. Any entity that obtains a permit to render dental
15 services in this state is subject to discipline pursuant to
16 section 332.321. If the board concludes that the person or
17 entity has committed an act or is engaging in a course of conduct
18 that would be grounds for disciplinary action, the board may file
19 a complaint before the administrative hearing commission. The
20 board may refuse to issue or renew the permit of any entity for
21 one or any combination of causes stated in subsection 2 of
22 section 332.321. The board shall notify the applicant in writing
23 of the reasons for the refusal and shall advise the applicant of
24 his or her right to file a complaint with the administrative
25 hearing commission as provided by chapter 621, RSMo.

1 8. A federally qualified health center as defined in
2 Section 1905(1) of the Social Security Act (42 U.S.C. 1396d(1))
3 shall register with the board. The information provided to the
4 board as part of the registration shall include the name of the
5 health center, the non-profit status of the health center, sites
6 where dental services will be provided, and the names of all
7 persons employed by, or contracting with, the health center who
8 are required to hold a license pursuant to this chapter. The
9 registration shall be renewed every twenty-four months. The
10 board shall not charge a fee of any kind for the issuance or
11 renewal of the registration. The registration of the health
12 center shall not be subject to discipline pursuant to section
13 332.321. Nothing in this subsection shall prohibit disciplinary
14 action against a licensee of this chapter who is employed by, or
15 contracts with, such health center for the actions of the
16 licensee in connection with such employment or contract. All
17 licensed persons employed by, or contracting with, the health
18 center shall certify in writing to the board at the time of
19 issuance and renewal of the registration that the facility of the
20 health center meets the same operating standards regarding
21 cleanliness, sanitation, and professionalism as would the
22 facility of a dentist licensed by this chapter. The board shall
23 promulgate rules regarding such standards.

24 9. The board may promulgate rules and regulations to ensure
25 not-for-profit corporations are rendering care to the patient

1 populations as set forth herein, including requirements for
2 covered not-for-profit corporations to report patient census data
3 to the board. The provisions of this subsection shall not apply
4 to a federally qualified health center as defined in Section
5 1905(1) of the Social Security Act (42 U.S.C. 1396d(1)).

6 10. All not-for-profit corporations organized or operated
7 pursuant to the provisions of chapter 355, RSMo, and qualifying
8 as an organization under 26 U.S.C. Section 501(c)(3), or the
9 requirements relating to migrant, community, or health care for
10 the homeless health centers provided in Section 330 of the Public
11 Health Service Act (42 U.S.C. 254b) and federally qualified
12 health centers as defined in Section 1905(1) (42 U.S.C. 1396d(1))
13 of the Social Security Act, that employ persons who practice
14 dentistry or dental hygiene in this state shall do so in
15 accordance with the relevant laws of this state except to the
16 extent that such laws are contrary to, or inconsistent with,
17 federal statute or regulation.

18 332.086. 1. There is hereby established a five-member
19 "Advisory Commission for Dental Hygienists", composed of dental
20 hygienists appointed by the governor as provided in subsection 2
21 of this section and the dental hygienist member of the Missouri
22 dental board, which shall guide, advise and make recommendations
23 to the Missouri dental board. The commission shall:

24 (1) Recommend the educational requirements to be registered
25 as a dental hygienist;

1 (2) Annually review the practice act of dental hygiene;

2 (3) Make recommendations to the Missouri dental board
3 regarding the practice, licensure, examination and discipline of
4 dental hygienists; and

5 (4) Assist the board in any other way necessary to carry
6 out the provisions of this chapter as they relate to dental
7 hygienists.

8 2. The members of the commission shall be appointed by the
9 governor with the advice and consent of the senate. Each member
10 of the commission shall be a citizen of the United States and a
11 resident of Missouri for one year and shall be a dental hygienist
12 registered and currently licensed pursuant to this chapter.

13 Members of the commission who are not also members of the
14 Missouri dental board shall be appointed for terms of five years,
15 except for the members first appointed, one of which shall be
16 appointed for a term of two years, one shall be appointed for a
17 term of three years, one shall be appointed for a term of four
18 years and one shall be appointed for a term of five years. The
19 dental hygienist member of the Missouri dental board shall become
20 a member of the commission and shall serve a term concurrent with
21 the member's term on the dental board. All members of the
22 initial commission shall be appointed by April 1, 2002. Members
23 shall be chosen from lists submitted by the director of the
24 division of professional registration. Lists of dental
25 hygienists submitted to the governor may include names submitted

1 to the director of the division of professional registration by
2 the president of the Missouri Dental Hygienists Association.

3 3. The commission shall hold an annual meeting at which it
4 shall elect from its membership a chairperson and a secretary.
5 The commission shall meet in conjunction with the dental board
6 meetings or no more than fourteen days prior to regularly
7 scheduled dental board meetings. Additional meetings shall
8 require a majority vote of the commission. A quorum of the
9 commission shall consist of a majority of its members.

10 4. Members of the commission shall [serve without] receive
11 as compensation [but] an amount set by the Missouri dental board
12 not to exceed fifty dollars for each day devoted to the duties of
13 the commission and shall be reimbursed for all actual and
14 necessary expenses incurred in the performance of their official
15 duties on the commission and in attending meetings of the
16 Missouri dental board. The Missouri dental board shall provide
17 all necessary staff and support services as required by the
18 commission to hold commission meetings, to maintain records of
19 official acts, and to conduct all other business of the
20 commission.

21 332.111. Any person who practices dentistry as defined in
22 section 332.071, or as a dental hygienist as defined in section
23 332.091, who is not [a] duly registered and currently licensed
24 [dentist] in Missouri as hereinafter provided, [or any person who
25 practices as a dental hygienist as defined in section 332.091 who

1 is not a duly registered and currently licensed dental hygienist
2 in Missouri as hereinafter provided] is guilty of a class A
3 misdemeanor.

4 332.121. 1. Upon application by the board and the
5 necessary burden having been met, a court of general jurisdiction
6 may grant an injunction, restraining order, or other order as may
7 be appropriate to enjoin a person [or], corporation, firm, or
8 other entity from:

9 (1) Offering to engage or engaging in the performance of
10 any acts or practices for which a certificate of registration or
11 authority, permit or license is required by this chapter upon a
12 showing that such acts or practices were performed or offered to
13 be performed without a certificate of registration or authority,
14 permit or license; or

15 (2) Engaging in any practice or business authorized by a
16 certificate of registration or authority, permit or license
17 issued pursuant to this chapter upon a showing that the holder
18 presents a substantial probability of serious danger to the
19 health, safety or welfare of any resident of this state or client
20 or patient of the licensee; or

21 (3) Directing, interfering with, or attempting to direct or
22 interfere with a licensed dentist's professional judgment or
23 competent practice of dentistry.

24 Nothing in this subsection shall be so construed as to make it
25 unlawful for not-for-profit organizations to enforce employment

1 contracts, corporate policy and procedure manuals, or quality
2 improvement or assurance requirements.

3 2. Any such action shall be commenced either in the county
4 in which the defendant resides or in the county in which such
5 conduct occurred.

6 3. Any action brought under this section shall be in
7 addition to and not in lieu of any penalty provided by this
8 chapter and may be brought concurrently with other actions to
9 enforce this chapter.

10 332.122. 1. The determination of whether a service
11 provided to a patient is covered or reimbursable under the terms
12 of a health benefit or dental benefit plan and the creation and
13 management of a health care provider network are:

14 (1) Deemed not to be the practice of dentistry or other
15 profession governed by this chapter; and

16 (2) Not in any way subject to the provisions of this
17 chapter.

18 2. Claims, records, and documents pertaining to the
19 operations of a health carrier, health benefit plan, dental
20 benefit plan, or health care provider network are not clinical
21 and administrative records under section 332.051.

22 3. Nothing in subsection 1 or 2 of this section shall be
23 construed as affecting the obligations of a health carrier, under
24 chapters 354 and 376, RSMo, as health carrier is defined in
25 section 376.1350, RSMo.

1 334.100. 1. The board may refuse to issue or renew any
2 certificate of registration or authority, permit or license
3 required pursuant to this chapter for one or any combination of
4 causes stated in subsection 2 of this section. The board shall
5 notify the applicant in writing of the reasons for the refusal
6 and shall advise the applicant of the applicant's right to file a
7 complaint with the administrative hearing commission as provided
8 by chapter 621, RSMo. As an alternative to a refusal to issue or
9 renew any certificate, registration or authority, the board may,
10 at its discretion, issue a license which is subject to probation,
11 restriction or limitation to an applicant for licensure for any
12 one or any combination of causes stated in subsection 2 of this
13 section. The board's order of probation, limitation or
14 restriction shall contain a statement of the discipline imposed,
15 the basis therefore, the date such action shall become effective,
16 and a statement that the applicant has thirty days to request in
17 writing a hearing before the administrative hearing commission.
18 If the board issues a probationary, limited or restricted license
19 to an applicant for licensure, either party may file a written
20 petition with the administrative hearing commission within thirty
21 days of the effective date of the probationary, limited or
22 restricted license seeking review of the board's determination.
23 If no written request for a hearing is received by the
24 administrative hearing commission within the thirty-day period,
25 the right to seek review of the board's decision shall be

1 considered as waived.

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

9 (1) Use of any controlled substance, as defined in chapter
10 195, RSMo, or alcoholic beverage to an extent that such use
11 impairs a person's ability to perform the work of any profession
12 licensed or regulated by this chapter;

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

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

1 this chapter;

2 (4) Misconduct, fraud, misrepresentation, dishonesty,
3 unethical conduct or unprofessional conduct in the performance of
4 the functions or duties of any profession licensed or regulated
5 by this chapter, including, but not limited to, the following:

6 (a) Obtaining or attempting to obtain any fee, charge,
7 tuition or other compensation by fraud, deception or
8 misrepresentation; willfully and continually overcharging or
9 overtreating patients; or charging for visits to the physician's
10 office which did not occur unless the services were contracted
11 for in advance, or for services which were not rendered or
12 documented in the patient's records;

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

17 (c) Willfully and continually performing inappropriate or
18 unnecessary treatment, diagnostic tests or medical or surgical
19 services;

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

23 (e) Misrepresenting that any disease, ailment or infirmity
24 can be cured by a method, procedure, treatment, medicine or
25 device;

1 (f) Performing or prescribing medical services which have
2 been declared by board rule to be of no medical or osteopathic
3 value;

4 (g) Final disciplinary action by any professional medical
5 or osteopathic association or society or licensed hospital or
6 medical staff of such hospital in this or any other state or
7 territory, whether agreed to voluntarily or not, and including,
8 but not limited to, any removal, suspension, limitation, or
9 restriction of the person's license or staff or hospital
10 privileges, failure to renew such privileges or license for
11 cause, or other final disciplinary action, if the action was in
12 any way related to unprofessional conduct, professional
13 incompetence, malpractice or any other violation of any provision
14 of this chapter;

15 (h) Signing a blank prescription form; or dispensing,
16 prescribing, administering or otherwise distributing any drug,
17 controlled substance or other treatment without sufficient
18 examination, or for other than medically accepted therapeutic or
19 experimental or investigative purposes duly authorized by a state
20 or federal agency, or not in the course of professional practice,
21 or not in good faith to relieve pain and suffering, or not to
22 cure an ailment, physical infirmity or disease, except as
23 authorized in section 334.104;

24 (i) Exercising influence within a physician-patient
25 relationship for purposes of engaging a patient in sexual

1 activity;

2 (j) Terminating the medical care of a patient without
3 adequate notice or without making other arrangements for the
4 continued care of the patient;

5 (k) Failing to furnish details of a patient's medical
6 records to other treating physicians or hospitals upon proper
7 request; or failing to comply with any other law relating to
8 medical records;

9 (l) Failure of any applicant or licensee, other than the
10 licensee subject to the investigation, to cooperate with the
11 board during any investigation;

12 (m) Failure to comply with any subpoena or subpoena duces
13 tecum from the board or an order of the board;

14 (n) Failure to timely pay license renewal fees specified in
15 this chapter;

16 (o) Violating a probation agreement with this board or any
17 other licensing agency;

18 (p) Failing to inform the board of the physician's current
19 residence and business address;

20 (q) Advertising by an applicant or licensee which is false
21 or misleading, or which violates any rule of the board, or which
22 claims without substantiation the positive cure of any disease,
23 or professional superiority to or greater skill than that
24 possessed by any other physician. An applicant or licensee shall
25 also be in violation of this provision if the applicant or

1 licensee has a financial interest in any organization,
2 corporation or association which issues or conducts such
3 advertising;

4 (5) Any conduct or practice which is or might be harmful or
5 dangerous to the mental or physical health of a patient or the
6 public; or incompetency, gross negligence or repeated negligence
7 in the performance of the functions or duties of any profession
8 licensed or regulated by this chapter. For the purposes of this
9 subdivision, "repeated negligence" means the failure, on more
10 than one occasion, to use that degree of skill and learning
11 ordinarily used under the same or similar circumstances by the
12 member of the applicant's or licensee's profession;

13 (6) Violation of, or attempting to violate, directly or
14 indirectly, or assisting or enabling any person to violate, any
15 provision of this chapter, or of any lawful rule or regulation
16 adopted pursuant to this chapter;

17 (7) Impersonation of any person holding a certificate of
18 registration or authority, permit or license or allowing any
19 person to use his or her certificate of registration or
20 authority, permit, license or diploma from any school;

21 (8) Revocation, suspension, restriction, modification,
22 limitation, reprimand, warning, censure, probation or other final
23 disciplinary action against the holder of or applicant for a
24 license or other right to practice any profession regulated by
25 this chapter by another state, territory, federal agency or

1 country, whether or not voluntarily agreed to by the licensee or
2 applicant, including, but not limited to, the denial of
3 licensure, surrender of the license, allowing the license to
4 expire or lapse, or discontinuing or limiting the practice of
5 medicine while subject to an investigation or while actually
6 under investigation by any licensing authority, medical facility,
7 branch of the armed forces of the United States of America,
8 insurance company, court, agency of the state or federal
9 government, or employer;

10 (9) A person is finally adjudged incapacitated or disabled
11 by a court of competent jurisdiction;

12 (10) Assisting or enabling any person to practice or offer
13 to practice any profession licensed or regulated by this chapter
14 who is not registered and currently eligible to practice pursuant
15 to this chapter; or knowingly performing any act which in any way
16 aids, assists, procures, advises, or encourages any person to
17 practice medicine who is not registered and currently eligible to
18 practice pursuant to this chapter. A physician who works in
19 accordance with standing orders or protocols or in accordance
20 with the provisions of section 334.104 shall not be in violation
21 of this subdivision;

22 (11) Issuance of a certificate of registration or
23 authority, permit or license based upon a material mistake of
24 fact;

25 (12) Failure to display a valid certificate or license if

1 so required by this chapter or any rule promulgated pursuant to
2 this chapter;

3 (13) Violation of the drug laws or rules and regulations of
4 this state, any other state or the federal government;

5 (14) Knowingly making, or causing to be made, or aiding, or
6 abetting in the making of, a false statement in any birth, death
7 or other certificate or document executed in connection with the
8 practice of the person's profession;

9 (15) Soliciting patronage in person or by agents or
10 representatives, or by any other means or manner, under the
11 person's own name or under the name of another person or concern,
12 actual or pretended, in such a manner as to confuse, deceive, or
13 mislead the public as to the need or necessity for or
14 appropriateness of health care services for all patients, or the
15 qualifications of an individual person or persons to diagnose,
16 render, or perform health care services;

17 (16) Using, or permitting the use of, the person's name
18 under the designation of "Doctor", "Dr.", "M.D.", or "D.O.", or
19 any similar designation with reference to the commercial
20 exploitation of any goods, wares or merchandise;

21 (17) Knowingly making or causing to be made a false
22 statement or misrepresentation of a material fact, with intent to
23 defraud, for payment pursuant to the provisions of chapter 208,
24 RSMo, or chapter 630, RSMo, or for payment from Title XVIII or
25 Title XIX of the federal Medicare program;

1 (18) Failure or refusal to properly guard against
2 contagious, infectious or communicable diseases or the spread
3 thereof; maintaining an unsanitary office or performing
4 professional services under unsanitary conditions; or failure to
5 report the existence of an unsanitary condition in the office of
6 a physician or in any health care facility to the board, in
7 writing, within thirty days after the discovery thereof;

8 (19) Any candidate for licensure or person licensed to
9 practice as a physical therapist, paying or offering to pay a
10 referral fee or, notwithstanding section 334.010 to the contrary,
11 practicing or offering to practice professional physical therapy
12 independent of the prescription and direction of a person
13 licensed and registered as a physician and surgeon pursuant to
14 this chapter, as a dentist pursuant to chapter 332, RSMo, or as a
15 podiatrist pursuant to chapter 330, RSMo, or any licensed and
16 registered physician, dentist, or podiatrist practicing in
17 another jurisdiction whose license is in good standing;

18 (20) Any candidate for licensure or person licensed to
19 practice as a physical therapist, treating or attempting to treat
20 ailments or other health conditions of human beings other than by
21 professional physical therapy and as authorized by sections
22 334.500 to 334.620;

23 (21) Any person licensed to practice as a physician or
24 surgeon, requiring, as a condition of the physician-patient
25 relationship, that the patient receive prescribed drugs, devices

1 or other professional services directly from facilities of that
2 physician's office or other entities under that physician's
3 ownership or control. A physician shall provide the patient with
4 a prescription which may be taken to the facility selected by the
5 patient and a physician knowingly failing to disclose to a
6 patient on a form approved by the advisory commission for
7 professional physical therapists as established by section
8 334.625 which is dated and signed by a patient or guardian
9 acknowledging that the patient or guardian has read and
10 understands that the physician has a pecuniary interest in a
11 physical therapy or rehabilitation service providing prescribed
12 treatment and that the prescribed treatment is available on a
13 competitive basis. This subdivision shall not apply to a
14 referral by one physician to another physician within a group of
15 physicians practicing together;

16 (22) A pattern of personal use or consumption of any
17 controlled substance unless it is prescribed, dispensed or
18 administered by another physician who is authorized by law to do
19 so;

20 (23) Revocation, suspension, limitation or restriction of
21 any kind whatsoever of any controlled substance authority,
22 whether agreed to voluntarily or not;

23 (24) For a physician to operate, conduct, manage, or
24 establish an abortion facility, or for a physician to perform an
25 abortion in an abortion facility, if such facility comes under

1 the definition of an ambulatory surgical center pursuant to
2 sections 197.200 to 197.240, RSMo, and such facility has failed
3 to obtain or renew a license as an ambulatory surgical center;

4 (25) Being unable to practice as a physician and surgeon or
5 with a specialty with reasonable skill and safety to patients by
6 reasons of medical or osteopathic incompetency, or because of
7 illness, drunkenness, excessive use of drugs, narcotics,
8 chemicals, or as a result of any mental or physical condition.

9 The following shall apply to this subdivision:

10 (a) In enforcing this subdivision the board shall, after a
11 hearing by the board, upon a finding of probable cause, require a
12 physician to submit to a reexamination for the purpose of
13 establishing his or her competency to practice as a physician or
14 surgeon or with a specialty conducted in accordance with rules
15 adopted for this purpose by the board, including rules to allow
16 the examination of the pattern and practice of such physician's
17 or surgeon's professional conduct, or to submit to a mental or
18 physical examination or combination thereof by at least three
19 physicians, one selected by the physician compelled to take the
20 examination, one selected by the board, and one selected by the
21 two physicians so selected who are graduates of a professional
22 school approved and accredited as reputable by the association
23 which has approved and accredited as reputable the professional
24 school from which the licentiate graduated. However, if the
25 physician is a graduate of a medical school not accredited by the

1 American Medical Association or American Osteopathic Association,
2 then each party shall choose any physician who is a graduate of a
3 medical school accredited by the American Medical Association or
4 the American Osteopathic Association;

5 (b) For the purpose of this subdivision, every physician
6 licensed pursuant to this chapter is deemed to have consented to
7 submit to a mental or physical examination when directed in
8 writing by the board and further to have waived all objections to
9 the admissibility of the examining physician's testimony or
10 examination reports on the ground that the examining physician's
11 testimony or examination is privileged;

12 (c) In addition to ordering a physical or mental
13 examination to determine competency, the board may,
14 notwithstanding any other law limiting access to medical or other
15 health data, obtain medical data and health records relating to a
16 physician or applicant without the physician's or applicant's
17 consent;

18 (d) Written notice of the reexamination or the physical or
19 mental examination shall be sent to the physician, by registered
20 mail, addressed to the physician at the physician's last known
21 address. Failure of a physician to designate an examining
22 physician to the board or failure to submit to the examination
23 when directed shall constitute an admission of the allegations
24 against the physician, in which case the board may enter a final
25 order without the presentation of evidence, unless the failure

1 was due to circumstances beyond the physician's control. A
2 physician whose right to practice has been affected under this
3 subdivision shall, at reasonable intervals, be afforded an
4 opportunity to demonstrate that the physician can resume the
5 competent practice as a physician and surgeon with reasonable
6 skill and safety to patients;

7 (e) In any proceeding pursuant to this subdivision neither
8 the record of proceedings nor the orders entered by the board
9 shall be used against a physician in any other proceeding.
10 Proceedings under this subdivision shall be conducted by the
11 board without the filing of a complaint with the administrative
12 hearing commission;

13 (f) When the board finds any person unqualified because of
14 any of the grounds set forth in this subdivision, it may enter an
15 order imposing one or more of the disciplinary measures set forth
16 in subsection 4 of this section.

17 3. Collaborative practice arrangements, protocols and
18 standing orders shall be in writing and signed and dated by a
19 physician prior to their implementation.

20 4. After the filing of such complaint before the
21 administrative hearing commission, the proceedings shall be
22 conducted in accordance with the provisions of chapter 621, RSMo.
23 Upon a finding by the administrative hearing commission that the
24 grounds, provided in subsection 2 of this section, for
25 disciplinary action are met, the board may, singly or in

1 combination, warn, censure or place the person named in the
2 complaint on probation on such terms and conditions as the board
3 deems appropriate for a period not to exceed ten years, or may
4 suspend the person's license, certificate or permit for a period
5 not to exceed three years, or restrict or limit the person's
6 license, certificate or permit for an indefinite period of time,
7 or revoke the person's license, certificate, or permit, or
8 administer a public or private reprimand, or deny the person's
9 application for a license, or permanently withhold issuance of a
10 license or require the person to submit to the care, counseling
11 or treatment of physicians designated by the board at the expense
12 of the individual to be examined, or require the person to attend
13 such continuing educational courses and pass such examinations as
14 the board may direct.

15 5. In any order of revocation, the board may provide that
16 the person may not apply for reinstatement of the person's
17 license for a period of time ranging from two to seven years
18 following the date of the order of revocation. All stay orders
19 shall toll this time period.

20 6. Before restoring to good standing a license, certificate
21 or permit issued pursuant to this chapter which has been in a
22 revoked, suspended or inactive state for any cause for more than
23 two years, the board may require the applicant to attend such
24 continuing medical education courses and pass such examinations
25 as the board may direct.

1 7. In any investigation, hearing or other proceeding to
2 determine a licensee's or applicant's fitness to practice, any
3 record relating to any patient of the licensee or applicant shall
4 be discoverable by the board and admissible into evidence,
5 regardless of any statutory or common law privilege which such
6 licensee, applicant, record custodian or patient might otherwise
7 invoke. In addition, no such licensee, applicant, or record
8 custodian may withhold records or testimony bearing upon a
9 licensee's or applicant's fitness to practice on the ground of
10 privilege between such licensee, applicant or record custodian
11 and a patient.

12 334.506. 1. Nothing in this chapter shall prevent a
13 physical therapist, whose license is in good standing, from
14 providing educational resources and training, developing fitness
15 or wellness programs for asymptomatic persons, or providing
16 screening or consultative services within the scope of physical
17 therapy practice without the prescription and direction of a
18 person licensed and registered as a physician and surgeon
19 pursuant to this chapter, as a chiropractor pursuant to chapter
20 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a
21 podiatrist pursuant to chapter 330, RSMo, or any licensed and
22 registered physician, dentist, or podiatrist practicing in
23 another jurisdiction whose license is in good standing, except
24 that no physical therapist shall initiate treatment for a new
25 injury or illness without the prescription or direction of a

1 person licensed and registered as a physician and surgeon
2 pursuant to this chapter, as chiropractor pursuant to chapter
3 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a
4 podiatrist pursuant to chapter 330, RSMo, or any licensed and
5 registered physician, dentist, or podiatrist practicing in
6 another jurisdiction whose license is in good standing.

7 2. Nothing in this chapter shall prevent a physical
8 therapist, whose license is in good standing, from examining and
9 treating, without the prescription and direction of a person
10 licensed and registered as a physician and surgeon pursuant to
11 this chapter, as a chiropractor pursuant to chapter 331, RSMo, as
12 a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant
13 to chapter 330, RSMo, or any licensed and registered physician,
14 dentist, or podiatrist practicing in another jurisdiction whose
15 license is in good standing, any person with a recurring,
16 self-limited injury within one year of diagnosis by a person
17 licensed and registered as a physician and surgeon pursuant to
18 this chapter, as a chiropractor pursuant to chapter 331, RSMo, as
19 a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant
20 to chapter 330, RSMo, or any licensed and registered physician,
21 dentist, or podiatrist practicing in another jurisdiction whose
22 license is in good standing, or any person with a chronic illness
23 that has been previously diagnosed by a person licensed and
24 registered as a physician and surgeon pursuant to this chapter,
25 as a chiropractor pursuant to chapter 331, RSMo, as a dentist

1 pursuant to chapter 332, RSMo, or a podiatrist pursuant to
2 chapter 330, RSMo, or any licensed and registered physician,
3 dentist, or podiatrist practicing in another jurisdiction whose
4 license is in good standing, except that a physical therapist
5 shall contact the patient's current physician, chiropractor,
6 dentist, or podiatrist, within seven days of initiating physical
7 therapy services, pursuant to this subsection, shall not change
8 an existing physical therapy referral available to the physical
9 therapist without approval of the patient's current physician,
10 chiropractor, dentist, or podiatrist, and shall refer to a person
11 licensed and registered as a physician and surgeon pursuant to
12 this chapter, as a chiropractor pursuant to chapter 331, RSMo, as
13 a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant
14 to chapter 330, RSMo, or any licensed and registered physician,
15 dentist, or podiatrist practicing in another jurisdiction whose
16 license is in good standing, any patient whose medical condition
17 should, at the time of examination or treatment, be determined to
18 be beyond the scope of practice of physical therapy. A physical
19 therapist shall refer to a person licensed and registered as a
20 physician and surgeon pursuant to this chapter, as a chiropractor
21 pursuant to chapter 331, RSMo, as a dentist pursuant to chapter
22 332, RSMo, or as a podiatrist pursuant to chapter 330, RSMo, or
23 any licensed and registered physician, dentist, or podiatrist
24 practicing in another jurisdiction whose license is in good
25 standing, any person whose condition, for which physical therapy

1 services are rendered pursuant to this subsection, has not been
2 documented to be progressing toward documented treatment goals
3 after six visits or fourteen days, whichever shall come first.
4 If the person's condition for which physical therapy services are
5 rendered under this subsection shall be documented to be
6 progressing toward documented treatment goals, a physical
7 therapist may continue treatment without referral from a
8 physician, chiropractor, dentist or podiatrist, whose license is
9 in good standing. If treatment rendered under this subsection is
10 to continue beyond thirty days, a physical therapist shall notify
11 the patient's current physician, chiropractor, dentist, or
12 podiatrist before continuing treatment beyond the thirty-day
13 limitation. A physical therapist shall also perform such
14 notification before continuing treatment rendered under this
15 subsection for each successive period of thirty days.

16 3. The provision of physical therapy services of evaluation
17 and screening pursuant to this section, shall be limited to a
18 physical therapist, and any authority for evaluation and
19 screening granted within this section, may not be delegated.
20 Upon each reinitiation of physical therapy services, a physical
21 therapist shall provide a full physical therapy evaluation prior
22 to the reinitiation of physical therapy treatment. Physical
23 therapy treatment provided pursuant to the provisions of
24 subsection 2 of this section, may be delegated by physical
25 therapists to physical therapist assistants only if the patient's

1 current physician, chiropractor, dentist, or podiatrist has been
2 so informed as part of the physical therapist's seven-day
3 notification upon reinitiation of physical therapy services as
4 required in subsection 2 of this section. Nothing in this
5 subsection shall be construed as to limit the ability of physical
6 therapists or physical therapist assistants to provide physical
7 therapy services in accordance with the provisions of this
8 chapter, and upon the referral of a physician and surgeon
9 licensed pursuant to this chapter, a chiropractor pursuant to
10 chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo, or a
11 podiatrist pursuant to chapter 330, RSMo, or any licensed and
12 registered physician, dentist, or podiatrist practicing in
13 another jurisdiction whose license is in good standing. Nothing
14 in this subsection shall prohibit a person licensed or registered
15 as a physician or surgeon licensed pursuant to this chapter, a
16 chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to
17 chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo,
18 or any licensed and registered physician, dentist, or podiatrist
19 practicing in another jurisdiction whose license is in good
20 standing, from acting within the scope of their practice as
21 defined by the applicable chapters of RSMo.

22 4. No person licensed to practice, or applicant for
23 licensure, as a physical therapist or physical therapist
24 assistant shall make a medical diagnosis.

25 334.530. 1. A candidate for license to practice as a

1 physical therapist shall be at least twenty-one years of age. A
2 candidate shall furnish evidence of such person's good moral
3 character and the person's educational qualifications by
4 submitting satisfactory evidence of completion of a program of
5 physical therapy education approved as reputable by the board. A
6 candidate who presents satisfactory evidence of the person's
7 graduation from a school of physical therapy approved as
8 reputable by the American Medical Association or, if graduated
9 before 1936, by the American Physical Therapy Association, or if
10 graduated after 1988, the Commission on Accreditation for
11 Physical Therapy Education or its successor, is deemed to have
12 complied with the educational qualifications of this subsection.

13 2. Persons desiring to practice as physical therapists in
14 this state shall appear before the board at such time and place
15 as the board may direct and be examined as to their fitness to
16 engage in such practice. Applications for examination shall be
17 in writing, on a form furnished by the board and shall include
18 evidence satisfactory to the board that the applicant possesses
19 the qualifications set forth in subsection 1 of this section.
20 Each application shall contain a statement that it is made under
21 oath or affirmation and that its representations are true and
22 correct to the best knowledge and belief of the person signing
23 the statement, subject to the penalties of making a false
24 affidavit or declaration. [The board shall not issue a permanent
25 license to practice as a physical therapist or allow any person

1 to sit for the Missouri state board examination for physical
2 therapists who has failed three or more times any physical
3 therapist licensing examination administered in one or more
4 states or territories of the United States or the District of
5 Columbia.]

6 3. The board shall not issue a permanent license to
7 practice as a physical therapist or allow any person to sit for
8 the Missouri state board examination for physical therapists who
9 has failed three or more times any physical therapist licensing
10 examination administered in one or more states or territories of
11 the United States or the District of Columbia.

12 4. The board may waive the provisions of subsection 3 if
13 the applicant has met one of the following provisions:

14 (1) The applicant is licensed and has maintained an active
15 clinical practice for the previous three years in another state
16 of the United States, the District of Columbia or Canada and the
17 applicant has achieved a passing score on a licensing examination
18 administered in a state or territory of the United States, the
19 District of Columbia and no license issued to the applicant has
20 been disciplined or limited in any state or territory of the
21 United States, the District of Columbia or Canada;

22 (2) The applicant has failed the licensure examination
23 three times or more and then obtains a professional degree in
24 physical therapy at a level higher than previously completed, the
25 applicant can sit for the licensure examination three additional
26 times.

1 5. The examination of qualified candidates for licenses to
2 practice physical therapy shall include a written examination and
3 shall embrace the subjects taught in reputable programs of
4 physical therapy education, sufficiently strict to test the
5 qualifications of the candidates as practitioners. [The
6 examination shall be given by the board at least once each year
7 and shall be administered to all candidates, and the examination
8 given at any particular time shall be the same for all candidates
9 and the same subjects shall be included and the same questions
10 shall be asked. Candidates shall be required to achieve a
11 passing score, as determined by the board, on an examination
12 before being issued a license.

13 4.] 6. The examination shall embrace, in relation to the
14 human being, the subjects of anatomy, chemistry, kinesiology,
15 pathology, physics, physiology, psychology, physical therapy
16 theory and procedures as related to medicine, surgery and
17 psychiatry, and such other subjects, including medical ethics, as
18 the board deems useful to test the fitness of the candidate to
19 practice physical therapy.

20 [5. Examination grades or scores shall be preserved by the
21 board subject to public inspection. Examination papers retained
22 by the board shall be subject to public inspection for a period
23 of three years, after which they may be destroyed.]

24 334.540. 1. The board shall issue a license to any
25 physical therapist who is licensed in another jurisdiction and

1 who has had no violations, suspensions or revocations of a
2 license to practice physical therapy in any jurisdiction,
3 provided that, such person is licensed in a jurisdiction whose
4 requirements are substantially equal to, or greater than, the
5 requirements for licensure of physical therapists in Missouri at
6 the time the applicant applies for licensure.

7 2. Every applicant for a license pursuant to this section,
8 upon making application and showing the necessary qualifications
9 as provided in subsection 1 of this section, shall be required to
10 pay the same fee as the fee required to be paid by applicants who
11 apply to take the examination before the board. Within the
12 limits provided in this section, the board may negotiate
13 reciprocal compacts with licensing boards of other states for the
14 admission of licensed practitioners from Missouri in other
15 states.

16 3. Notwithstanding the provisions of subsections 1 and 2 of
17 this section, the board shall not issue a license to any
18 applicant who has failed three or more times any physical
19 therapist licensing examination administered in one or more
20 states or territories of the United States or the District of
21 Columbia.

22 4. The board may waive the provisions of subsection 3 if
23 the applicant has met one of the following provisions:

24 (1) The applicant is licensed and has maintained an active
25 clinical practice for the previous three years in another state

1 of the United States, the District of Columbia or Canada and the
2 applicant has achieved a passing score on a licensing examination
3 administered in a state or territory of the United States, the
4 District of Columbia and no license issued to the applicant has
5 been disciplined or limited in any state or territory of the
6 United States, the District of Columbia or Canada;

7 (2) The applicant has failed the licensure examination
8 three times or more and then obtains a professional degree in
9 physical therapy at a level higher than previously completed, the
10 applicant can sit for the licensure examination three additional
11 times.

12 334.550. [1. Upon the applicant paying a temporary license
13 fee, the board shall issue without examination a temporary
14 license to practice physical therapy for a period of time not to
15 extend beyond the time when the results of the next examination
16 are announced to any person who meets the qualifications of
17 subsection 1 of section 334.530; provided that, the applicant has
18 not previously been examined in one or more states or territories
19 of the United States or the District of Columbia. The temporary
20 license may be renewed at the discretion of the board and payment
21 of the temporary license fee.

22 2. The board may once renew a temporary license issued
23 pursuant to this section if the licensee fails to sit for the
24 next scheduled examination; provided that, the applicant shows
25 good and exceptional cause for failing to sit for the

1 examination. The applicant shall state the good and exceptional
2 cause in writing and shall verify such statement by oath. The
3 board shall define good and exceptional cause by rules and
4 regulations.

5 3. The board may issue a temporary license to any
6 first-time applicant for licensure by examination if such person
7 submits an agreement-to-supervise form which is signed by the
8 applicant's supervising physical therapist.] An applicant who
9 has not been previously examined in another jurisdiction and
10 meets the qualifications of subsection 1 of section 334.530, may
11 pay a temporary license fee and submit an agreement-to-supervise
12 form, which is signed by the applicant's supervising physical
13 therapist, to the board and obtain without examination a
14 nonrenewable temporary license. Such temporary licensee may only
15 engage in the practice of physical therapy under the supervision
16 of a licensed physical therapist. The board shall define the
17 scope of such supervision by rules and regulations. The
18 temporary license shall expire on either the date the applicant
19 receives the results of the applicant's initial examination or
20 within ninety days of its issuance, whichever occurs first.

21 334.655. 1. A candidate for licensure to practice as a
22 physical therapist assistant shall be at least nineteen years of
23 age. A candidate shall furnish evidence of the person's good
24 moral character and of the person's educational qualifications.
25 The educational requirements for licensure as a physical

1 therapist assistant are:

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

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

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

19 3. The examination of qualified candidates for licensure to
20 practice as physical therapist assistants shall embrace a written
21 examination and which shall cover the curriculum taught in
22 accredited associate degree programs of physical therapy
23 assistant education. Such examination shall be sufficient to
24 test the qualification of the candidates as practitioners. [The
25 examination shall be given by the board at least once each year.

1 The board shall not issue a license to practice as a physical
2 therapist assistant or allow any person to sit for the Missouri
3 state board examination for physical therapist assistants who has
4 failed three or more times any physical therapist licensing
5 examination administered in one or more states or territories of
6 the United States or the District of Columbia. The examination
7 given at any particular time shall be the same for all candidates
8 and the same curriculum shall be included and the same questions
9 shall be asked.]

10 4. The board shall not issue a license to practice as a
11 physical therapist assistant or allow any person to sit for the
12 Missouri state board examination for physical therapist
13 assistants who has failed three or more times any physical
14 therapist licensing examination administered in one or more
15 states or territories of the United States or the District of
16 Columbia.

17 5. The board may waive the provisions of subsection 4 if
18 the applicant has met one of the following provisions:

19 (1) The applicant is licensed and has maintained an active
20 clinical practice for the previous three years in another state
21 of the United States, the District of Columbia or Canada and the
22 applicant has achieved a passing score on a licensing examination
23 administered in a state or territory of the United States, the
24 District of Columbia and no license issued to the applicant has
25 been disciplined or limited in any state or territory of the

1 United States, the District of Columbia or Canada.

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

8 [5. Examination grades or scores shall be preserved by the
9 board subject to public inspection. Examination papers retained
10 by the board shall be subject to public inspection for a period
11 of three years and thereafter may be destroyed.

12 6.] 7. The board shall license without examination any
13 legally qualified person who is a resident of this state and who
14 was actively engaged in practice as a physical therapist
15 assistant on August 28, 1993. The board may license such person
16 pursuant to this subsection until ninety days after the effective
17 date of this section.

18 [7.] 8. A candidate to practice as a physical therapist
19 assistant who does not meet the educational qualifications may
20 submit to the board an application for examination if such person
21 can furnish written evidence to the board that the person has
22 been employed in this state for at least three of the last five
23 years under the supervision of a licensed physical therapist and
24 such person possesses the knowledge and training equivalent to
25 that obtained in an accredited school. The board may license

1 such persons pursuant to this subsection until ninety days after
2 rules developed by the state board of healing arts regarding
3 physical therapist assistant licensing become effective.

4 334.660. 1. The board shall license without examination
5 legally qualified persons who hold certificates of licensure,
6 registration or certification in any state or territory of the
7 United States or the District of Columbia, who have had no
8 violations, suspensions or revocations of such license,
9 registration or certification, if such persons have passed a
10 written examination to practice as a physical therapist assistant
11 that was substantially equal to the examination requirements of
12 this state and in all other aspects, including education, the
13 requirements for such certificates of licensure, registration or
14 certification were, at the date of issuance, substantially equal
15 to the requirements for licensure in this state. [The board
16 shall not issue a license to any applicant who has failed three
17 or more times any physical therapist assistant licensing
18 examination administered in one or more states or territories of
19 the United States or the District of Columbia.]

20 2. Board shall not issue a license to any applicant who has
21 failed three or more times any physical therapist assistant
22 licensing examination administered in one or more states or
23 territories of the United States or the District of Columbia.

24 3. The board may waive the provisions of subsection 1 if
25 the applicant has met one of the following provisions:

1 (1) The applicant is licensed and has maintained an active
2 clinical practice for the previous three years in another state
3 of the United States, the District of Columbia or Canada and the
4 applicant has achieved a passing score on a licensing examination
5 administered in a state or territory of the United States, the
6 District of Columbia and no license issued to the applicant has
7 been disciplined or limited in any state or territory of the
8 United States, the District of Columbia or Canada.

9 4. Every applicant for a license pursuant to this section,
10 upon making application and providing documentation of the
11 necessary qualifications as provided in this section, shall pay
12 the same fee required of applicants to take the examination
13 before the board. Within the limits of this section, the board
14 may negotiate reciprocal contracts with licensing boards of other
15 states for the admission of licensed practitioners from Missouri
16 in other states.

17 334.665. [Upon the applicant paying a temporary fee, the
18 board shall issue, without examination, a temporary license to
19 practice as a physical therapist assistant for a period of time
20 not to exceed beyond the time when the results of the next
21 examination are announced to any person who meets the
22 qualifications of section 334.655. The temporary license may be
23 renewed at the discretion of the board and upon payment of a
24 temporary license fee.] An applicant who has not been previously
25 examined in another jurisdiction and meets the qualifications of

1 subsection 1 of section 334.655 may pay a temporary license fee
2 and submit an agreement-to-supervise form which is signed by the
3 applicant's supervising physical therapist to the board and
4 obtain without examination a nonrenewable temporary license.
5 Such temporary licensee may only practice under the supervision
6 of a licensed physical therapist. A licensed physical therapist
7 shall supervise no more than one temporary licensee. The board
8 shall define the scope of such supervision by rules and
9 regulations. The temporary license shall expire on either the
10 date the applicant receives the results of the applicant's
11 initial examination or within ninety days of its issuance,
12 whichever occurs first.

13 335.016. As used in this chapter, unless the context
14 clearly requires otherwise, the following words and terms mean:

15 (1) "Accredited", the official authorization or status
16 granted by an agency for a program through a voluntary process;

17 (2) "Advanced practice nurse", a nurse who has had
18 education beyond the basic nursing education and is certified by
19 a nationally recognized professional organization as having a
20 nursing specialty, or who meets criteria for advanced practice
21 nurses established by the board of nursing. The board of nursing
22 may promulgate rules specifying which professional nursing
23 organization certifications are to be recognized as advanced
24 practice nurses, and may set standards for education, training
25 and experience required for those without such specialty

1 certification to become advanced practice nurses. Advanced
2 practice nurses and only such individuals may use the title
3 "Advanced Practice Registered Nurse" and the abbreviation "APRN";

4 (3) "Approval", official recognition of nursing education
5 programs which meet standards established by the board of
6 nursing;

7 (4) "Board" or "state board", the state board of nursing;

8 (5) "Executive director", a qualified individual employed
9 by the board as executive secretary or otherwise to administer
10 the provisions of this chapter under the board's direction. Such
11 person employed as executive director shall not be a member of
12 the board;

13 (6) "Inactive nurse", as defined by rule pursuant to
14 section 335.061;

15 (7) A "licensed practical nurse" or "practical nurse", a
16 person licensed pursuant to the provisions of this chapter to
17 engage in the practice of practical nursing;

18 (8) "Licensure", the issuing of a license to practice
19 professional or practical nursing to candidates who have met the
20 specified requirements and the recording of the names of those
21 persons as holders of a license to practice professional or
22 practical nursing;

23 (9) "Practical nursing", the performance for compensation
24 of selected acts for the promotion of health and in the care of
25 persons who are ill, injured, or experiencing alterations in

1 normal health processes. Such performance requires substantial
2 specialized skill, judgment and knowledge. All such nursing care
3 shall be given under the direction of a person licensed by a
4 state regulatory board to prescribe medications and treatments or
5 under the direction of a registered professional nurse. For the
6 purposes of this chapter, the term "direction" shall mean
7 guidance or supervision provided by a person licensed by a state
8 regulatory board to prescribe medications and treatments or a
9 registered professional nurse, including, but not limited to,
10 oral, written, or otherwise communicated orders or directives for
11 patient care. When practical nursing care is delivered pursuant
12 to the direction of a person licensed by a state regulatory board
13 to prescribe medications and treatments or under the direction of
14 a registered professional nurse, such care may be delivered by a
15 licensed practical nurse without direct physical oversight;

16 (10) "Professional nursing", the performance for
17 compensation of any act which requires substantial specialized
18 education, judgment and skill based on knowledge and application
19 of principles derived from the biological, physical, social and
20 nursing sciences, including, but not limited to:

21 (a) Responsibility for the teaching of health care and the
22 prevention of illness to the patient and his or her family;

23 (b) Assessment, nursing diagnosis, nursing care, and
24 counsel of persons who are ill, injured or experiencing
25 alterations in normal health processes;

1 (c) The administration of medications and treatments as
2 prescribed by a person licensed by a state regulatory board to
3 prescribe medications and treatments;

4 (d) The coordination and assistance in the delivery of a
5 plan of health care with all members of a health team;

6 (e) The teaching and supervision of other persons in the
7 performance of any of the foregoing;

8 (11) A "registered professional nurse" or "registered
9 nurse", a person licensed pursuant to the provisions of this
10 chapter to engage in the practice of professional nursing.

11 335.212. As used in sections 335.212 to 335.242, the
12 following terms mean:

13 (1) "Board", the Missouri state board of nursing;

14 (2) "Department", the Missouri department of health and
15 senior services;

16 (3) "Director", director of the Missouri department of
17 health and senior services;

18 (4) "Eligible student", a resident who has made application
19 to be a full-time student in a formal course of instruction
20 leading to an associate degree, a diploma, a bachelor of science,
21 or a master of science in nursing or leading to the completion of
22 educational requirements for a licensed practical nurse;

23 (5) "Participating school", an institution within this
24 state which is approved by the board for participation in the
25 professional and practical nursing student loan program

1 established by sections 335.212 to 335.242, having a nursing
2 department and offering a course of instruction based on nursing
3 theory and clinical nursing experience;

4 (6) "Qualified applicant", an eligible student approved by
5 the board for participation in the professional and practical
6 nursing student loan program established by sections 335.212 to
7 335.242;

8 (7) "Qualified employment", employment on a full-time basis
9 in Missouri in a position requiring licensure as a licensed
10 practical nurse or registered professional nurse in any hospital
11 as defined in section 197.020, RSMo, or public or nonprofit
12 agency, institution, or organization located in an area of need
13 as determined by the department of health and senior services.
14 Any forgiveness of such principal and interest for any qualified
15 applicant engaged in qualified employment on a less than
16 full-time basis may be prorated to reflect the amounts provided
17 in this section;

18 (8) "Resident", any person who has lived in this state for
19 one or more years for any purpose other than the attending of an
20 educational institution located within this state.

21 335.245. As used in sections 335.245 to 335.259, the
22 following terms mean:

23 (1) "Department", the Missouri department of health and
24 senior services;

25 (2) "Eligible applicant", a Missouri licensed nurse who has

1 attained either an associate degree, a diploma, a bachelor of
2 science, or graduate degree in nursing from an accredited
3 institution approved by the board of nursing or a student nurse
4 in the final year of a full-time baccalaureate school of nursing
5 leading to a baccalaureate degree or graduate nursing program
6 leading to a master's degree in nursing and has agreed to serve
7 in an area of defined need as established by the department;

8 (3) "Participating school", an institution within this
9 state which grants an associate degree in nursing, grants a
10 bachelor or master of science degree in nursing or provides a
11 diploma nursing program which is accredited by the state board of
12 nursing, or a regionally accredited institution in this state
13 which provides a bachelor of science completion program for
14 registered professional nurses;

15 (4) "Qualified employment", employment on a full-time basis
16 in Missouri in a position requiring licensure as a licensed
17 practical nurse or registered professional nurse in any hospital
18 as defined in section 197.020, RSMo, or public or nonprofit
19 agency, institution, or organization located in an area of need
20 as determined by the department of health and senior services.
21 Any forgiveness of such principal and interest for any qualified
22 applicant engaged in qualified employment on a less than
23 full-time basis may be prorated to reflect the amounts provided
24 in this section.

25 337.085. 1. There is hereby established in the state

1 treasury a fund to be known as the "State Committee of
2 Psychologists Fund". All fees of any kind and character
3 authorized under sections 337.010 to 337.090 to be charged by the
4 committee or division shall be collected by the director of the
5 division of professional registration and shall be transmitted to
6 the department of revenue for deposit in the state treasury for
7 credit to this fund. Such funds, upon appropriation, shall be
8 disbursed only in payment of expenses of maintaining the
9 committee and for the enforcement of the provisions of law
10 concerning professions regulated by the committee. No other
11 money shall be paid out of the state treasury for carrying out
12 these provisions. Warrants shall be issued on the state
13 treasurer for payment out of the fund.

14 2. The provisions of section 33.080, RSMo, to the contrary
15 notwithstanding, money in this fund shall not be transferred and
16 placed to the credit of general revenue until the amount in the
17 fund at the end of the biennium exceeds two times the amount of
18 the appropriation from the committee's fund for the preceding
19 fiscal year or, if the committee requires by rule renewal less
20 frequently than yearly then three times the appropriation from
21 the committee's fund for the preceding fiscal year. The amount,
22 if any, in the fund which shall lapse is that amount in the fund
23 which exceeds the appropriate multiple of the appropriations from
24 the committee's fund for the preceding fiscal year.

25 3. All funds pertaining to the Missouri state committee of

1 psychologists deposited in the state treasury to the credit of
2 the committee of registration for the healing arts fund shall be
3 transferred from that fund to the state committee of
4 psychologists fund by the division director.

5 337.507. 1. Applications for examination and licensure as
6 a professional counselor shall be in writing, submitted to the
7 division on forms prescribed by the division and furnished to the
8 applicant. The application shall contain the applicant's
9 statements showing his education, experience and such other
10 information as the division may require. Each application shall
11 contain a statement that it is made under oath or affirmation and
12 that the information contained therein is true and correct to the
13 best knowledge and belief of the applicant, subject to the
14 penalties provided for the making of a false affidavit or
15 declaration. Each application shall be accompanied by the fees
16 required by the committee.

17 2. The division shall mail a renewal notice to the last
18 known address of each licensee prior to the registration renewal
19 date. Failure to provide the division with the information
20 required for registration, or to pay the registration fee after
21 such notice shall effect a revocation of the license after a
22 period of sixty days from the registration renewal date. The
23 license shall be restored if, within two years of the
24 registration date, the applicant provides written application and
25 the payment of the registration fee and a delinquency fee.

1 3. A new certificate to replace any certificate lost,
2 destroyed or mutilated may be issued subject to the rules of the
3 committee, upon payment of a fee.

4 4. The committee shall set the amount of the fees which
5 sections 337.500 to 337.540 authorize and require by rules and
6 regulations promulgated pursuant to section 536.021, RSMo. The
7 fees shall be set at a level to produce revenue which shall not
8 substantially exceed the cost and expense of administering the
9 provisions of sections 337.500 to 337.540. All fees provided for
10 in sections 337.500 to 337.540 shall be collected by the director
11 who shall deposit the same with the state treasurer in a fund to
12 be known as the "Committee of Professional Counselors Fund".

13 5. The provisions of section 33.080, RSMo, to the contrary
14 notwithstanding, money in this fund shall not be transferred and
15 placed to the credit of general revenue until the amount in the
16 fund at the end of the biennium exceeds two times the amount of
17 the appropriation from the committee's fund for the preceding
18 fiscal year or, if the committee requires by rule renewal less
19 frequently than yearly then three times the appropriation from
20 the committee's fund for the preceding fiscal year. The amount,
21 if any, in the fund which shall lapse is that amount in the fund
22 which exceeds the appropriate multiple of the appropriations from
23 the committee's fund for the preceding fiscal year.

24 6. The committee shall hold public examinations at least
25 two times per year, at such times and places as may be fixed by

1 the committee, notice of such examinations to be given to each
2 applicant at least ten days prior thereto.

3 337.615. 1. Each applicant for licensure as a clinical
4 social worker shall furnish evidence to the committee that:

5 (1) The applicant has a master's degree from a college or
6 university program of social work accredited by the council of
7 social work education or a doctorate degree from a school of
8 social work acceptable to the committee;

9 (2) The applicant has twenty-four months of supervised
10 clinical experience acceptable to the committee, as defined by
11 rule;

12 (3) The applicant has achieved a passing score, as defined
13 by the committee, on an examination approved by the committee.
14 The eligibility requirements for such examination shall be
15 promulgated by rule of the committee;

16 (4) The applicant is at least eighteen years of age, is of
17 good moral character, is a United States citizen or has status as
18 a legal resident alien, and has not been convicted of a felony
19 during the ten years immediately prior to application for
20 licensure.

21 2. Any person [not a resident of this state] holding a
22 valid unrevoked and unexpired license, certificate or
23 registration from another state or territory of the United States
24 having substantially the same requirements as this state for
25 clinical social workers may be granted a license to engage in the

1 person's occupation in this state upon application to the
2 committee accompanied by the appropriate fee as established by
3 the committee pursuant to section 337.612.

4 3. The committee shall issue a license to each person who
5 files an application and fee as required by the provisions of
6 sections 337.600 to 337.639 and who furnishes evidence
7 satisfactory to the committee that the applicant has complied
8 with the provisions of subdivisions (1) to (4) of subsection 1 of
9 this section or with the provisions of subsection 2 of this
10 section. The committee shall issue a provisional clinical social
11 worker license to any applicant who meets all requirements of
12 subdivisions (1), (3) and (4) of subsection 1 of this section,
13 but who has not completed the twenty-four months of supervised
14 clinical experience required by subdivision (2) of subsection 1
15 of this section, and such applicant may reapply for licensure as
16 a clinical social worker upon completion of the twenty-four
17 months of supervised clinical experience.

18 337.665. 1. Each applicant for licensure as a
19 baccalaureate social worker shall furnish evidence to the
20 committee that:

21 (1) The applicant has a baccalaureate degree in social work
22 from an accredited social work degree program approved by the
23 council of social work education;

24 (2) The applicant has achieved a passing score, as defined
25 by the committee, on an examination approved by the committee.

1 The eligibility requirements for such examination shall be
2 determined by the state committee for social work;

3 (3) The applicant has completed three thousand hours of
4 supervised baccalaureate experience with a licensed clinical
5 social worker or licensed baccalaureate social worker in no less
6 than twenty-four and no more than forty-eight consecutive
7 calendar months;

8 (4) The applicant is at least eighteen years of age, is of
9 good moral character, is a United States citizen or has status as
10 a legal resident alien, and has not been convicted of a felony
11 during the ten years immediately prior to application for
12 licensure;

13 (5) The applicant has submitted a written application on
14 forms prescribed by the state board;

15 (6) The applicant has submitted the required licensing fee,
16 as determined by the division.

17 2. Any applicant who answers in the affirmative to any
18 question on the application that relates to possible grounds for
19 denial of licensure pursuant to section 337.680 shall submit a
20 sworn affidavit setting forth in detail the facts which explain
21 such answer and copies of appropriate documents related to such
22 answer.

23 3. Any person [not a resident of this state] holding a
24 valid unrevoked and unexpired license, certificate or
25 registration from another state or territory of the United States

1 having substantially the same requirements as this state for
2 baccalaureate social workers may be granted a license to engage
3 in the person's occupation in this state upon application to the
4 committee accompanied by the appropriate fee as established by
5 the committee pursuant to section 337.662.

6 4. The committee shall issue a license to each person who
7 files an application and fee as required by the provisions of
8 sections 337.650 to 337.689 and who furnishes evidence
9 satisfactory to the committee that the applicant has complied
10 with the provisions of subsection 1 of this section or with the
11 provisions of subsection 2 of this section. The committee shall
12 issue a one-time provisional baccalaureate social worker license
13 to any applicant who meets all requirements of subdivisions (1),
14 (2), (4), (5) and (6) of subsection 1 of this section, but who
15 has not completed the supervised baccalaureate experience
16 required by subdivision (3) of subsection 1 of this section, and
17 such applicant may apply for licensure as a baccalaureate social
18 worker upon completion of the supervised baccalaureate
19 experience.

20 337.712. 1. Applications for licensure as a marital and
21 family therapist shall be in writing, submitted to the division
22 on forms prescribed by the division and furnished to the
23 applicant. The application shall contain the applicant's
24 statements showing the applicant's education, experience and such
25 other information as the division may require. Each application

1 shall contain a statement that it is made under oath or
2 affirmation and that the information contained therein is true
3 and correct to the best knowledge and belief of the applicant,
4 subject to the penalties provided for the making of a false
5 affidavit or declaration. Each application shall be accompanied
6 by the fees required by the division.

7 2. The division shall mail a renewal notice to the last
8 known address of each licensee prior to the licensure renewal
9 date. Failure to provide the division with the information
10 required for license, or to pay the licensure fee after such
11 notice shall effect a revocation of the license after a period of
12 sixty days from the licensure renewal date. The license shall be
13 restored if, within two years of the licensure date, the
14 applicant provides written application and the payment of the
15 licensure fee and a delinquency fee.

16 3. A new certificate to replace any certificate lost,
17 destroyed or mutilated may be issued subject to the rules of the
18 division upon payment of a fee.

19 4. The division shall set the amount of the fees
20 authorized. The fees shall be set at a level to produce revenue
21 which shall not substantially exceed the cost and expense of
22 administering the provisions of sections 337.700 to 337.739. All
23 fees provided for in sections 337.700 to 337.739 shall be
24 collected by the director who shall deposit the same with the
25 state treasurer to a fund to be known as the "Marital and Family

1 Therapists' Fund".

2 5. The provisions of section 33.080, RSMo, to the contrary
3 notwithstanding, money in this fund shall not be transferred and
4 placed to the credit of general revenue until the amount in the
5 fund at the end of the biennium exceeds two times the amount of
6 the appropriations from the marital and family therapists' fund
7 for the preceding fiscal year or, if the division requires by
8 rule renewal less frequently than yearly then three times the
9 appropriation from the fund for the preceding fiscal year. The
10 amount, if any, in the fund which shall lapse is that amount in
11 the fund which exceeds the appropriate multiple of the
12 appropriations from the marital and family therapists' fund for
13 the preceding fiscal year.

14 338.013. 1. Any person desiring to assist a pharmacist in
15 the practice of pharmacy as defined in this chapter shall apply
16 to the board of pharmacy for registration as a pharmacy
17 technician. [Such applicant shall not have engaged in conduct or
18 behavior determined to be grounds for discipline pursuant to this
19 chapter.] Such applicant shall be, at a minimum, legal working
20 age and shall forward to the board the appropriate fee and
21 written application on a form provided by the board. Such
22 registration shall be the sole authorization permitted to allow
23 persons to assist licensed pharmacists in the practice of
24 pharmacy as defined in this chapter.

25 2. The board may refuse to issue a certificate of

1 registration as a pharmacy technician to an applicant that has
2 been adjudicated and found guilty, or has entered a plea of
3 guilty or nolo contendere, to a violation of any state, territory
4 or federal drug law, or to any felony or has violated any
5 provision of subsection 2 of section 338.055. Alternately, the
6 board may issue such person a registration, but may authorize the
7 person to work as a pharmacy technician provided that person
8 adheres to certain terms and conditions imposed by the board.
9 The board shall place on the employment disqualification list the
10 name of an applicant who the board has refused to issue a
11 certificate of registration as a pharmacy technician, or the name
12 of a person who the board has issued a certificate of
13 registration as a pharmacy technician but has authorized to work
14 under certain terms and conditions. The board shall notify the
15 applicant of the applicant's right to file a complaint with the
16 administrative hearing commission as provided by chapter 621,
17 RSMo.

18 3. If an applicant has submitted the required fee and an
19 application for registration to the board of pharmacy, the
20 applicant for registration as a pharmacy technician may assist a
21 licensed pharmacist in the practice of pharmacy as defined in
22 this chapter for a period of up to ninety days prior to the
23 issuance of a certificate of registration. The applicant shall
24 keep a copy of the submitted application on the premises where
25 the applicant is employed. When the board refuses to issue a

1 certificate of registration as a pharmacy technician to an
2 applicant, the applicant shall immediately cease assisting a
3 licensed pharmacist in the practice of pharmacy.

4 [3.] 4. A certificate of registration issued by the board
5 shall be conspicuously displayed in the pharmacy or place of
6 business where the registrant is employed.

7 [4.] 5. Every pharmacy technician who desires to continue
8 to be registered as provided in this section shall, within thirty
9 days before the registration expiration date, file an application
10 for the renewal, accompanied by the fee prescribed by the board.
11 No registration as provided in this section shall be valid if the
12 registration has expired and has not been renewed as provided in
13 this subsection.

14 [5.] 6. The board shall maintain an employment
15 disqualification list [of the names of all pharmacy technicians
16 who have been adjudicated and found guilty, or have entered a
17 plea of guilty or nolo contendere to violation of any state,
18 territory or federal drug law, been found guilty, pled guilty or
19 nolo contendere to any felony or have violated any provision of
20 subdivision (2), (3), (4), (6), (7), (11), (12) or (15) of
21 subsection 2 of section 338.055]. No person whose name appears
22 on the employment disqualification list shall work as a pharmacy
23 technician, except as otherwise authorized by the board. The
24 board may authorize a person whose name appears on the employment
25 disqualification list to work or continue to work as a pharmacy

1 technician provided the person adheres to certain terms and
2 conditions imposed by the board.

3 7. The board may place on the employment disqualification
4 list the name of a pharmacy technician who has been adjudicated
5 and found guilty, or has entered a plea of guilty or nolo
6 contendere, to a violation of any state, territory or federal
7 drug law, or to any felony or has violated any provision of
8 subsection 2 of section 338.055.

9 [6.] 8. After an investigation and a determination has been
10 made to place a person's name on the employment disqualification
11 list, the board shall notify such person in writing mailed to the
12 person's last known address that:

13 (1) An allegation has been made against the person, the
14 substance of the allegation and that an investigation has been
15 conducted which tends to substantiate the allegation;

16 (2) Such person's name [will be included] has been added in
17 the employment disqualification list of the board;

18 (3) The consequences to the person of being listed and the
19 length of time the person's name will be on the list; and

20 (4) The person's right[s and the procedure to challenge the
21 inclusion of the person's name on the disqualification list] to
22 file a complaint with the administrative hearing commission as
23 provided in chapter 621, RSMo.

24 [7.] 9. [If no reply has been received by the board within
25 thirty days after the board mailed the notice, the board may

1 include the name of such person on such disqualification list.]
2 The length of time a person's name shall remain on the
3 disqualification list shall be determined by the board. [The
4 board may, also, provide for alternative sanctions, including,
5 but not limited to, conditional employment based on a requirement
6 that the person submit certain documentation within a certain
7 period of time. Any person who receives notice that the board
8 intends to place the person's name on the employment
9 disqualification list may file an appeal with the administrative
10 hearing commission as provided in chapter 621, RSMo.]

11 [8.] 10. No hospital or licensed pharmacy shall knowingly
12 employ any person whose name appears on the employee
13 disqualification list, except that a hospital or licensed
14 pharmacy may employ a person whose name appears on the employment
15 disqualification list but the board has authorized to work under
16 certain terms and conditions. Any hospital or licensed pharmacy
17 shall report to the board any final disciplinary action taken
18 against a pharmacy technician or the voluntary resignation of a
19 pharmacy technician against whom any complaints or reports have
20 been made which might have led to final disciplinary action that
21 can be a cause of action for discipline by the board as provided
22 for in subsection 2 of section 338.055. Compliance with the
23 foregoing sentence may be interposed as an affirmative defense by
24 the employer. Any hospital or licensed pharmacy which reports to
25 the board in good faith shall not be liable for civil damages.

1 338.055. 1. The board may refuse to issue any certificate
2 of registration or authority, permit or license required pursuant
3 to this chapter for one or any combination of causes stated in
4 subsection 2 of this section. The board shall notify the
5 applicant in writing of the reasons for the refusal and shall
6 advise the applicant of his or her right to file a complaint with
7 the administrative hearing commission as provided by chapter 621,
8 RSMo.

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

16 (1) Use of any controlled substance, as defined in chapter
17 195, RSMo, or alcoholic beverage to an extent that such use
18 impairs a person's ability to perform the work of any profession
19 licensed or regulated by this chapter;

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

1 fraud, dishonesty or an act of violence, or for any offense
2 involving moral turpitude, whether or not sentence is imposed;

3 (3) Use of fraud, deception, misrepresentation or bribery
4 in securing any certificate of registration or authority, permit
5 or license issued pursuant to this chapter or in obtaining
6 permission to take any examination given or required pursuant to
7 this chapter;

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

11 (5) [Incompetency] Incompetence, misconduct, gross
12 negligence, fraud, misrepresentation or dishonesty in the
13 performance of the functions or duties of any profession licensed
14 or regulated by this chapter;

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

18 (7) Impersonation of any person holding a certificate of
19 registration or authority, permit or license or allowing any
20 person to use his or her certificate of registration or
21 authority, permit, license, or diploma from any school;

22 (8) Denial of licensure to an applicant or disciplinary
23 action against an applicant or the holder of a license or other
24 right to practice any profession regulated by this chapter
25 granted by another state, territory, federal agency, or country

1 whether or not voluntarily agreed to by the licensee or
2 applicant, including but not limited to, surrender of the license
3 upon grounds for which [revocation or suspension] denial or
4 discipline is authorized in this state;

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

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

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

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

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

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

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

22 (16) The intentional act of substituting or otherwise
23 changing the content, formula or brand of any drug prescribed by
24 written or oral prescription without prior written or oral
25 approval from the prescriber for the respective change in each

1 prescription; provided, however, that nothing contained herein
2 shall prohibit a pharmacist from substituting or changing the
3 brand of any drug as provided under section 338.056, and any such
4 substituting or changing of the brand of any drug as provided for
5 in section 338.056 shall not be deemed unprofessional or
6 dishonorable conduct unless a violation of section 338.056
7 occurs;

8 (17) Personal use or consumption of any controlled
9 substance unless it is prescribed, dispensed, or administered by
10 a health care provider who is authorized by law to do so.

11 3. After the filing of such complaint, the proceedings
12 shall be conducted in accordance with the provisions of chapter
13 621, RSMo. Upon a finding by the administrative hearing
14 commission that the grounds, provided in subsection 2, for
15 disciplinary action are met, the board may, singly or in
16 combination, censure or place the person named in the complaint
17 on probation on such terms and conditions as the board deems
18 appropriate for a period not to exceed five years, or may
19 suspend, for a period not to exceed three years, or revoke the
20 license, certificate, or permit. The board may impose additional
21 discipline on a licensee, registrant, or permittee found to have
22 violated any disciplinary terms previously imposed under this
23 section or by agreement. The additional discipline may include,
24 singly or in combination, censure, placing the licensee,
25 registrant, or permittee named in the complaint on additional

1 probation on such terms and conditions as the board deems
2 appropriate, which additional probation shall not exceed five
3 years, or suspension for a period not to exceed three years, or
4 revocation of the license, certificate, or permit.

5 4. If the board concludes that a [pharmacist] licensee or
6 registrant has committed an act or is engaging in a course of
7 conduct which would be grounds for disciplinary action which
8 constitutes a clear and present danger to the public health and
9 safety, the board may file a complaint before the administrative
10 hearing commission requesting an expedited hearing and specifying
11 the activities which give rise to the danger and the nature of
12 the proposed restriction or suspension of the [pharmacist's]
13 licensee's or registrant's license. Within fifteen days after
14 service of the complaint on the [pharmacist] licensee or
15 registrant, the administrative hearing commission shall conduct a
16 preliminary hearing to determine whether the alleged activities
17 of the [pharmacist] licensee or registrant appear to constitute a
18 clear and present danger to the public health and safety which
19 justify that the [pharmacist's] licensee's or registrant's
20 license or registration be immediately restricted or suspended.
21 The burden of proving that the actions of a [pharmacist is]
22 licensee or registrant constitute a clear and present danger to
23 the public health and safety shall be upon the state board of
24 pharmacy. The administrative hearing commission shall issue its
25 decision immediately after the hearing and shall either grant to

1 the board the authority to suspend or restrict the license or
2 dismiss the action.

3 5. If the administrative hearing commission grants
4 temporary authority to the board to restrict or suspend the
5 [pharmacist's] licensee's or registrant's license, such temporary
6 authority of the board shall become final authority if there is
7 no request by the [pharmacist] licensee or registrant for a full
8 hearing within thirty days of the preliminary hearing. The
9 administrative hearing commission shall, if requested by the
10 [pharmacist] licensee or registrant named in the complaint, set a
11 date to hold a full hearing under the provisions of chapter 621,
12 RSMo, regarding the activities alleged in the initial complaint
13 filed by the board.

14 6. If the administrative hearing commission dismisses the
15 action filed by the board pursuant to subsection 4 of this
16 section, such dismissal shall not bar the board from initiating a
17 subsequent action on the same grounds.

18 338.065. 1. [After August 28, 1990,] At such time as the
19 final trial proceedings are concluded whereby a licensee or
20 registrant, or any person who has failed to renew or has
21 surrendered his or her certificate of registration or authority,
22 permit, or license, has been adjudicated and found guilty, or has
23 entered a plea of guilty or nolo contendere, in a felony
24 prosecution pursuant to the laws of the state of Missouri, the
25 laws of any other state, territory, or the laws of the United

1 States of America for any offense reasonably related to the
2 qualifications, functions or duties of a licensee, permittee, or
3 registrant pursuant to this chapter or any felony offense, an
4 essential element of which is fraud, dishonesty or an act of
5 violence, or for any felony offense involving moral turpitude,
6 whether or not sentence is imposed, the board of pharmacy may
7 hold a disciplinary hearing to singly or in combination censure
8 or place the licensee, permittee, or registrant named in the
9 complaint on probation on such terms and conditions as the board
10 deems appropriate for a period not to exceed five years, or may
11 suspend, for a period not to exceed three years, or revoke the
12 license, certificate, registration or permit.

13 2. Anyone who has been revoked or denied a license, permit
14 or certificate to practice in another state may automatically be
15 denied a license or permit to practice in this state. However,
16 the board of pharmacy may establish other qualifications by which
17 a person may ultimately be qualified and licensed to practice in
18 Missouri.

19 338.145. 1. The president of the board may, upon majority
20 vote of the board, administer oaths, issue subpoenas duces tecum,
21 and require production of documents and records from any person
22 or entity not licensed by the board when such documents and
23 records are not otherwise available to the board pursuant to the
24 board's inspection authority granted in sections 338.100 and
25 338.150. Subpoenas duces tecum shall be served by a person

1 authorized to serve subpoenas of courts of record. In lieu of
2 requiring attendance of a person to produce original documents in
3 response to a subpoena duces tecum, the board may require sworn
4 copies of such documents to be filed with it or delivered to its
5 designated representative.

6 2. The board may enforce its subpoenas duces tecum by
7 applying to the circuit court of Cole County, the county of the
8 investigation, hearing or proceeding, or any county where the
9 records reside or may be found, for an order upon any person who
10 shall fail to obey a subpoena duces tecum to show cause why such
11 subpoena duces tecum should not be enforced, which such order and
12 a copy of the application therefore shall be served upon the
13 person in the same manner as a summons in a civil action. If the
14 circuit court shall, after a hearing, determine that the subpoena
15 duces tecum should be sustained and enforced, such court shall
16 proceed to enforce the subpoena duces tecum in the same manner as
17 though the subpoena had been issued in a civil case in the
18 circuit court.

19 338.155. 1. Any person who in good faith and without
20 malice reports, provides information, or cooperates in any manner
21 with the board, or assists the board in any manner, including,
22 but not limited to, any applicant or licensee, whether or not the
23 applicant or licensee is the subject of an investigation, record
24 custodians, consultants, attorneys, board members, agents,
25 employees, staff or expert witnesses, in the course of any

1 investigation, hearing or other proceeding conducted by or before
2 the board pursuant to the provisions of this chapter shall not be
3 subject to an action for civil damages as a result of providing
4 such information and cooperating with the board.

5 2. No physician or other authorized prescriber who, in good
6 faith, cooperates with the board by writing a prescription or
7 drug order at the request of the board pursuant to a routine
8 inspection or a lawful investigation, shall, by virtue of that
9 cooperation, be in violation of this chapter or any drug laws of
10 this state and shall be acting as an agent of the state and, as
11 such, shall have sovereign immunity for those actions.

12 3. No licensee, registrant, permit holder, or other
13 individual or entity subject to the board's jurisdiction who, in
14 good faith, fills a prescription presented by the board as part
15 of an inspection or investigation shall, by virtue of that act,
16 be in violation of this chapter or the drug laws of this state,
17 provided the prescription is otherwise prepared and dispensed in
18 a lawful manner.

19 338.220. 1. It shall be unlawful for any person,
20 copartnership, association, corporation or any other business
21 entity to open, establish, operate, or maintain any pharmacy, as
22 defined by statute without first obtaining a permit or license to
23 do so from the Missouri board of pharmacy. The following classes
24 of pharmacy permits or licenses are hereby established:

25 (1) Class A: Community/ambulatory;

- 1 (2) Class B: Hospital outpatient pharmacy;
- 2 (3) Class C: Long-term care;
- 3 (4) Class D: [Home health care] Nonsterile compounding;
- 4 (5) Class E: Radio pharmaceutical;
- 5 (6) Class F: Renal dialysis;
- 6 (7) Class G: Medical gas;
- 7 (8) Class H: Sterile product compounding;
- 8 (9) Class I: Consultant services;
- 9 (10) Class J: Shared service;
- 10 (11) Class K: Internet.

11 2. Application for such permit or license shall be made
12 upon a form furnished to the applicant; shall contain a statement
13 that it is made under oath or affirmation and that its
14 representations are true and correct to the best knowledge and
15 belief of the person signing same, subject to the penalties of
16 making a false affidavit or declaration; and shall be accompanied
17 by a permit or license fee. The permit or license issued shall
18 be renewable upon payment of a renewal fee. Separate
19 applications shall be made and separate permits or licenses
20 required for each pharmacy opened, established, operated, or
21 maintained by the same owner.

22 3. All permits, licenses or renewal fees collected pursuant
23 to the provisions of sections 338.210 to 338.370 shall be
24 deposited in the state treasury to the credit of the Missouri
25 board of pharmacy fund, to be used by the Missouri board of

1 pharmacy in the enforcement of the provisions of sections 338.210
2 to 338.370, when appropriated for that purpose by the general
3 assembly.

4 339.010. 1. A "real estate broker" is any person,
5 partnership, association, or corporation, foreign or domestic
6 who, for another, and for a compensation or valuable
7 consideration, [as a whole or partial vocation,] does, or
8 attempts to do, any or all of the following:

9 (1) Sells, exchanges, purchases, rents, or leases real
10 estate;

11 (2) Offers to sell, exchange, purchase, rent or lease real
12 estate;

13 (3) Negotiates or offers or agrees to negotiate the sale,
14 exchange, purchase, rental or leasing of real estate;

15 (4) Lists or offers or agrees to list real estate for sale,
16 lease, rental or exchange;

17 (5) Buys, sells, offers to buy or sell or otherwise deals
18 in options on real estate or improvements thereon;

19 (6) Advertises or holds himself or herself out as a
20 licensed real estate broker while engaged in the business of
21 buying, selling, exchanging, renting, or leasing real estate;

22 (7) Assists or directs in the procuring of prospects,
23 calculated to result in the sale, exchange, leasing or rental of
24 real estate;

25 (8) Assists or directs in the negotiation of any

1 transaction calculated or intended to result in the sale,
2 exchange, leasing or rental of real estate;

3 (9) Engages in the business of charging to an unlicensed
4 person an advance fee in connection with any contract whereby the
5 real estate broker undertakes to promote the sale of that
6 person's real estate through its listing in a publication issued
7 for such purpose intended to be circulated to the general public;

8 (10) Performs any of the foregoing acts as an employee of,
9 or on behalf of, the owner of real estate, or interest therein,
10 or improvements affixed thereon, for compensation.

11 2. A "real estate salesperson" is any person, who for a
12 compensation or valuable consideration becomes associated, either
13 as an independent contractor or employee, either directly or
14 indirectly, with a real estate broker to do any of the things
15 above mentioned[, as a whole or partial vocation]. The
16 provisions of sections 339.010 to 339.180 and sections 339.710 to
17 339.860 shall not be construed to deny a real estate salesperson
18 who is compensated solely by commission the right to be
19 associated with a broker as an independent contractor.

20 3. The term "commission" as used in sections 339.010 to
21 339.180 and sections 339.710 to 339.860 means the Missouri real
22 estate commission.

23 4. "Real estate" for the purposes of sections 339.010 to
24 339.180 and sections 339.710 to 339.860 shall mean, and include,
25 leaseholds, as well as any other interest or estate in land,

1 whether corporeal, incorporeal, freehold or nonfreehold, and
2 [whether] the real estate is situated in this state [or
3 elsewhere].

4 5. The provisions of sections 339.010 to 339.180 and
5 sections 339.710 to 339.860 shall not apply to:

6 (1) Any person, partnership, association, or corporation
7 who as owner [or], lessor, or lessee shall perform any of the
8 acts described in subsection 1 of this section with reference to
9 property owned or leased by them, or to the regular employees
10 thereof, provided such owner [or], lessor, or lessee is not
11 engaged in the real estate business [as a vocation];

12 (2) Any licensed attorney-at-law;

13 (3) An auctioneer employed by the owner of the property;

14 (4) Any person acting as receiver, trustee in bankruptcy,
15 administrator, executor, or guardian or while acting under a
16 court order or under the authority of a will, trust instrument or
17 deed of trust or as a witness in any judicial proceeding or other
18 proceeding conducted by the state or any governmental subdivision
19 or agency;

20 (5) Any person employed or retained to manage real property
21 by, for, or on behalf of, the agent or the owner, of any real
22 estate shall be exempt from holding a license, if the person is
23 limited to one or more of the following activities:

24 (a) Delivery of a lease application, a lease, or any
25 amendment thereof, to any person;

1 (b) Receiving a lease application, lease, or amendment
2 thereof, a security deposit, rental payment, or any related
3 payment, for delivery to, and made payable to, a broker or owner;

4 (c) Showing a rental unit to any person, as long as the
5 employee is acting under the direct instructions of the broker or
6 owner, including the execution of leases or rental agreements;

7 (d) Conveying information prepared by a broker or owner
8 about a rental unit, a lease, an application for lease, or the
9 status of a security deposit, or the payment of rent, by any
10 person;

11 (e) Assisting in the performance of brokers' or owners'
12 functions, administrative, clerical or maintenance tasks;

13 (f) If the person described in this section is employed or
14 retained by, for, or on behalf of a real estate broker, the real
15 estate broker shall be subject to discipline under this chapter
16 for any conduct of the person that violates this chapter or the
17 regulations promulgated thereunder;

18 (6) Any officer or employee of a federal agency or the
19 state government or any political subdivision thereof performing
20 official duties;

21 (7) Railroads and other public utilities regulated by the
22 state of Missouri, or their subsidiaries or affiliated
23 corporations, or to the officers or regular employees thereof,
24 unless performance of any of the acts described in subsection 1
25 of this section is in connection with the sale, purchase, lease

1 or other disposition of real estate or investment therein
2 unrelated to the principal business activity of such railroad or
3 other public utility or affiliated or subsidiary corporation
4 thereof;

5 (8) Any bank, trust company, savings and loan association,
6 credit union, insurance company, mortgage banker, or farm loan
7 association organized under the laws of this state or of the
8 United States when engaged in the transaction of business on its
9 own behalf and not for others;

10 (9) Any newspaper [or] magazine [or] periodical [of
11 general circulation], or Internet site whereby the advertising of
12 real estate is incidental to [the] its operation [of that
13 publication] or to any form of communications regulated or
14 licensed by the Federal Communications Commission or any
15 successor agency or commission;

16 (10) Any developer selling Missouri land owned by the
17 developer [if such developer has on file with the commission a
18 certified copy of a currently effective statement of record on
19 file with the Office of Interstate Land Sales pursuant to
20 Sections 1704 through 1706 of Title 15 of the United States Code
21 or a current statement from the Office of Interstate Land Sales
22 of the United States Department of Housing and Urban Development
23 approving the documentation (together with a copy of such
24 documentation) submitted to that office with respect to real
25 estate falling within the scope of subsection 1702(a)(10) of

1 Title 15 of the United States Code];

2 (11) Any employee acting on behalf of a nonprofit
3 community, or regional economic development association, agency
4 or corporation which has as its principal purpose the general
5 promotion and economic advancement of the community at large,
6 provided that such entity:

7 (a) Does not offer such property for sale, lease, rental or
8 exchange on behalf of another person or entity;

9 (b) Does not list or offer or agree to list such property
10 for sale, lease, rental or exchange; or

11 (c) Receives no fee, commission or compensation, either
12 monetary or in kind, that is directly related to sale or disposal
13 of such properties. An economic developer's normal annual
14 compensation shall be excluded from consideration as commission
15 or compensation related to sale or disposal of such properties;
16 or

17 (12) Any neighborhood association, as that term is defined
18 in section 441.500, RSMo, that without compensation, either
19 monetary or in kind, provides to prospective purchasers or
20 lessors of property the asking price, location, and contact
21 information regarding properties in and near the association's
22 neighborhood, including any publication of such information in a
23 newsletter, [web] Internet site, or other medium.

24 339.020. It shall be unlawful for any person, partnership,
25 association, or corporation, foreign or domestic, to act as a

1 real estate broker or real estate salesperson, or to advertise or
2 assume to act as such without a license first procured from the
3 commission.

4 339.030. A corporation, partnership, or association shall
5 be granted a license when individual licenses have been issued to
6 every member, partner or officer of such partnership,
7 association, or corporation who actively participates in its
8 brokerage business and to every person who acts as a salesperson
9 for such partnership, association, or corporation and when the
10 required fee is paid.

11 339.040. 1. Licenses shall be granted only to persons who
12 present, and corporations, associations, or partnerships whose
13 officers, associates, or partners present, satisfactory proof to
14 the commission that they:

15 (1) Are persons of good moral character; and

16 (2) Bear a good reputation for honesty, integrity, and fair
17 dealing; and

18 (3) Are competent to transact the business of a broker or
19 salesperson in such a manner as to safeguard the interest of the
20 public.

21 2. In order to determine an applicant's qualifications to
22 receive a license under sections 339.010 to 339.180 and sections
23 339.710 to 339.860, the commission shall hold oral or written
24 examinations at such times and places as the commission may
25 determine.

1 3. Each applicant for a broker or salesperson license shall
2 be at least eighteen years of age and shall pay the broker
3 examination fee or the salesperson examination fee.

4 4. Each applicant for a broker license shall be required to
5 have satisfactorily completed the salesperson license examination
6 prescribed by the commission. For the purposes of this section
7 only, the commission may permit a person who is not associated
8 with a licensed broker to take the salesperson examination.

9 5. Each application for a broker license shall include a
10 certificate from the applicant's broker or brokers that the
11 applicant has been actively engaged in the real estate business
12 as a licensed salesperson for at least one year immediately
13 preceding the date of application, or, in lieu thereof, shall
14 include a certificate from a school accredited by the commission
15 under the provisions of section 339.045 that the applicant has,
16 within six months prior to the date of application, successfully
17 completed the prescribed broker curriculum or broker
18 correspondence course offered by such school, except that the
19 commission may waive all or part of the educational requirements
20 set forth in this subsection when an applicant presents proof of
21 other educational background or experience acceptable to the
22 commission.

23 6. Each application for a salesperson license shall include
24 a certificate from a school accredited by the commission under
25 the provisions of section 339.045 that the applicant has, within

1 six months prior to the date of application, successfully
2 completed the prescribed salesperson curriculum or salesperson
3 correspondence course offered by such school, except that the
4 commission may waive all or part of the educational requirements
5 set forth in this subsection when an applicant presents proof of
6 other educational background or experience acceptable to the
7 commission.

8 7. ~~【The commission shall require】~~ The commission may issue
9 a temporary work permit pending final review and printing of the
10 license to an applicant who appears to have satisfied the
11 requirements for licenses. The commission may, at its
12 discretion, withdraw the work permit at any time.

13 8. Every active broker, salesperson, officer ~~【or】~~, partner
14 ~~【to present upon license renewal】~~, or associate shall provide
15 upon request to the commission evidence that during the two years
16 preceding he or she has completed twelve hours of real estate
17 instruction in courses approved by the commission. The
18 commission may, by rule and regulation, provide for individual
19 waiver of this requirement.

20 ~~【8.】~~ 9. Each entity that provides continuing education
21 required under the provisions of subsection ~~【7】~~ 8 of this section
22 may make available ~~【videotapes and audiotapes of】~~ instruction
23 courses that the entity conducts through means of distance
24 delivery. The commission shall by rule set standards for ~~【the~~
25 ~~production of】~~ such ~~【taped】~~ courses~~【, which may include the~~

1 requirement that individuals purchasing such tapes also purchase
2 an accompanying written study document. The commission shall
3 authorize individuals required to complete instruction under the
4 provisions of this subsection to fulfill such continuing
5 education requirements by utilizing such videotape and audiotape
6 courses]. The commission may by regulation require the
7 individual completing such [videotape or audiotape] distance
8 delivered course to complete an examination on the contents of
9 the course. Such examination shall be designed to ensure that
10 the licensee displays adequate knowledge of the subject matter of
11 the course, and shall be designed by the entity producing the
12 [taped] course and approved by the commission.

13 [9.] 10. In the event of the death or incapacity of a
14 licensed broker, or of one or more of the licensed partners [or],
15 officers, or associates of a real estate partnership [or],
16 corporation, or association whereby the affairs of the broker,
17 partnership, or corporation cannot be carried on, the commission
18 may issue, without examination or fee, to the legal
19 representative or representatives of the deceased or
20 incapacitated individual, or to another individual approved by
21 the commission, a temporary broker license which shall authorize
22 such individual to continue for a period to be designated by the
23 commission to transact business for the sole purpose of winding
24 up the affairs of the broker, partnership or corporation under
25 the supervision of the commission.

1 339.060. 1. The commission shall set the amount of the
2 fees which sections 339.010 to 339.180 and sections 339.710 to
3 339.860 authorize and require by rules and regulations
4 promulgated pursuant to section 536.021, RSMo. The fees shall be
5 set at a level to produce revenue which shall not substantially
6 exceed the cost and expense of administering sections 339.010 to
7 339.180 and sections 339.710 to 339.860.

8 2. Every license granted under sections 339.010 to 339.180
9 and sections 339.710 to 339.860 shall be renewed each licensing
10 period and the commission shall issue a new license upon receipt
11 of the [written] properly completed application of the applicant
12 and the required renewal fee.

13 339.100. 1. The commission may, upon its own motion, and
14 shall upon receipt of a written complaint filed by any person,
15 investigate any [business transaction] real estate-related
16 activity of a [person, partnership or corporation] licensee
17 licensed under sections 339.010 to 339.180 and sections 339.710
18 to 339.860 or an individual or entity acting as or representing
19 themselves as a real estate licensee. In conducting such
20 investigation, if the questioned activity or written complaint
21 involves an affiliated licensee, the commission may forward a
22 copy of the information received to the affiliated licensee's
23 designated broker. The commission shall have the power to hold
24 an investigatory hearing to determine whether there is a
25 probability [that the licensee has performed or attempted to

1 perform any act or practice declared unlawful pursuant to] of a
2 violation of sections 339.010 to 339.180 and sections 339.710 to
3 339.860. [In conducting such a hearing,] The commission shall
4 have the power to issue a subpoena to compel the production of
5 records and papers bearing on the complaint. The commission
6 shall have the power to issue a subpoena and to compel any person
7 in this state to come before the commission to offer testimony or
8 any material specified in the subpoena. Subpoenas and subpoenas
9 duces tecum issued pursuant to this section shall be served in
10 the same manner as subpoenas in a criminal case. The fees and
11 mileage of witnesses shall be the same as that allowed in the
12 circuit court in civil cases.

13 2. The commission may cause a complaint to be filed with
14 the administrative hearing commission as provided by [law when
15 the commission believes there is a probability that a licensee
16 has performed or attempted to perform any] the provisions of
17 chapter 621, RSMo, against any person or entity licensed under
18 this chapter or any licensee who has failed to renew or has
19 surrendered his or her individual or entity license for any one
20 or any combination of the following acts:

21 (1) Failure to maintain and deposit in a special account,
22 separate and apart from his or her personal or other business
23 accounts, all moneys belonging to others entrusted to him or her
24 while acting as a real estate broker[, or as escrow agent,] or as
25 the temporary custodian of the funds of others, until the

1 transaction involved is consummated or terminated, unless all
2 parties having an interest in the funds have agreed otherwise in
3 writing;

4 (2) Making substantial misrepresentations or false promises
5 or suppression, concealment or omission of material facts in the
6 conduct of his or her business or pursuing a flagrant and
7 continued course of misrepresentation through agents,
8 salespersons, advertising or otherwise in any transaction;

9 (3) Failing within a reasonable time to account for or to
10 remit any moneys, valuable documents or other property, coming
11 into his or her possession, which belongs to others;

12 (4) Representing to any lender, guaranteeing agency, or any
13 other interested party, either verbally or through the
14 preparation of false documents, an amount in excess of the true
15 and actual sale price of the real estate or terms differing from
16 those actually agreed upon;

17 (5) Failure to timely deliver[, immediately at the time of
18 signing,] a duplicate original of any and all instruments to any
19 party or parties executing the same where the instruments have
20 been prepared by the licensee or under his or her supervision or
21 are within his or her control, including, but not limited to, the
22 instruments relating to the employment of the licensee or to any
23 matter pertaining to the consummation of a lease, listing
24 agreement or the purchase, sale, exchange or lease of property,
25 or any type of real estate transaction in which he or she may

1 participate as a licensee;

2 (6) Acting for more than one party in a transaction without
3 the knowledge of all parties for whom he or she acts, or
4 accepting a commission or valuable consideration for services
5 from more than one party in a real estate transaction without the
6 knowledge of all parties to the transaction;

7 (7) Paying a commission or valuable consideration to any
8 person for acts or services performed in violation of sections
9 339.010 to 339.180 and sections 339.710 to 339.860;

10 (8) Guaranteeing or having authorized or permitted any
11 licensee to guarantee future profits which may result from the
12 resale of real property;

13 (9) Having been finally adjudicated and been found guilty
14 of the violation of any state or federal statute which governs
15 the sale or rental of real property or the conduct of the real
16 estate business as defined in subsection 1 of section 339.010;

17 (10) Obtaining a certificate or registration of authority,
18 permit or license for himself or herself or anyone else by false
19 or fraudulent representation, fraud or deceit;

20 (11) Representing a real estate broker other than the
21 broker with whom associated without the express [knowledge and]
22 written consent of [that] the broker[, or] with whom associated;

23 (12) Accepting a commission or valuable consideration for
24 the performance of any of the acts referred to in section 339.010
25 from any person except the broker with whom associated at the

1 time the commission or valuable consideration was earned;

2 [(12)] (13) Using prizes, money, gifts or other valuable
3 consideration as inducement to secure customers or clients to
4 purchase, lease, sell or list property when the awarding of such
5 prizes, money, gifts or other valuable consideration is
6 conditioned upon the purchase, lease, sale or listing; or
7 soliciting, selling or offering for sale real property by
8 offering free lots, or conducting lotteries or contests, or
9 offering prizes for the purpose of influencing a purchaser or
10 prospective purchaser of real property;

11 [(13)] (14) Placing a sign on or advertising any property
12 offering it for sale or rent without the written consent of the
13 owner or his or her duly authorized agent;

14 [(14)] (15) Violation of, or attempting to violate,
15 directly or indirectly, or assisting or enabling any person to
16 violate, any provision of sections 339.010 to 339.180 and
17 sections 339.710 to 339.860, or of any lawful rule adopted
18 pursuant to sections 339.010 to 339.180 and sections 339.710 to
19 339.860;

20 [(15)] (16) Committing any act which would otherwise be
21 grounds for the commission to refuse to issue a license under
22 section 339.040;

23 [(16)] (17) Failure to [submit] timely inform seller of all
24 written [bona fide] offers [to a seller when such offers are
25 received prior to the seller accepting an offer in writing and

1 until the licensee has knowledge of such acceptance] unless
2 otherwise instructed in writing by the seller;

3 [(17)] (18) Been finally adjudicated and found guilty, or
4 entered a plea of guilty or nolo contendere, in a criminal
5 prosecution under the laws of this state or any other state or of
6 the United States, for any offense reasonably related to the
7 qualifications, functions or duties of any profession licensed or
8 regulated under this chapter, for any offense an essential
9 element of which is fraud, dishonesty or an act of violence, or
10 for any offense involving moral turpitude, whether or not
11 sentence is imposed;

12 [(18)] (19) Any other conduct which constitutes
13 untrustworthy, improper or fraudulent business dealings, [or]
14 demonstrates bad faith or [gross] incompetence, misconduct, or
15 gross negligence;

16 [(19)] (20) Disciplinary action against the holder of a
17 license or other right to practice any profession regulated under
18 sections 339.010 to 339.180 and sections 339.710 to 339.860
19 granted by another state, territory, federal agency, or country
20 upon grounds for which revocation, suspension, or probation is
21 authorized in this state;

22 [(20)] (21) Been found by a court of competent jurisdiction
23 of having used any controlled substance, as defined in chapter
24 195, RSMo, to the extent that such use impairs a person's ability
25 to perform the work of any profession licensed or regulated by

1 sections 339.010 to 339.180 and sections 339.710 to 339.860;

2 [(21)] (22) Been finally adjudged insane or incompetent by
3 a court of competent jurisdiction;

4 [(22)] (23) Assisting or enabling any person to practice or
5 offer to practice any profession licensed or regulated under
6 sections 339.010 to 339.180 and sections 339.710 to 339.860 who
7 is not registered and currently eligible to practice under
8 sections 339.010 to 339.180 and sections 339.710 to 339.860;

9 [(23)] (24) Use of any advertisement or solicitation which
10 is knowingly false, misleading or deceptive to the general public
11 or persons to whom the advertisement or solicitation is primarily
12 directed.

13 3. After the filing of such complaint, the proceedings will
14 be conducted in accordance with the provisions of law relating to
15 the administrative hearing commission. A finding of the
16 administrative hearing commissioner that the licensee has
17 performed or attempted to perform one or more of the foregoing
18 acts shall be grounds for the suspension or revocation of his
19 license by the commission, or the placing of the licensee on
20 probation on such terms and conditions as the real estate
21 commission shall deem appropriate.

22 4. The commission may prepare a digest of the decisions of
23 the administrative hearing commission which concern complaints
24 against licensed brokers or salespersons and cause such digests
25 to be mailed to all licensees periodically. Such digests may

1 also contain reports as to new or changed rules adopted by the
2 commission and other information of significance to licensees.

3 339.105. 1. Each broker who holds funds belonging to
4 another shall maintain such funds in a separate bank account in a
5 financial institution which shall be designated an escrow or
6 trust account. This requirement includes funds in which he or
7 she may have some future interest or claim. Such funds shall be
8 deposited promptly unless all parties having an interest in the
9 funds have agreed otherwise in writing. No broker shall
10 commingle his or her personal funds or other funds in this
11 account with the exception that a broker may deposit and keep a
12 sum not to exceed one thousand dollars in the account from his or
13 her personal funds, which sum shall be specifically identified
14 and deposited to cover service charges related to the account.

15 2. Each broker shall notify the commission [of the name] of
16 his or her intent not to maintain an escrow account, or the name
17 of the financial institution in which each escrow or trust
18 account is maintained, the name and number of each such account,
19 and shall file written authorization directed to each financial
20 institution to allow the commission or its authorized
21 representative to examine each such account; such notification
22 and authorization shall be submitted on forms provided therefor
23 by the commission. A broker shall notify the commission within
24 ten business days of any change of his or her intent to maintain
25 an escrow account, the financial institution, account numbers, or

1 change in account status.

2 3. In conjunction with each escrow or trust account a
3 broker shall maintain books, records, contracts and other
4 necessary documents so that the adequacy of said account may be
5 determined at any time. The account and other records shall be
6 provided to the commission and its duly authorized agents for
7 inspection at all times during regular business hours at the
8 broker's usual place of business.

9 4. Whenever the ownership of any escrow moneys received by
10 a broker pursuant to this section is in dispute by the parties to
11 a real estate sales transaction, the broker shall report and
12 deliver the moneys to the state treasurer within three hundred
13 sixty-five days of the date of the initial projected closing date
14 in compliance with sections 447.500 to 447.595, RSMo. The
15 parties to a real estate sales transaction may agree in writing
16 that the funds are not in dispute and shall notify the broker who
17 is holding the funds.

18 5. A broker shall not be entitled to any money or other
19 money paid to him or her in connection with any real estate sales
20 transaction as part or all of his or her commission or fee until
21 the transaction has been consummated or terminated, unless agreed
22 in writing by all parties to the transaction.

23 6. When, through investigations or otherwise, the
24 commission has reasonable cause to believe that a licensee has
25 acted, is acting or is about to act in violation of this section,

1 the commission may, through the attorney general or any
2 assistants designated by the attorney general, proceed in the
3 name of the commission to institute suit to enjoin any act or
4 acts in violation of this section.

5 7. Any such suit shall be commenced in either the county in
6 which the defendant resides or in the county in which the
7 defendant has acted, is acting or is about to act in violation of
8 this section.

9 8. In such proceeding, the court shall have power to issue
10 such temporary restraining or injunction orders, without bond,
11 which are necessary to protect the public interest. Any action
12 brought under this section shall be in addition to and not in
13 lieu of any other provisions of this chapter. In such action,
14 the commission or the state need not allege or prove that there
15 is no adequate remedy at law or that any individual has suffered
16 any economic injury as a result of the activity sought to be
17 enjoined.

18 339.120. 1. There is hereby created the "Missouri Real
19 Estate Commission", to consist of seven persons, citizens of the
20 United States and residents of this state for at least one year
21 prior to their appointment, for the purpose of carrying out and
22 enforcing the provisions of sections 339.010 to 339.180 and
23 sections 339.710 to 339.860. The commission shall be appointed
24 by the governor with the advice and consent of the senate. All
25 members, except one voting public member, of the commission must

1 have had at least ten years' experience as a real estate broker
2 prior to their appointment. The terms of the members of the
3 commission shall be for five years, and until their successors
4 are appointed and qualified. Members to fill vacancies shall be
5 appointed by the governor for the unexpired term. The president
6 of the Missouri Association of Realtors in office at the time
7 shall, at least ninety days prior to the expiration of the term
8 of the board member, other than the public member, or as soon as
9 feasible after the vacancy on the board otherwise occurs, submit
10 to the director of the division of professional registration a
11 list of five Realtors qualified and willing to fill the vacancy
12 in question, with the request and recommendation that the
13 governor appoint one of the five persons so listed, and with the
14 list so submitted, the president of the Missouri Association of
15 Realtors shall include in his or her letter of transmittal a
16 description of the method by which the names were chosen by that
17 association. The commission shall organize annually by selecting
18 from its members a chairman. The commission may do all things
19 necessary and convenient for carrying into effect the provisions
20 of sections 339.010 to 339.180 and sections 339.710 to 339.860,
21 and may promulgate necessary rules compatible with the provisions
22 of sections 339.010 to 339.180 and sections 339.710 to 339.860.
23 Each member of the commission shall receive as compensation an
24 amount set by the commission not to exceed [fifty] seventy-five
25 dollars for each day devoted to the affairs of the commission,

1 and shall be entitled to reimbursement of his or her expenses
2 necessarily incurred in the discharge of his or her official
3 duties. The governor may remove any commissioner for cause.

4 2. The public member shall be at the time of his or her
5 appointment a citizen of the United States; a resident of this
6 state for a period of one year and a registered voter; a person
7 who is not and never was a member of any profession licensed or
8 regulated pursuant to sections 339.010 to 339.180 and sections
9 339.710 to 339.860 or the spouse of such person; and a person who
10 does not have and never has had a material, financial interest in
11 either the providing of the professional services regulated by
12 sections 339.010 to 339.180 and sections 339.710 to 339.860, or
13 an activity or organization directly related to any profession
14 licensed or regulated pursuant to sections 339.010 to 339.180 and
15 sections 339.710 to 339.860. All members, including public
16 members, shall be chosen from lists submitted by the director of
17 the division of professional registration. The duties of the
18 public member shall not include the determination of the
19 technical requirements to be met for licensure or whether any
20 person meets such technical requirements or of the technical
21 competence or technical judgment of a licensee or a candidate for
22 licensure.

23 3. The commission shall employ such board personnel, as
24 defined in subdivision (4) of subsection 15 of section 620.010,
25 RSMo, as it shall deem necessary to discharge the duties imposed

1 by the provisions of sections 339.010 to 339.180 and sections
2 339.710 to 339.860.

3 4. Any rule or portion of a rule, as that term is defined
4 in section 536.010, RSMo, that is created under the authority
5 delegated in sections 339.010 to 339.180 and sections 339.710 to
6 339.860 shall become effective only if it complies with and is
7 subject to all of the provisions of chapter 536, RSMo, and, if
8 applicable, section 536.028, RSMo. All rulemaking authority
9 delegated prior to August 28, 1999, is of no force and effect and
10 repealed. Nothing in this section shall be interpreted to repeal
11 or affect the validity of any rule filed or adopted prior to
12 August 28, 1999, if it fully complied with all applicable
13 provisions of law. This section and chapter 536, RSMo, are
14 nonseverable and if any of the powers vested with the general
15 assembly pursuant to chapter 536, RSMo, to review, to delay the
16 effective date or to disapprove and annul a rule are subsequently
17 held unconstitutional, then the grant of rulemaking authority and
18 any rule proposed or adopted after August 28, 1999, shall be
19 invalid and void.

20 339.130. The commission may sue and be sued in its official
21 name, and shall have a seal which shall be affixed to [all
22 licenses,] certified copies of records and papers on file, and to
23 such other instruments as the commission may direct, and all
24 courts shall take judicial notice of such seal. Copies of
25 records and proceedings of the commission, and of all papers on

1 file in its office, certified under the said seal shall be
2 received as evidence in all courts of record. The office of the
3 commission shall be at Jefferson City.

4 339.150. 1. No real estate broker shall knowingly employ
5 or engage any person to perform any service to the broker for
6 which licensure as a real estate broker or a real estate sales
7 person is required pursuant to sections 339.010 to 339.180 and
8 sections 339.710 to 339.860, unless such a person is a licensed
9 real estate salesperson or a licensed real estate broker as
10 required by section 339.020, or a person regularly engaged in the
11 real estate brokerage business outside of the state of Missouri.
12 Any such action shall be unlawful as provided by section 339.100
13 and shall be grounds for investigation, complaint, proceedings
14 and discipline as provided by section 339.100.

15 2. No real estate licensee shall pay any part of a fee,
16 commission or other compensation received by the licensee to any
17 person for any service rendered by such person to the licensee in
18 buying, selling, exchanging, leasing, renting or negotiating a
19 loan upon any real estate, unless such a person is a licensed
20 real estate salesperson regularly associated with such a broker,
21 or a licensed real estate broker, or a person regularly engaged
22 in the real estate brokerage business outside of the state of
23 Missouri.

24 3. Notwithstanding the provisions of subsections 1 and 2 of
25 this section, any real estate broker who shall refuse to pay any

1 person for services rendered by such person to the broker, with
2 the consent, knowledge and acquiescence of the broker that such
3 person was not licensed as required by section 339.020, in
4 buying, selling, exchanging, leasing, renting or negotiating a
5 loan upon any real estate for which services a license is
6 required, and who is employed or engaged by such broker to
7 perform such services, shall be liable to such person for the
8 reasonable value of the same or similar services rendered to the
9 broker, regardless of whether or not the person possesses or
10 holds any particular license, permit or certification at the time
11 the service was performed. Any such person may bring a civil
12 action for the reasonable value of his services rendered to a
13 broker notwithstanding the provisions of section 339.160.

14 339.160. No person, partnership, corporation, or
15 association engaged within this state in the business or acting
16 in the capacity of a real estate broker or real estate
17 salesperson shall bring or maintain an action in any court in
18 this state for the recovery of compensation for services rendered
19 in the buying, selling, exchanging, leasing, renting or
20 negotiating a loan upon any real estate without alleging and
21 proving that such person, partnership, corporation, or
22 association was a licensed real estate broker or salesperson at
23 the time when the alleged cause of action arose.

24 339.170. Any person or corporation knowingly violating any
25 provision of sections 339.010 to 339.180 and sections 339.710 to

1 339.860 shall be guilty of a class B misdemeanor. Any officer or
2 agent of a corporation, or member or agent of a partnership or
3 association, who shall knowingly and personally participate in or
4 be an accessory to any violation of sections 339.010 to 339.180
5 and sections 339.710 to 339.860, shall be guilty of a class B
6 misdemeanor. This section shall not be construed to release any
7 person from civil liability or criminal prosecution under any
8 other law of this state. The commission may cause complaint to
9 be filed for violation of section 339.020 in any court of
10 competent jurisdiction, and perform such other acts as may be
11 necessary to enforce the provisions hereof.

12 339.180. 1. It shall be unlawful for any person or entity
13 not licensed under this chapter to perform any act for which a
14 real estate [broker or salesperson] license is required. Upon
15 application by the [board] commission, and the necessary burden
16 having been met, a court of general jurisdiction may grant an
17 injunction, restraining order or other order as may be
18 appropriate to enjoin a person or entity from:

19 (1) Offering to engage or engaging in the performance of
20 any acts or practices for which a [certificate of registration or
21 authority,] permit or license is required by this chapter upon a
22 showing that such acts or practices were performed or offered to
23 be performed without a [certificate of registration or
24 authority,] permit or license; or

25 (2) Engaging in any practice or business authorized by a

1 [certificate of registration or authority,] permit or license
2 issued pursuant to this chapter upon a showing that the holder
3 presents a substantial probability of serious danger to the
4 health, safety or welfare of any [resident of this state or
5 client or patient of the licensee] person with, or who is
6 considering obtaining, a legal interest in real property in this
7 state.

8 2. Any such action shall be commenced either in the county
9 in which such conduct occurred or in the county in which the
10 defendant resides.

11 3. Any action brought under this section shall be in
12 addition to and not in lieu of any penalty provided by this
13 chapter and may be brought concurrently with other actions to
14 enforce this chapter.

15 339.710. For purposes of sections 339.710 to 339.860, the
16 following terms mean:

17 (1) "Adverse material fact", a fact related to the
18 [physical condition of the] property not reasonably ascertainable
19 or known to a party which negatively affects the value of the
20 property. Adverse material facts may include matters pertaining
21 to:

22 (a) Environmental hazards affecting the property;

23 (b) Physical condition of the property which adversely
24 affects the value of the property;

25 (c) Material defects in the property;

1 (d) Material defects in the title to the property;

2 (e) Material limitation of the party's ability to perform
3 under the terms of the contract;

4 (2) "Affiliated licensee", any broker or salesperson who
5 works under the supervision of a designated broker;

6 (3) "Agent", a person or entity acting pursuant to the
7 provisions of this chapter;

8 (4) "Broker disclosure form", the current form prescribed
9 by the commission for presentation to a seller, landlord, buyer
10 or tenant who has not entered into a written agreement for
11 brokerage services;

12 (5) "Brokerage relationship", the relationship created
13 between a designated broker, the broker's affiliated licensees,
14 and a client relating to the performance of services of a broker
15 as defined in section 339.010, and sections 339.710 to 339.860.
16 If a designated broker makes an appointment of an affiliated
17 licensee or affiliated licensees pursuant to section 339.820,
18 such brokerage relationships are created between the appointed
19 licensee or licensees and the client. Nothing in this
20 subdivision shall:

21 (a) Alleviate the designated broker from duties of
22 supervision of the appointed licensee or licensees; or

23 (b) Alter the designated broker's underlying contractual
24 agreement with the client;

25 (6) "Client", a seller, landlord, buyer, or tenant who has

1 entered into a brokerage relationship with a licensee pursuant to
2 sections 339.710 to 339.860;

3 (7) "Commercial real estate", any real estate other than
4 real estate containing one to four residential units, real estate
5 on which no buildings or structures are located, or real estate
6 classified as agricultural and horticultural property for
7 assessment purposes pursuant to section 137.016, RSMo.

8 Commercial real estate does not include single family residential
9 units including condominiums, townhouses, or homes in a
10 subdivision when that real estate is sold, leased, or otherwise
11 conveyed on a unit-by-unit basis even though the units may be
12 part of a larger building or parcel of real estate containing
13 more than four units;

14 (8) "Commission", the Missouri real estate commission;

15 (9) "Confidential information", information obtained by the
16 licensee from the client and designated as confidential by the
17 client, information made confidential by sections 339.710 to
18 339.860 or any other statute or regulation, or written
19 instructions from the client unless the information is made
20 public or becomes public by the words or conduct of the client to
21 whom the information pertains or by a source other than the
22 licensee;

23 (10) "Customer", an actual or potential seller, landlord,
24 buyer, or tenant in a real estate transaction in which a licensee
25 is involved but who has not entered into a brokerage relationship

1 with [a] the licensee;

2 (11) "Designated agent", a licensee named by a designated
3 broker as the limited agent of a client as provided for in
4 section 339.820;

5 (12) "Designated broker", any individual licensed as a
6 broker who is operating pursuant to the definition of "real
7 estate broker" as defined in section 339.010, or any individual
8 licensed as a broker who is appointed by a partnership,
9 association, limited liability corporation, or a corporation
10 engaged in the real estate brokerage business to be responsible
11 for the acts of the partnership, association, limited liability
12 corporation, or corporation. Every real estate partnership,
13 association, or limited liability corporation, or corporation
14 shall appoint a designated broker;

15 (13) "Designated transaction broker", a licensee named by a
16 designated broker or deemed appointed by a designated broker as
17 the transaction broker for a client pursuant to section 339.820;

18 (14) "Dual agency", a form of agency which may result when
19 an agent licensee or someone affiliated with the agent licensee
20 represents another party to the same transaction;

21 (15) "Dual agent", a limited agent who, with the written
22 consent of all parties to a contemplated real estate transaction,
23 has entered into an agency brokerage relationship, and not a
24 transaction brokerage relationship, with and therefore represents
25 both the seller and buyer or both the landlord and tenant;

1 (16) "Licensee", a real estate broker or salesperson as
2 defined in section 339.010;

3 (17) "Limited agent", a licensee whose duties and
4 obligations to a client are those set forth in sections 339.730
5 to 339.750;

6 (18) "Ministerial acts", those acts that a licensee may
7 perform for a person or entity that are informative in nature and
8 do not rise to the level which requires the creation of a
9 brokerage relationship. Examples of these acts include, but are
10 not limited to:

11 (a) Responding to telephone inquiries by consumers as to
12 the availability and pricing of brokerage services;

13 (b) Responding to telephone inquiries from a person
14 concerning the price or location of property;

15 (c) Attending an open house and responding to questions
16 about the property from a consumer;

17 (d) Setting an appointment to view property;

18 (e) Responding to questions of consumers walking into a
19 licensee's office concerning brokerage services offered on
20 particular properties;

21 (f) Accompanying an appraiser, inspector, contractor, or
22 similar third party on a visit to a property;

23 (g) Describing a property or the property's condition in
24 response to a person's inquiry;

25 (h) Showing a customer through a property being sold by an

1 owner on his or her own behalf; or

2 (i) Referral to another broker or service provider;

3 (19) "Residential real estate", all real property improved
4 by a structure that is used or intended to be used primarily for
5 residential living by human occupants and that contains not more
6 than four dwelling units or that contains single dwelling units
7 owned as a condominium or in a cooperative housing association,
8 and vacant land classified as residential property. The term
9 "cooperative housing association" means an association, whether
10 incorporated or unincorporated, organized for the purpose of
11 owning and operating residential real property in Missouri, the
12 shareholders or members of which, by reason of their ownership of
13 a stock or membership certificate, a proprietary lease, or other
14 evidence of membership, are entitled to occupy a dwelling unit
15 pursuant to the terms of a proprietary lease or occupancy
16 agreement;

17 (20) "Single agent", a licensee who has entered into a
18 brokerage relationship with and therefore represents only one
19 party in a real estate transaction. A single agent may be one of
20 the following:

21 (a) "Buyer's agent", which shall mean a licensee who
22 represents the buyer in a real estate transaction;

23 (b) "Seller's agent", which shall mean a licensee who
24 represents the seller in a real estate transaction; and

25 (c) "Landlord's agent", which shall mean a licensee who

1 represents a landlord in a leasing transaction;

2 (d) "Tenant's agent", which shall mean a licensee who
3 represents the tenant in a leasing transaction;

4 (21) "Subagent", a designated broker, together with the
5 broker's affiliated licensees, engaged by another designated
6 broker, together with the broker's affiliated or appointed
7 affiliated licensees, to act as a limited agent for a client, or
8 a designated broker's unappointed affiliated licensees engaged by
9 the designated broker, together with the broker's appointed
10 affiliated licensees, to act as a limited agent for a client. A
11 subagent owes the same obligations and responsibilities to the
12 client pursuant to sections 339.730 to 339.740 as does the
13 client's designated broker;

14 (22) "Transaction broker", any licensee acting pursuant to
15 sections 339.710 to 339.860, who:

16 (a) Assists the parties to a transaction without an agency
17 or fiduciary relationship to either party and is, therefore,
18 neutral, serving neither as an advocate or advisor for either
19 party to the transaction;

20 (b) Assists one or more parties to a transaction and who
21 has not entered into a specific written agency agreement to
22 represent one or more of the parties; or

23 (c) Assists another party to the same transaction either
24 solely or through licensee affiliates.

1 Such licensee shall be deemed to be a transaction broker and not
2 a dual agent, provided that, notice of assumption of transaction
3 broker status is provided to the buyer and seller immediately
4 upon such default to transaction broker status, to be confirmed
5 in writing prior to execution of the contract.

6 339.760. [1.] Every designated broker who has affiliated
7 licensees shall adopt a written policy which identifies and
8 describes the relationships in which the designated broker and
9 affiliated licensees may engage with any seller, landlord, buyer,
10 or tenant as part of any real estate brokerage activities.

11 [2. A designated broker shall not be required to offer or
12 engage in more than one of the brokerage relationships enumerated
13 in section 339.720.]

14 339.780. 1. All written agreements for brokerage services
15 on behalf of a seller, landlord, buyer, or tenant shall be
16 entered into by the designated broker on behalf of that broker
17 and affiliated licensees, except that the designated broker may
18 authorize affiliated licensees in writing to enter into the
19 written agreements on behalf of the designated broker.

20 2. Before engaging in any of the activities enumerated in
21 section 339.010, a designated broker intending to establish a
22 limited agency relationship with a seller or landlord shall enter
23 into a written agency agreement with the party to be represented.
24 The agreement shall include a licensee's duties and
25 responsibilities specified in section 339.730 and the terms of

1 compensation and shall specify whether an offer of subagency may
2 be made to any other designated broker.

3 3. Before or while engaging in any acts enumerated in
4 section 339.010, except ministerial acts defined in section
5 339.710, a designated broker acting as a single agent for a buyer
6 or tenant shall enter into a written agency agreement with the
7 buyer or tenant. The agreement shall include a licensee's duties
8 and responsibilities specified in section 339.740 and the terms
9 of compensation [and shall specify whether an offer of subagency
10 may be made to any other designated broker].

11 4. Before engaging in any of the activities enumerated in
12 section 339.010, a designated broker intending to act as a dual
13 agent shall enter into a written agreement with the seller and
14 buyer or landlord and tenant permitting the designated broker to
15 serve as a dual agent. The agreement shall include a licensee's
16 duties and responsibilities specified in section 339.750 and the
17 terms of compensation.

18 5. Before engaging in any of the activities enumerated in
19 section 339.010, a designated broker intending to act as a
20 subagent shall enter into a written agreement with the designated
21 broker for the client. If a designated broker has made a
22 unilateral offer of subagency, another designated broker can
23 enter into the subagency relationship by the act of disclosing to
24 the customer that he or she is a subagent of the client. If a
25 designated broker has made an appointment pursuant to section

1 339.820, an affiliated licensee that has been excluded by such
2 appointment may enter into the subagency relationship by the act
3 of disclosing to the customer that he or she is a subagent of the
4 client.

5 6. A designated broker who intends to act as a transaction
6 broker and who expects to receive compensation from the party he
7 or she assists shall enter into a written transaction brokerage
8 agreement with such party or parties contracting for the broker's
9 service. The transaction brokerage agreement shall include a
10 licensee's duties and responsibilities specified in section
11 339.755 and the terms of compensation.

12 7. Nothing contained in this section shall prohibit the
13 public from entering into written contracts with any broker which
14 contain duties, obligations, or responsibilities which are in
15 addition to those specified in this section.

16 339.800. 1. In any real estate transaction, the designated
17 broker's compensation may be paid by the seller, the landlord,
18 the buyer, the tenant, or a third party or by sharing the
19 compensation between designated brokers.

20 2. Payment of compensation by itself shall not establish an
21 agency relationship or transaction brokerage relationship between
22 the party who paid the compensation and the designated broker or
23 any affiliated licensee.

24 3. A seller or landlord may agree that a designated broker
25 may share with another designated broker the compensation paid by

1 the seller or landlord.

2 4. A buyer or tenant may agree that a designated broker may
3 share with another designated broker the compensation paid by the
4 buyer or tenant.

5 5. A designated broker may be compensated by more than one
6 party for services in a transaction with the knowledge of all the
7 parties at or before the time of entering into a written contract
8 to buy, sell, or lease.

9 6. Nothing contained in this section shall relieve the
10 licensee from the requirement of obtaining a written agreement
11 for brokerage services or other written agreement addressing
12 compensation.

13 345.015. As used in sections 345.010 to 345.080, the
14 following terms mean:

15 (1) "Audiologist", a person who is licensed as an
16 audiologist pursuant to sections 345.010 to 345.080 to practice
17 audiology;

18 (2) "Audiology aide", a person who is registered as an
19 audiology aide by the board, who does not act independently but
20 works under the direction and supervision of a licensed
21 audiologist. Such person assists the audiologist with activities
22 which require an understanding of audiology but do not require
23 formal training in the relevant academics. To be eligible for
24 registration by the board, each applicant shall submit a
25 registration fee, be of good moral and ethical character; and:

1 (a) Be at least eighteen years of age;

2 (b) Furnish evidence of the person's educational
3 qualifications which shall be at a minimum:

4 a. Certification of graduation from an accredited high
5 school or its equivalent; and

6 b. On-the-job training;

7 (c) Be employed in a setting in which direct and indirect
8 supervision are provided on a regular and systematic basis by a
9 licensed audiologist. However, the aide shall not administer or
10 interpret hearing screening or diagnostic tests, fit or dispense
11 hearing instruments, make ear impressions, make diagnostic
12 statements, determine case selection, present written reports to
13 anyone other than the supervisor without the signature of the
14 supervisor, make referrals to other professionals or agencies,
15 use a title other than speech-language pathology aide or clinical
16 audiology aide, develop or modify treatment plans, discharge
17 clients from treatment or terminate treatment, disclose clinical
18 information, either orally or in writing, to anyone other than
19 the supervising speech-language pathologist/audiologist, or
20 perform any procedure for which he or she is not qualified, has
21 not been adequately trained or both;

22 (3) "Board", the state board of registration for the
23 healing arts;

24 (4) "Clinical fellowship", the supervised professional
25 employment period following completion of the academic and

1 practicum requirements of an accredited training program as
2 defined in sections 345.010 to 345.080;

3 (5) "Commission", the advisory commission for
4 speech-language pathologists and audiologists;

5 (6) "Hearing instrument" or "hearing aid", any wearable
6 device or instrument designed for or offered for the purpose of
7 aiding or compensating for impaired human hearing and any parts,
8 attachments or accessories, including ear molds, but excluding
9 batteries, cords, receivers and repairs;

10 (7) "Person", any individual, organization, or corporate
11 body, except that only individuals may be licensed pursuant to
12 sections 345.010 to 345.080;

13 (8) "Practice of audiology":

14 (a) The application of accepted audiologic principles,
15 methods and procedures for the measurement, testing,
16 interpretation, appraisal and prediction related to disorders of
17 the auditory system, balance system or related structures and
18 systems;

19 (b) Provides consultation, counseling to the patient,
20 client, student, their family or interested parties;

21 (c) Provides academic, social and medical referrals when
22 appropriate;

23 (d) Provides for establishing goals, implementing
24 strategies, methods and techniques, for habilitation,
25 rehabilitation or aural rehabilitation, related to disorders of

1 the auditory system, balance system or related structures and
2 systems;

3 (e) Provides for involvement in related research, teaching
4 or public education;

5 (f) Provides for rendering of services or participates in
6 the planning, directing or conducting of programs which are
7 designed to modify audition, communicative, balance or cognitive
8 disorder, which may involve speech and language or education
9 issues;

10 (g) Provides and interprets behavioral and neurophysiologic
11 measurements of auditory balance, cognitive processing and
12 related functions, including intraoperative monitoring;

13 (h) Provides involvement in any tasks, procedures, acts or
14 practices that are necessary for evaluation of audition, hearing,
15 training in the use of amplification or assistive listening
16 devices;

17 (i) Provides selection and assessment of hearing
18 instruments;

19 (j) Provides for taking impressions of the ear, making
20 custom ear molds, ear plugs, swim molds and industrial noise
21 protectors;

22 (k) Provides assessment of external ear and cerumen
23 management;

24 (l) Provides advising, fitting, mapping assessment of
25 implantable devices such as cochlear or auditory brain stem

1 devices;

2 (m) Provides information in noise control and hearing
3 conservation including education, equipment selection, equipment
4 calibration, site evaluation and employee evaluation;

5 (n) Provides performing basic speech-language screening
6 test;

7 (o) Provides involvement in social aspects of
8 communication, including challenging behavior and ineffective
9 social skills, lack of communication opportunities;

10 (p) Provides support and training of family members and
11 other communication partners for the individual with auditory
12 balance, cognitive and communication disorders;

13 (q) Provides aural rehabilitation and related services to
14 individuals with hearing loss and their families;

15 (r) Evaluates, collaborates and manages audition problems
16 in the assessment of the central auditory processing disorders
17 and providing intervention for individuals with central auditory
18 processing disorders;

19 (s) Develops and manages academic and clinical problems in
20 communication sciences and disorders;

21 (t) Conducts, disseminates and applies research in
22 communication sciences and disorders;

23 (9) "Practice of speech-language pathology":

24 (a) Provides screening, identification, assessment,
25 diagnosis, treatment, intervention, including but not limited to,

1 prevention, restoration, amelioration and compensation, and
2 follow-up services for disorders of:

3 a. Speech: articulation, fluency, voice, including
4 respiration, phonation and resonance;

5 b. Language, involving the parameters of phonology,
6 morphology, syntax, semantics and pragmatic; and including
7 disorders of receptive and expressive communication in oral,
8 written, graphic and manual modalities;

9 c. Oral, pharyngeal, cervical esophageal and related
10 functions, such as, dysphagia, including disorders of swallowing
11 and oral functions for feeding; orofacial myofunctional
12 disorders;

13 d. Cognitive aspects of communication, including
14 communication disability and other functional disabilities
15 associated with cognitive impairment;

16 e. Social aspects of communication, including challenging
17 behavior, ineffective social skills, lack of communication
18 opportunities;

19 (b) Provides consultation and counseling and makes
20 referrals when appropriate;

21 (c) Trains and supports family members and other
22 communication partners of individuals with speech, voice,
23 language, communication and swallowing disabilities;

24 (d) Develops and establishes effective augmentative and
25 alternative communication techniques and strategies, including

1 selecting, prescribing and dispensing of argumentative aids and
2 devices; and the training of individuals, their families and
3 other communication partners in their use;

4 (e) Selects, fits and establishes effective use of
5 appropriate prosthetic/adaptive devices for speaking and
6 swallowing, such as tracheoesophageal valves, electrolarynges,
7 speaking valves;

8 (f) Uses instrumental technology to diagnose and treat
9 disorders of communication and swallowing, such as
10 videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;

11 (g) Provides aural rehabilitative and related counseling
12 services to individuals with hearing loss and to their families;

13 (h) Collaborates in the assessment of central auditory
14 processing disorders in cases in which there is evidence of
15 speech, language or other cognitive communication disorders;
16 provides intervention for individuals with central auditory
17 processing disorders;

18 (i) Conducts pure-tone air conduction hearing screening and
19 screening tympanometry for the purpose of the initial
20 identification or referral;

21 (j) Enhances speech and language proficiency and
22 communication effectiveness, including but not limited to, accent
23 reduction, collaboration with teachers of English as a second
24 language and improvement of voice, performance and singing;

25 (k) Trains and supervises support personnel;

1 (1) Develops and manages academic and clinical programs in
2 communication sciences and disorders;

3 (m) Conducts, disseminates and applies research in
4 communication sciences and disorders;

5 (n) Measures outcomes of treatment and conducts continuous
6 evaluation of the effectiveness of practices and programs to
7 improve and maintain quality of services;

8 (10) "Speech-language pathologist", a person who is
9 licensed as a speech-language pathologist pursuant to sections
10 345.010 to 345.080; who engages in the practice of
11 speech-language pathology as defined in sections 345.010 to
12 345.080;

13 (11) "Speech-language pathology aide", a person who is
14 registered as a speech-language aide by the board, who does not
15 act independently but works under the direction and supervision
16 of a licensed speech-language pathologist. Such person assists
17 the speech-language pathologist with activities which require an
18 understanding of speech-language pathology but do not require
19 formal training in the relevant academics. To be eligible for
20 registration by the board, each applicant shall submit a
21 registration fee, be of good moral and ethical character; and:

22 (a) Be at least eighteen years of age;

23 (b) Furnish evidence of the person's educational
24 qualifications which shall be at a minimum:

25 a. Certification of graduation from an accredited high

1 school or its equivalent; and

2 b. On-the-job training;

3 (c) Be employed in a setting in which direct and indirect
4 supervision is provided on a regular and systematic basis by a
5 licensed speech-language pathologist. However, the aide shall
6 not administer or interpret hearing screening or diagnostic
7 tests, fit or dispense hearing instruments, make ear impressions,
8 make diagnostic statements, determine case selection, present
9 written reports to anyone other than the supervisor without the
10 signature of the supervisor, make referrals to other
11 professionals or agencies, use a title other than speech-language
12 pathology aide or clinical audiology aide, develop or modify
13 treatment plans, discharge clients from treatment or terminate
14 treatment, disclose clinical information, either orally or in
15 writing, to anyone other than the supervising speech-language
16 pathologist/audiologist, or perform any procedure for which he or
17 she is not qualified, has not been adequately trained or both;

18 (12) "Speech-language pathology assistant", a person who is
19 registered as a speech-language pathology assistant by the board,
20 who does not act independently but works under the direction and
21 supervision of a licensed speech-language pathologist and whose
22 activities require both academic and practical training in the
23 field of speech-language pathology although less training than
24 those established by sections 345.010 to 345.080 as necessary for
25 licensing as a speech-language pathologist. To be eligible for

1 registration by the board, each applicant shall submit the
2 registration fee, be of good moral character[;] and[:

3 (a)] furnish evidence of the person's educational
4 qualifications which meet the following:

5 [a.] (a) Hold a bachelor's level degree in speech-language
6 pathology [or an associate's degree as a speech-language
7 pathology assistant] from an institution accredited or approved
8 by the Council on Academic Accreditation of the American
9 Speech-Language-Hearing Association in the area of speech-
10 language pathology; and

11 [b.] (b) Submit official transcripts from one or more
12 accredited colleges or universities presenting evidence of the
13 completion of bachelor's [or associate's] level course work and
14 clinical practicum requirements equivalent to that required or
15 approved by the Council on Academic Accreditation of the American
16 Speech-Language-Hearing Association[;

17 (b) The requirements of paragraph (a) of this subdivision
18 shall be the minimum requirements for a speech-language pathology
19 assistant until January 1, 2005. After January 1, 2005, to be
20 eligible for registration by the board, each applicant shall
21 submit the registration fee, be of good moral character and
22 furnish evidence of the person's educational qualifications which
23 meet the following:

24 a. Hold a minimum of an associate's degree as a
25 speech-language pathology assistant from an institution

1 accredited or approved by the Council on Academic Accreditation
2 of the American Speech-Language-Hearing Association; and

3 b. Submit official transcripts from one or more accredited
4 colleges or universities presenting evidence of the completion of
5 course work and clinical practicum requirements equivalent to
6 that required or approved by the Council on Academic
7 Accreditation of the American Speech-Language- Hearing
8 Association;

9 (c) Furnish evidence of successful completion of a uniform,
10 functionally based proficiency evaluation as determined by the
11 board;

12 (d) The individuals meeting the requirements prior to
13 January 1, 2005, may be granted continued registration from the
14 board provided the individual meets the following:

15 a. Furnish evidence of employment in which direct and
16 indirect supervision have been provided on a regular and
17 systematic basis by a licensed speech-language pathologist; and

18 b. The individual is in good standing with the board with
19 regard to practice prior to January 1, 2005].

20 346.135. 1. All fees and charges payable pursuant to this
21 chapter shall be collected by the division and transmitted to the
22 department of revenue for deposit in the state treasury to the
23 credit of the fund to be known as the "Hearing Instrument
24 Specialist Fund", which is hereby created. Money in the hearing
25 instrument specialist fund shall be available by appropriation to

1 the council to pay its expenses in administering sections 346.010
2 to 346.250.

3 2. Money in the hearing instrument specialist fund shall
4 not be transferred and placed to the credit of general revenue
5 until the amount in the fund at the end of the biennium exceeds
6 two times the amount of the appropriation from the council's
7 funds for the preceding fiscal year or, if the division requires
8 by rule renewal less frequently than yearly then three times the
9 appropriation from the fund for the preceding fiscal year. The
10 amount, if any, in the fund which shall lapse is that amount in
11 the fund which exceeds the appropriate multiple of the
12 appropriation from the council's funds for the preceding year.

13 374.695. Sections 374.695 to 374.789 may be known and shall
14 be cited as the "Professional Bail Bondsman and Surety Recovery
15 Agent Licensure Act".

16 374.700. As used in sections [374.700 to 374.775] 374.695
17 to 374.789, the following terms shall mean:

18 (1) "Bail bond agent", a surety agent or an agent of a
19 property bail bondsman who is duly licensed [under] pursuant to
20 the provisions of sections [374.700 to 374.775] 374.695 to
21 374.789, is employed by and is working under the authority of a
22 licensed general bail bond agent;

23 (2) "Bail bond or appearance bond", a bond for a specified
24 monetary amount which is executed by the defendant and a
25 qualified licensee pursuant to sections 374.695 to 374.789, and

1 which is issued to a court or authorized officer as security for
2 the subsequent court appearance of the defendant upon the
3 defendant's release from actual custody pending the appearance;

4 [(2)] (3) "Department", the department of insurance of the
5 state of Missouri;

6 [(3)] (4) "Director", the director of the department of
7 insurance;

8 [(4)] (5) "General bail bond agent", a surety agent or a
9 property bail bondsman, as defined in sections 374.700 to
10 374.775, who is licensed in accordance with sections 374.700 to
11 374.775 and who devotes at least fifty percent of his working
12 time to the bail bond business in this state;

13 (6) "Insurer", any surety insurance company which is
14 qualified by the department to transact surety business in
15 Missouri;

16 (7) "Licensee", a bail bond agent or a general bail bond
17 agent;

18 [(5)] (8) "Property bail bondsman", a person who pledges
19 United States currency, United States postal money orders or
20 cashier's checks or other property as security for a bail bond in
21 connection with a judicial proceeding, and who receives or is
22 promised therefor money or other things of value;

23 [(6)] (9) "Surety bail bond agent", any person appointed by
24 an insurer by power of attorney to execute or countersign bail
25 bonds in connection with judicial proceedings, and who receives

1 or is promised money or other things of value therefor;

2 [(7)] (10) "Surety recovery agent", a person not performing
3 the duties of a sworn peace officer who tracks down, captures and
4 surrenders to the custody of a court a fugitive who has violated
5 a bail bond agreement, excluding a bail bond agent or general
6 bail bond agent;

7 (11) "Taking a bail" or "take bail", the acceptance by a
8 person authorized to take bail of the undertaking of a sufficient
9 surety for the appearance of the defendant according to the terms
10 of the undertaking or that the surety will pay to the court the
11 sum specified. Taking of bail or take bail does not include the
12 fixing of the amount of bail and no person other than a competent
13 court shall fix the amount of bail.

14 374.702. 1. No person shall engage in the bail bond
15 business as a bail bond agent or a general bail bond agent
16 without being licensed as provided in sections 374.695 to
17 374.775.

18 2. No judge, attorney, court official, law enforcement
19 officer, state, county, or municipal employee who is either
20 elected or appointed shall be licensed as a bail bond agent or a
21 general bail bond agent.

22 3. A licensed bail bond agent shall not execute or issue an
23 appearance bond in this state without holding a valid appointment
24 from a general bail bond agent and without attaching to the
25 appearance bond an executed and prenumbered power of attorney

1 referencing the general bail bond agent or insurer.

2 4. A person licensed as an active bail bond agent shall
3 hold the license for at least two years prior to owning or being
4 an officer of a licensed general bail bond agent.

5 5. A general bail bond agent shall not engage in the bail
6 bond business:

7 (1) Without having been licensed as a general bail bond
8 agent pursuant to sections 374.695 to 374.775; or

9 (2) Except through an agent licensed as a bail bond agent
10 pursuant to sections 374.695 to 374.775.

11 6. A general bail bond agent shall not permit any
12 unlicensed person to solicit or engage in the bail bond business
13 on the general bail bond agent's behalf, except for individuals
14 who are employed solely for the performance of clerical,
15 stenographic, investigative, or other administrative duties which
16 do not require a license pursuant to sections 374.695 to 374.789.

17 7. Any person who is convicted of a violation of this
18 section is guilty of a class A misdemeanor. For any subsequent
19 convictions, a person who is convicted of a violation of this
20 section is guilty of a class D felony.

21 374.705. 1. The department shall administer and enforce
22 the provisions of sections [374.700 to 374.775] 374.695 to
23 374.789, prescribe the duties of its officers and employees with
24 respect to sections [374.700 to 374.775] 374.695 to 374.789, and
25 promulgate, pursuant to section 374.045 and chapter 536, RSMo,

1 such rules and regulations within the scope and purview of the
2 provisions of sections [374.700 to 374.775] 374.695 to 374.789 as
3 the director considers necessary and proper for the effective
4 administration and interpretation of the provisions of sections
5 [374.700 to 374.775] 374.695 to 374.789.

6 2. The director shall set the amount of all fees authorized
7 and required by the provisions of sections [374.700 to 374.775]
8 374.695 to 374.789 by rules and regulations promulgated pursuant
9 to chapter 536, RSMo. All such fees shall be set at a level
10 designed to produce revenue which shall not substantially exceed
11 the cost and expense of administering the provisions of sections
12 [374.700 to 374.775] 374.695 to 374.789. However, such fees
13 shall not exceed one hundred fifty dollars every two years for
14 biennial licenses and renewable licenses for general bail bond
15 agents as provided for in section 374.710.

16 374.710. 1. Except as otherwise provided in sections
17 [374.700 to 374.775] 374.695 to 374.775, no person or other
18 entity shall practice as a bail bond agent or general bail bond
19 agent, as defined in section 374.700, in Missouri unless and
20 until the department has issued to him or her a license, to be
21 renewed [each year] every two years as hereinafter provided, to
22 practice as a bail bond agent or general bail bond agent.

23 2. An applicant for a bail bond and general bail bond agent
24 license shall submit with the application proof that he or she
25 has received twenty-four hours of initial basic training in areas

1 of instruction in subjects determined by the director deemed
2 appropriate to professionals in the bail bonds profession. Bail
3 bond agents and general bail bond agents who are licensed at the
4 date which this act becomes law shall be exempt from such twenty-
5 four hours of initial basic training.

6 3. In addition to the twenty-four hours of initial basic
7 training to become a bail bond agent or general bail bond agent,
8 there shall be eight hours of biennial continuing education for
9 all bail bond agents and general bail bond agents to maintain
10 their state license. The director shall determine said
11 appropriate areas of instruction for said biennial continuing
12 education. The department may provide said courses for the
13 initial basic training and the biennial continuing education
14 instructions. If the department provides said courses, the cost
15 shall not exceed two hundred dollars for the initial basic
16 training and one hundred fifty dollars for the biennial
17 continuing education. The department may, under the director,
18 allow state institutions, organizations, associations, or
19 individuals to provide courses for the initial basic training and
20 the biennial continuing education training at no higher costs to
21 the applicants than the department may charge under said section.

22 4. Upon completion of said basic training or biennial
23 continuing education and the licensee meeting the other
24 requirements as provided under sections 374.695 to 374.789, the
25 director shall issue a two-year license for the bail bond agent

1 or general bail bond agent for a fee not to exceed one hundred
2 fifty dollars.

3 5. Nothing in sections [374.700 to 374.775] 374.695 to
4 374.775 shall be construed to prohibit any person from posting or
5 otherwise providing a bail bond in connection with any legal
6 proceeding, provided that such person receives no fee,
7 remuneration or consideration therefor.

8 374.715. 1. Applications for examination and licensure as
9 a bail bond agent or general bail bond agent shall be in writing
10 and on forms prescribed and furnished by the department, and
11 shall contain such information as the department requires. Each
12 application shall be accompanied by proof satisfactory to the
13 department that the applicant is a citizen of the United States,
14 is at least twenty-one years of age, has a high school diploma or
15 general education development certificate (GED), is of good moral
16 character, and meets the qualifications for surety on bail bonds
17 as provided by supreme court rule. Each application shall be
18 accompanied by the examination and application fee set by the
19 department. Individuals currently employed as bail bond agents
20 and general bail bond agents shall not be required to meet the
21 education requirements needed for licensure pursuant to this
22 section.

23 2. In addition, each applicant for licensure as a general
24 bail bond agent shall furnish proof satisfactory to the
25 department that the applicant[,] or, if the applicant is a

1 corporation [or partnership], that each officer [or partner]
2 thereof has completed at least two years as a bail bond agent[,
3 as defined in sections 374.700 to 374.775], and that the
4 applicant possesses liquid assets of at least ten thousand
5 dollars, along with a duly executed assignment of ten thousand
6 dollars to the state of Missouri[, which]. The assignment shall
7 become effective upon the applicant's violating any provision of
8 sections [374.700 to 374.775] 374.695 to 374.789. The assignment
9 required by this section shall be in the form[,] and executed in
10 the manner[,] prescribed by the department. The director may
11 require by regulation conditions by which additional assignments
12 of assets of the general bail bond agent may occur when the
13 circumstances of the business of the general bail bond agent
14 warrants additional funds. However, such additional funds shall
15 not exceed twenty-five thousand dollars.

16 374.716. 1. Every bail bond agent shall account for each
17 power of attorney assigned by the general bail bond agent on a
18 weekly basis, if requested by the general bail bond agent in
19 writing, and remit all sums collected and owed to the general
20 bail bond agent pursuant to his or her written contract. The
21 general bail bond agent shall maintain the weekly accounting and
22 remittance records for a period of three years. Such records
23 shall be subject to inspection by the director or his or her
24 designee during regular business hours or at other reasonable
25 times.

1 2. For every bond written in this state, the licensee shall
2 provide to the principal a copy of the bail contract.

3 374.717. No insurer or licensee, court, or law enforcement
4 officer shall:

5 (1) Pay a fee or rebate or give or promise anything of
6 value in order to secure a settlement, compromise, remission, or
7 reduction of the amount of any bail bond to:

8 (a) A jailer, police officer, peace officer, committing
9 judge, or any other person who has power to arrest or to hold in
10 custody any person; or

11 (b) Any public official or public employee;

12 (2) Pay a fee or rebate or give anything of value to an
13 attorney in bail bond matters, except in defense of any action on
14 a bond;

15 (3) Pay a fee or rebate or give anything of value to the
16 principal or anyone on the principal's behalf;

17 (4) Accept anything of value from a principal except the
18 premium and expenses incurred, provided that the licensee shall
19 be permitted to accept collateral security of other indemnity
20 from the principal in accordance with the provisions of section
21 374.719.

22 374.719. 1. A licensee may accept collateral security from
23 the principal in a fiduciary capacity, which collateral shall be
24 returned upon final termination of liability on the bond. When a
25 licensee accepts collateral, the licensee shall provide a

1 prenumbered written receipt, which shall include a detailed
2 account of the collateral received by the licensee. The
3 acceptance of collateral security by a bail bond agent shall be
4 reported to the general bail bond agent.

5 2. The collateral security required by the licensee shall
6 be reasonable in relation to the amount of the bond.

7 3. If a failure to appear, absconding or attempting to
8 abscond, or a judgment of forfeiture on the bond has occurred,
9 the collateral security may be used to reimburse the licensee for
10 any costs and expenses incurred associated with the forfeiture.

11 4. The general bail bond agent shall retain records of the
12 acceptance, return, or judgment of forfeiture resulting in the
13 use of the collateral to reimburse the licensee for a period of
14 three years.

15 374.730. All licenses issued to bail bond agents and
16 general bail bond agents under the provisions of sections 374.700
17 to 374.775 shall be renewed [annually] biennially, which renewal
18 shall be in the form and manner prescribed by the department and
19 shall be accompanied by the renewal fee set by the department.

20 374.735. 1. The department may, in its discretion, grant a
21 license without requiring an examination to a bail bond agent who
22 has been licensed in another state immediately preceding his or
23 her applying to the department, if the department is satisfied by
24 proof adduced by the applicant that [his]:

25 (1) The qualifications of the other state are at least

1 equivalent to the requirements for initial licensure as a bail
2 bond agent in [Missouri under] this state pursuant to the
3 provisions of sections [374.700 to 374.775] 374.695 to 374.775,
4 provided that the other state licenses Missouri residents in the
5 same manner; and

6 (2) The applicant has no suspensions or revocations of a
7 license to engage in the bail bond or fugitive recovery business
8 in any jurisdiction.

9 2. Every applicant for a license pursuant to this section,
10 upon showing the necessary qualifications as provided in this
11 section, shall be required to pay the same fee as the fee
12 required to be paid by resident applicants.

13 3. Within the limits provided in this section, the
14 department may negotiate reciprocal compacts with licensing
15 entities of other states for the admission of licensed bail bond
16 agents from Missouri in other states.

17 4. All applicants applying for licenses in this state after
18 the enactment of said act shall complete the education
19 requirement as stated in section 374.710. If the bail bond agent
20 or general bail bond agent has been licensed in another state and
21 has a license in Missouri at the time said act becomes law, said
22 individual shall not be required to complete the sixteen hours of
23 initial basic training.

24 374.740. Any person applying to be licensed as a
25 nonresident [bail bond agent or nonresident] general bail bond

1 agent who has been licensed in another state shall devote fifty
2 percent of his or her working time in the state of Missouri and
3 shall file proof with the director of insurance as to his or her
4 compliance, and accompany his or her application with the fees
5 set by the [board] director by regulation and, if applying for a
6 nonresident general bail bond agent's license, with a duly
7 executed assignment of twenty-five thousand dollars to the state
8 of Missouri, which assignment shall become effective upon the
9 applicant's violating any provision of sections [374.700 to
10 374.775] 374.695 to 374.789. Failure to comply with this section
11 will result in revocation of the nonresidence license. The
12 assignment required by this section shall be in the form and
13 executed in the manner prescribed by the department. All
14 licenses issued [under] pursuant to this section shall be subject
15 to the same renewal requirements set for other licenses issued
16 [under] pursuant to sections [374.700 to 374.775] 374.695 to
17 374.789.

18 374.755. 1. The department may cause a complaint to be
19 filed with the administrative hearing commission as provided by
20 chapter 621, RSMo, against any holder of any license required by
21 sections [374.700 to 374.775] 374.695 to 374.775 or any person
22 who has failed to renew or has surrendered his or her license for
23 any one or any combination of the following causes:

24 (1) Use of any controlled substance, as defined in chapter
25 195, RSMo, or alcoholic beverage to an extent that such use

1 impairs a person's ability to perform the work of the profession
2 licensed under sections [374.700 to 374.775] 374.695 to 374.775;

3 (2) [Having entered a plea of guilty or having been found
4 guilty of a felony] Final adjudication or a plea of guilty or
5 nolo contendere within the past fifteen years in a criminal
6 prosecution under any state or federal law for a felony or a
7 crime involving moral turpitude whether or not a sentence is
8 imposed, prior to issuance of license date;

9 (3) Use of fraud, deception, misrepresentation or bribery
10 in securing any license [issued pursuant to sections 374.700 to
11 374.775] or in obtaining permission to take any examination
12 [given or] required pursuant to sections [374.700 to 374.775]
13 374.695 to 374.775;

14 (4) Obtaining or attempting to obtain any compensation as a
15 member of the profession licensed by sections [374.700 to
16 374.775] 374.695 to 374.775 by means of fraud, deception or
17 misrepresentation;

18 (5) Misappropriation of the premium, collateral, or other
19 things of value given to a bail bond agent or a general bail bond
20 agent for the taking of bail, incompetency, misconduct, gross
21 negligence, fraud, or misrepresentation [or dishonesty] in the
22 performance of the functions or duties of the profession licensed
23 or regulated by sections [374.700 to 374.775] 374.695 to 374.775;

24 (6) Violation of[, or assisting or enabling any other
25 person to violate, any provision of sections 374.700 to 374.775

1 or of any lawful rule or regulation promulgated pursuant to
2 sections 374.700 to 374.775] any provision of or any obligation
3 imposed by the laws of this state, department of insurance rules
4 and regulations, or aiding or abetting other persons to violate
5 such laws, orders, rules or regulations, or subpoenas;

6 (7) Transferring a license or permitting another person to
7 use a license of the licensee;

8 (8) Disciplinary action against the holder of a license or
9 other right to practice the profession regulated by sections
10 [374.700 to 374.775] 374.695 to 374.789 granted by another state,
11 territory, federal agency or country upon grounds for which
12 revocation or suspension is authorized in this state;

13 (9) Being finally adjudged insane or incompetent by a court
14 of competent jurisdiction;

15 (10) Assisting or enabling any person to practice or offer
16 to practice the profession licensed or regulated by sections
17 [374.700 to 374.775] 374.695 to 374.789 who is not currently
18 licensed and eligible to practice [under] pursuant to sections
19 [374.700 to 374.775] 374.695 to 374.789;

20 (11) [Paying a fee or rebate, or giving or promising
21 anything of value, to a jailer, policeman, peace officer, judge
22 or any other person who has the power to arrest or to hold
23 another person in custody, or to any public official or employee,
24 in order to secure a settlement, compromise, remission or
25 reduction of the amount of any bail bond or estreatment thereof]

1 Acting in the capacity of an attorney at a trial or hearing of a
2 person for whom the attorney is acting as surety;

3 (12) [Paying a fee or rebate, or giving anything of value
4 to an attorney in bail bond matters, except in defense of any
5 action on a bond;

6 (13) Paying a fee or rebate, or giving or promising
7 anything of value, to the principal or anyone in his behalf;

8 (14) Participating in the capacity of an attorney at a
9 trial or hearing of one on whose bond he is surety] Failing to
10 provide a copy of the bail contract, renumbered written receipt
11 for acceptance of money, or other collateral for the taking of
12 bail to the principal, if requested by any person who is a party
13 to the bail contract, or any person providing funds or collateral
14 for bail on the principal's behalf.

15 2. After the filing of such complaint, the proceedings
16 shall be conducted in accordance with the provisions of chapter
17 621, RSMo. Upon a finding by the administrative hearing
18 commission that one or more of the causes stated in subsection 1
19 of this section have been met, the [department] director may [do
20 any or all of the following:

21 (1) Censure the person involved;

22 (2) Place the person involved on probation on such terms
23 and conditions as the department deems appropriate for a period
24 not to exceed ten years;

25 (3) Suspend, for a period not to exceed three years, the

1 license of the person involved;

2 (4) Revoke the license of the person involved] suspend or
3 revoke the license or enter into an agreement for a monetary or
4 other penalty pursuant to section 374.280.

5 3. In lieu of filing a complaint at the administrative
6 hearing commission, the director and the bail bond agent or
7 general bail bond agent may enter into an agreement for a
8 monetary or other penalty pursuant to section 374.280.

9 4. In addition to any other remedies available, the
10 director may issue a cease and desist order or may seek an
11 injunction in a court of competent jurisdiction pursuant to the
12 provisions of section 374.046 whenever it appears that any person
13 is acting as a bail bond agent or general bail bond agent without
14 a license or violating any other provisions of sections 374.695
15 to 374.789.

16 374.757. 1. Any agent licensed by sections [374.700 to
17 374.775] 374.695 to 374.775 who intends to apprehend any person
18 in this state shall inform law enforcement authorities in the
19 city or county in which such agent intends such apprehension,
20 before attempting such apprehension. Such agent shall present to
21 the local law enforcement authorities a certified copy of the
22 bond and all other appropriate paperwork identifying the
23 principal and the person to be apprehended. Local law
24 enforcement may accompany the agent. Failure of any agent to
25 whom this section applies to comply with the provisions of this

1 section shall be a class A misdemeanor for the first violation
2 and a class D felony for subsequent violations; and shall also be
3 a violation of section 374.755 and may in addition be punished
4 pursuant to that section.

5 2. The surety recovery agent shall inform the local law
6 enforcement in the county or city where such agent is planning to
7 enter a residence. Such agent shall have a certified copy of the
8 bond and all appropriate paperwork to identify the principal.
9 Local law enforcement, when notified, may accompany the surety
10 recovery agent to that location to keep the peace if an active
11 warrant is effective for a felony or misdemeanor. If a warrant
12 is not active, the local law enforcement officers may accompany
13 the surety recovery agent to such location. Failure to report to
14 the local law enforcement agency is a class A misdemeanor. For
15 any subsequent violations, failure to report to the local law
16 enforcement agency is a class D felony.

17 374.759. 1. Any bail bond agent licensed in the state of
18 Missouri shall have access to all publicly available court
19 records of the defendant by available means to make a realistic
20 assessment of defendant's probability of attending all court
21 dates as set in his or her charges relating to bond request.

22 2. Any defendant shall have free access to any bail bond
23 agent via one phone call so long as the call is made to a local
24 phone number. All other numbers may be available as a collect
25 call to any nonlocal number.

1 3. All Missouri licensed bail bond agents or licensed
2 general agents shall be qualified, without further requirements,
3 in all jurisdictions of this state, as provided in rules
4 promulgated by the supreme court of Missouri and not by any
5 circuit court rule.

6 374.763. 1. If any final judgment ordering forfeiture of a
7 defendant's bond is not paid within [the] a six-month period of
8 time [ordered by the court], the court shall extend the judgment
9 date or notify the department of the failure to satisfy such
10 judgment. The director shall draw upon the assets of the surety,
11 remit the sum to the court, and obtain a receipt of such sum from
12 the court. The director may take action as provided by section
13 374.755 [or 374.430], regarding the license of the surety and any
14 bail bond agents writing upon the surety's liability.

15 2. The department shall furnish to the presiding judge of
16 each circuit court of this state, on at least a monthly basis, a
17 list of all duly licensed and qualified bail bond agents and
18 general bail bond agents whose licenses are not subject to
19 pending suspension or revocation proceedings, and who are not
20 subject to unsatisfied bond forfeiture judgments. In lieu of
21 such list, the department may provide this information to each
22 presiding judge in an electronic format.

23 3. All duly licensed and qualified bail bond agents and
24 general bail bond agents shall be qualified, without further
25 requirement, to write bail upon a surety's liability in all

1 courts of this state as provided in rules promulgated by the
2 supreme court of Missouri and not by any circuit court rule.

3 374.764. 1. The director shall examine and inquire into
4 all alleged violations or complaints filed with the department of
5 insurance of the bail bond law of the state, and inquire into and
6 investigate the bail bond business transacted in the state by any
7 bail bond agent, general bail bond agent, or surety recovery
8 agent.

9 2. The director or any of his or her duly appointed agents
10 may compel the attendance before him or her, and may examine,
11 under oath, the directors, officers, bail bond agents, general
12 bail bond agents, surety recovery agents, employees, or any other
13 person in reference to the condition, affairs, management of the
14 bail bond or surety recovery business, or any matters relating
15 thereto. He or she may administer oaths or affirmations and
16 shall have power to summon and compel the attendance of witnesses
17 and to require and compel the production of records, books,
18 papers, contracts, or other documents if necessary.

19 3. The director may make and conduct the investigation in
20 person or the director may appoint one or more persons to make
21 and conduct the investigation. If made by a person other than
22 the director, the person duly appointed by the director shall
23 have the same powers as granted to the director pursuant to this
24 section. A certificate of appointment under the official seal of
25 the director shall be sufficient authority and evidence thereof

1 for the person to act. For the purpose of making the
2 investigations, or having the same made, the director may employ
3 the necessary clerical, actuarial, and other assistance.

4 374.783. 1. No person shall hold himself or herself out as
5 being a surety recovery agent in this state, unless such person
6 is licensed in accordance with the provisions of sections 374.783
7 to 374.789. Licensed bail bond agents and general bail bond
8 agents may perform fugitive recovery without being licensed as a
9 surety recovery agent.

10 2. The director shall have authority to license all surety
11 recovery agents in this state. The director shall have control
12 and supervision over the licensing of such agents and the
13 enforcement of the terms and provisions of sections 374.783 to
14 374.789.

15 3. The director shall have the power to:

16 (1) Set and determine the amount of the fees authorized and
17 required pursuant to sections 374.783 to 374.789. The fees shall
18 be set at a level sufficient to produce revenue which shall not
19 substantially exceed the cost and expense of administering
20 sections 374.783 to 374.789. However, such fees shall not exceed
21 one hundred fifty dollars for a two-year license; and

22 (2) Determine the sufficient qualifications of applicants
23 for a license.

24 4. The director shall license for a period of two years all
25 surety recovery agents in this state who meet the requirements of

1 sections 374.783 to 374.789.

2 374.784. 1. Applications for examination and licensure as
3 a surety recovery agent shall be submitted on forms prescribed by
4 the department and shall contain such information as the
5 department requires, along with a copy of the front and back of a
6 photographic identification card.

7 2. Each application shall be accompanied by proof
8 satisfactory to the director that the applicant is a citizen of
9 the United States, is at least twenty-one years of age, and has a
10 high school diploma or a general educational development
11 certificate (GED). An applicant shall furnish evidence of such
12 person's qualifications by completing an approved surety recovery
13 agent course with at least twenty-four hours of initial minimum
14 training. The director shall determine which institutions,
15 organizations, associations, and individuals shall be eligible to
16 provide said training. Said instructions and fees associated
17 therewith shall be identical or similar to those prescribed in
18 section 374.710 for bail bond agents and general bail bond
19 agents.

20 3. In addition to said twenty-four hours of initial minimum
21 training, licensees shall be required to receive eight hours of
22 biennial continuing education of which said instructions and fees
23 shall be identical or similar to those prescribed in section
24 374.710 for bail bond agents and general bail bond agents.

25 4. Applicants for surety recovery agents licensing shall be

1 exempt from said requirements of the twenty-four hours of initial
2 minimum training if applicants provide proof of prior training as
3 a law enforcement officer with at least two years of such service
4 within the ten years prior to the application being submitted to
5 the department.

6 5. The director may refuse to issue any license pursuant to
7 sections 374.783 to 374.789, for any one or any combination of
8 causes stated in section 374.787. The director shall notify the
9 applicant in writing of the reason or reasons for refusal and
10 shall advise the applicant of the right to file a complaint with
11 the administrative hearing commission to appeal the refusal as
12 provided by chapter 621, RSMo.

13 374.785. 1. The director shall issue a license for a
14 period of two years to any surety recovery agent who is licensed
15 in another jurisdiction and who:

16 (1) Has no violations, suspensions, or revocations of a
17 license to engage in fugitive recovery in any jurisdiction; and

18 (2) Is licensed in a jurisdiction whose requirements are
19 substantially equal to or greater than the requirements for a
20 surety recovery agent license in Missouri at the time the
21 applicant applies for a license.

22 2. Any surety recovery agent who is licensed in another
23 state shall also be subject to the same training requirements as
24 in-state surety recovery agents prescribe to under section
25 374.784.

1 3. For the purpose of surrender of the defendant, a surety
2 recovery agent may apprehend the defendant anywhere within the
3 state of Missouri before or after the forfeiture of the
4 undertaking without personal liability for false imprisonment or
5 may empower any surety recovery agent to make apprehension by
6 providing written authority endorsed on a certified copy of the
7 undertaking and paying the lawful fees.

8 4. Every applicant for a license pursuant to this section,
9 upon making application and showing the necessary qualifications
10 as provided in this section, shall be required to pay the same
11 fee as required of resident applicants. Within the limits
12 provided in this section, the director may negotiate reciprocal
13 compacts with licensing entities of other states for the
14 admission of licensed surety recovery agents from Missouri in
15 other states.

16 374.786. 1. Every person licensed pursuant to sections
17 374.783 to 374.789 shall, before the license renewal date, apply
18 to the director for renewal for the ensuing licensing period.
19 The application shall be made on a form furnished to the
20 applicant and shall state the applicant's full name, the
21 applicant's business address, the address at which the applicant
22 resides, the date the applicant first received a license, and the
23 applicant's surety recovery agent identification number, if any.

24 2. A renewal form shall be mailed to each person licensed
25 in this state at the person's last known address. The failure to

1 mail the renewal form or the failure of a person to receive it
2 does not relieve any person of the duty to be licensed and to pay
3 the license fee required nor exempt such person from the
4 penalties provided for failure to be licensed.

5 3. Each applicant for renewal shall accompany such
6 application with a renewal fee to be paid to the department for
7 the licensing period for which renewal is sought.

8 4. The director may refuse to renew any license required
9 pursuant to sections 374.783 to 374.789, for any one or any
10 combination of causes stated in section 374.787. The director
11 shall notify the applicant in writing of the reasons for refusal
12 to renew and shall advise the applicant of his or her right to
13 file a complaint with the administrative hearing commission as
14 provided by chapter 621, RSMo.

15 374.787. 1. The director may cause a complaint to be filed
16 with the administrative hearing commission as provided by chapter
17 621, RSMo, against any surety recovery agent or any person who
18 has failed to renew or has surrendered his or her license for any
19 one or any combination of the following causes:

20 (1) Violation of any provisions of, or any obligations
21 imposed by, the laws of this state, the department of insurance
22 rules and regulations, or aiding or abetting other persons to
23 violate such laws, orders, rules, or regulations;

24 (2) Final adjudication or a plea of guilty or nolo
25 contendere in a criminal prosecution under state or federal law

1 for a felony or a crime involving moral turpitude, whether or not
2 a sentence is imposed;

3 (3) Using fraud, deception, misrepresentation, or bribery
4 in securing a license or in obtaining permission to take any
5 examination required by sections 374.783 to 374.789;

6 (4) Obtaining or attempting to obtain any compensation as a
7 surety recovery agent by means of fraud, deception, or
8 misrepresentation;

9 (5) Acting as a surety recovery agent or aiding or abetting
10 another in acting as a surety recovery agent without a license;

11 (6) Incompetence, misconduct, gross negligence, fraud, or
12 misrepresentation in the performance of the functions or duties
13 of a surety recovery agent;

14 (7) Having a license revoked or suspended that was issued
15 by another state.

16 2. After the filing of the complaint, the proceedings shall
17 be conducted in accordance with the provision of chapter 621,
18 RSMo. Upon a finding by the administrative hearing commission
19 that one or more of the causes stated in subsection 1 of this
20 section have been met, the director may suspend or revoke the
21 license or enter into an agreement for a monetary or other
22 penalty pursuant to section 374.280.

23 3. In lieu of filing a complaint with the administrative
24 hearing commission, the director and the surety recovery agent
25 may enter into an agreement for a monetary or other penalty

1 pursuant to section 374.280.

2 4. In addition to any other remedies available, the
3 director may issue a cease and desist order or may seek an
4 injunction in a court of law pursuant to section 374.046 whenever
5 it appears that any person is acting as a surety recovery agent
6 without a license.

7 374.788. 1. A bail bond agent having probable grounds to
8 believe a subject free on his or her bond has failed to appear as
9 directed by a court, has breached the terms of the subject's
10 surety agreement, or has taken a substantial step toward
11 absconding, may utilize all lawful means to apprehend the
12 subject. To surrender a subject to a court, a licensed bail bond
13 or surety recovery agent having probable grounds to believe the
14 subject is free on his or her bond may:

15 (1) Detain the subject in a lawful manner, for a reasonable
16 time, provided that in the event travel from another state is
17 involved, the detention period may include reasonable travel time
18 not to exceed seventy-two hours;

19 (2) Transport a subject in a lawful manner from state to
20 state and county to county to a place of authorized surrender;
21 and

22 (3) Enter upon private or public property in a lawful
23 manner to execute apprehension of a subject.

24 2. A surety recovery agent who apprehends a subject
25 pursuant to the provisions of subsection 1 of this section shall

1 surrender custody of the subject to the court of jurisdiction.

2 3. When a surety recovery agent is in the process of
3 performing fugitive recovery, a photographic identification card
4 shall be prominently displayed on his or her person.

5 374.789. 1. A person is guilty of a class D felony if he
6 or she does not hold a valid surety recovery agent license or a
7 bail bond license and commits any of the following acts:

8 (1) Holds himself or herself out to be a licensed surety
9 recovery agent within this state;

10 (2) Claims that he or she can render surety recovery agent
11 services; or

12 (3) Engages in fugitive recovery in this state.

13 2. Any person who engages in fugitive recovery in this
14 state and wrongfully causes damage to any person or property,
15 including, but not limited to, unlawful apprehension, unlawful
16 detainment, or assault, shall be liable for such damages and may
17 be liable for punitive damages.

18 436.215. Sections 436.215 to 436.272 may be cited as the
19 "Uniform Athlete Agents Act".

20 436.218. As used in sections 436.215 to 436.272, the
21 following terms mean:

22 (1) "Agency contract", an agreement in which a student-
23 athlete authorizes a person to negotiate or solicit on behalf of
24 the student-athlete a professional-sports-services contract or an
25 endorsement contract;

1 (2) "Athlete agent", an individual who enters into an
2 agency contract with a student-athlete or directly or indirectly
3 recruits or solicits a student-athlete to enter into an agency
4 contract. The term does not include a spouse, parent, sibling,
5 grandparent, or guardian of the student-athlete or an individual
6 acting solely on behalf of a professional sports team or
7 professional sports organization. The term includes an
8 individual who represents to the public that the individual is an
9 athlete agent;

10 (3) "Athletic director", an individual responsible for
11 administering the overall athletic program of an educational
12 institution or if an educational institution has separately
13 administered athletic programs for male students and female
14 students, the athletic program for males or the athletic program
15 for females, as appropriate;

16 (4) "Contact", a direct or indirect communication between
17 an athlete agent and a student-athlete to recruit or solicit the
18 student-athlete to enter into an agency contract;

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

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

22 (7) "Endorsement contract", an agreement under which a
23 student-athlete is employed or receives consideration to use on
24 behalf of the other party any value that the student-athlete may
25 have because of publicity, reputation, following, or fame

1 obtained because of athletic ability or performance;

2 (8) "Intercollegiate sport", a sport played at the
3 collegiate level for which eligibility requirements for
4 participation by a student-athlete are established by a national
5 association for the promotion or regulation of collegiate
6 athletics;

7 (9) "Person", an individual, corporation, business trust,
8 estate, trust, partnership, limited liability company,
9 association, joint venture, government, governmental subdivision,
10 agency, or instrumentality, public corporation, or any other
11 legal or commercial entity;

12 (10) "Professional-sports-services contract", an agreement
13 under which an individual is employed or agrees to render
14 services as a player on a professional sports team, with a
15 professional sports organization, or as a professional athlete;

16 (11) "Record", information that is inscribed on a tangible
17 medium or that is stored in an electronic or other medium and is
18 retrievable in perceivable form;

19 (12) "Registration", registration as an athlete agent under
20 sections 436.215 to 436.272;

21 (13) "State", a state of the United States, the District of
22 Columbia, Puerto Rico, the United States Virgin Islands, or any
23 territory or insular possession subject to the jurisdiction of
24 the United States;

25 (14) "Student-athlete", an individual who engages in, is

1 eligible to engage in, or may be eligible in the future to engage
2 in, any intercollegiate sport. If an individual is permanently
3 ineligible to participate in a particular intercollegiate sport
4 the individual is not a student-athlete for purposes of that
5 sport.

6 436.221. 1. The director shall administer the provisions
7 of sections 436.215 to 436.272.

8 2. By engaging in the business of an athlete agent in this
9 state, a nonresident individual appoints the director as the
10 individual's agent to accept service of process in any civil
11 action related to the individual's business as an athlete agent
12 in this state.

13 3. The director may subpoena witnesses, issue subpoenas
14 duces tecum and require production of documents and records.
15 Subpoenas including subpoenas duces tecum shall be served by a
16 person authorized to serve subpoenas of courts of record. In
17 lieu of requiring attendance of a person to produce original
18 documents in response to a subpoena duces tecum, the board may
19 require sworn copies of such documents to be filed with it or
20 delivered to its designated representative.

21 4. The director may enforce its subpoenas including
22 subpoenas duces tecum by applying to a circuit court of Cole
23 County, the county of the investigation, hearing or proceeding,
24 or any county where the person resides or may be found for an
25 order upon any person who shall fail to obey a subpoena to show

1 cause why such subpoena should not be enforced, which such order
2 and a copy of the application therefore shall be served upon the
3 person in the same manner as a summons in a civil action and if
4 the circuit court shall after a hearing determine that the
5 subpoena should be sustained and enforced such court shall
6 proceed to enforce the subpoena in the same manner as though the
7 subpoena had been issued in a civil case in the circuit court.

8 436.224. 1. Except as otherwise provided in subsection 2
9 of this section, an individual may not act as an athlete agent in
10 this state before being issued a certificate of registration
11 under section 436.230 or 436.236.

12 2. An individual with a temporary license under section
13 436.236 may act as an athlete agent before being issued a
14 certificate of registration for all purposes except signing an
15 agency contract if:

16 (1) A student-athlete or another acting on behalf of the
17 student-athlete initiates communication with the individual; and

18 (2) Within seven days after an initial act as an athlete
19 agent, the individual submits an application to register as an
20 athlete agent in this state.

21 3. An agency contract resulting from conduct in violation
22 of this section is void. The athlete agent shall return any
23 consideration received under the contract.

24 436.227. 1. An applicant for registration shall submit an
25 application for registration to the director in a form prescribed

1 by the director. The application must be in the name of an
2 individual and signed by the applicant under penalty of perjury
3 and must state or contain:

4 (1) The name of the applicant and the address of the
5 applicant's principal place of business;

6 (2) The name of the applicant's business or employer, if
7 applicable;

8 (3) Any business or occupation engaged in by the applicant
9 for the five years next preceding the date of submission of the
10 application;

11 (4) A description of the applicant's:

12 (a) Formal training as an athlete agent;

13 (b) Practical experience as an athlete agent; and

14 (c) Educational background relating to the applicant's
15 activities as an athlete agent;

16 (5) The names and addresses of three individuals not
17 related to the applicant who are willing to serve as references;

18 (6) The name, sport, and last known team for each
19 individual for whom the applicant provided services as an athlete
20 agent during the five years next preceding the date of submission
21 of the application;

22 (7) The names and addresses of all persons who are:

23 (a) With respect to the athlete agent's business if it is
24 not a corporation, the partners, officers, associates, or profit-
25 sharers; and

1 (b) With respect to a corporation employing the athlete
2 agent, the officers, directors, and any shareholder of the
3 corporation with a five percent or greater interest;

4 (8) Whether the applicant or any other person named under
5 subdivision (7) of this subsection has been convicted of a crime
6 that if committed in this state would be a felony or other crime
7 involving moral turpitude, and a description of the crime;

8 (9) Whether there has been any administrative or judicial
9 determination that the applicant or any other person named under
10 subdivision (7) of this subsection has made a false, misleading,
11 deceptive, or fraudulent representation;

12 (10) Any instance in which the prior conduct of the
13 applicant or any other person named under subdivision (7) of this
14 subsection resulted in the imposition of a sanction, suspension,
15 or declaration of ineligibility to participate in an
16 interscholastic or intercollegiate athletic event on a student-
17 athlete or educational institution;

18 (11) Any sanction, suspension, or disciplinary action taken
19 against the applicant or any other person named under subdivision
20 (7) of this subsection arising out of occupational or
21 professional conduct; and

22 (12) Whether there has been any denial of an application
23 for, suspension or revocation of, or refusal to renew, the
24 registration or licensure of the applicant or any other person
25 named under subdivision (7) of this subsection as an athlete

1 agent in any state.

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

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

12 (1) Been convicted of a crime that if committed in this
13 state would be a felony or other crime involving moral turpitude;

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

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

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

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

23 (6) Engaged in conduct or failed to engage in conduct the
24 consequence of which was that a sanction, suspension, or
25 declaration of ineligibility to participate in an interscholastic

1 or intercollegiate athletic event was imposed on a student-
2 athlete or educational institution; or

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

5 4. In making a determination under subsection 3 of this
6 section, the director shall consider:

7 (1) How recently the conduct occurred;

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

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

11 5. An athlete agent may apply to renew a registration by
12 submitting an application for renewal in a form prescribed by the
13 director. The application for renewal must be signed by the
14 applicant under penalty of perjury under section 575.040, RSMo,
15 and shall contain current information on all matters required in
16 an original registration.

17 6. A certificate of registration or a renewal of a
18 registration is valid for two years.

19 436.233. 1. The director may revoke, suspend, or refuse to
20 renew any certificate of registration required under this chapter
21 for one or any combination of causes stated in subsection 2 of
22 this section. The director shall notify the applicant in writing
23 of the reasons for the refusal and shall advise the applicant of
24 the applicant's right to file a complaint with the administrative
25 hearing commission as provided by chapter 621, RSMo.

1 2. The director may cause a complaint to be filed with the
2 administrative hearing commission as provided by chapter 621,
3 RSMo, against any holder of any certificate of registration
4 required by this chapter or any person who has failed to renew or
5 has surrendered the person's certificate of registration for any
6 one or any combination of the following causes:

7 (1) The person has been finally adjudicated and found
8 guilty, or entered a plea of guilty or nolo contendere, in a
9 criminal prosecution under the laws of any state or of the United
10 States, for any offense reasonably related to the qualifications,
11 functions or duties under this chapter, for any offense an
12 essential element of which is fraud, dishonesty or an act of
13 violence, or for any offense involving moral turpitude, whether
14 or not sentence is imposed;

15 (2) Use of fraud, deception, misrepresentation or bribery
16 in securing any certificate of registration under this chapter;

17 (3) Misconduct, fraud, misrepresentation, dishonesty,
18 unethical conduct or unprofessional conduct in the performance of
19 the functions regulated by this chapter including but not limited
20 to the following:

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

24 (b) Attempting directly or indirectly by way of
25 intimidation, coercion or deception, to obtain consultation;

1 (c) Failure to comply with any subpoena or subpoena duces
2 tecum from the director;

3 (d) Failing to inform the director of the athlete agent's
4 current residence and business address;

5 (4) Violation of, or attempting to violate, directly or
6 indirectly, or assisting or enabling any person to violate, any
7 provision of this chapter, or of any lawful rule or regulation
8 adopted under this chapter;

9 (5) Impersonation of any person holding a certificate of
10 registration or allowing any person to use his or her certificate
11 of registration;

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

14 (7) Knowingly making, or causing to be made, or aiding, or
15 abetting in the making of, a false statement in any birth or
16 other certificate or document executed in connection with the
17 transaction;

18 (8) Soliciting patronage in person, by agents, by
19 representatives, or by any other means or manner, under the
20 person's own name or under the name of another person or concern,
21 actual or pretended in such a manner as to confuse, deceive, or
22 mislead the public;

23 (9) A pattern of personal use or consumption of any
24 controlled substance unless it is prescribed, dispensed or
25 administered by a physician who is authorized by law to do so.

1 3. After the filing of such complaint before the
2 administrative hearing commission, the proceedings shall be
3 conducted in accordance with the provisions of chapter 621, RSMo.
4 Upon a finding by the administrative hearing commission that the
5 grounds provided in subsection 2 of this section for disciplinary
6 action are met the director may singly or in combination warn,
7 censure, or place the person named in the complaint on probation
8 on such terms and conditions as the director deems appropriate
9 for a period not to exceed six months, or may suspend the
10 person's certificate of registration period not to exceed one
11 year, or restrict or limit the person's certificate of
12 registration for an indefinite period of time, or revoke the
13 person's certificate of registration.

14 4. In any order of revocation, the director may provide
15 that the person may not apply for reinstatement of the person's
16 certificate of registration for a period of time ranging from two
17 to seven years following the date of the order of revocation.
18 All stay orders shall toll this time period.

19 436.236. The director may issue a temporary certificate of
20 registration valid for sixty days while an application for
21 registration or renewal is pending.

22 436.239. 1. An application for registration or renewal of
23 registration shall be accompanied by a fee which shall be
24 determined by the director and established by rule. All fees
25 payable under the provisions of this section shall be collected

1 by the division of professional registration and transmitted to
2 the department of revenue for deposit in the state treasury to
3 the credit of the fund to be known as the "Athlete Agent Fund"
4 which is hereby established. The provisions of section 33.080,
5 RSMo, to the contrary notwithstanding, money in the athlete agent
6 fund shall not be transferred and placed to the credit of general
7 revenue until the amount in the athlete agent fund at the end of
8 the biennium exceeds two times the amount of the appropriations
9 from such fund for the preceding fiscal year or, if the director
10 allows renewal of registration less frequently than yearly, then
11 three times the appropriations from such fund for the preceding
12 fiscal year; provided that no amount from such fund may be
13 transferred to the credit of general revenue earlier than two
14 years following the effective date of this section. The amount
15 if any which may be transferred to the credit of general revenue
16 after two years following the effective date of this section is
17 that amount in the athlete agent fund which exceeds the
18 appropriate multiple of the appropriations from such fund for the
19 preceding fiscal year.

20 2. The director may promulgate rules to authorize and file
21 athlete agent documents as that term is defined in section
22 536.010, RSMo. Any rule promulgated under the authority in this
23 section shall become effective only if it complies with and is
24 subject to all of the provisions of chapter 536, RSMo, and, if
25 applicable, section 536.028, RSMo. This section and chapter 536,

1 RSMo, are nonseverable and if any of the powers vested with the
2 general assembly under chapter 536, RSMo, to review, to delay the
3 effective date, or to disapprove and annul a rule are
4 subsequently held unconstitutional then the grant of rulemaking
5 authority and any rule proposed or adopted after August 28, 2003,
6 shall be invalid and void.

7 436.242. 1. An agency contract must be in a record signed
8 by the parties.

9 2. An agency contract must state or contain:

10 (1) The amount and method of calculating the consideration
11 to be paid by the student-athlete for services to be provided by
12 the athlete agent under the contract and any other consideration
13 the athlete agent has received or will receive from any other
14 source for entering into the contract or for providing the
15 services;

16 (2) The name of any person not listed in the application
17 for registration or renewal who will be compensated because the
18 student-athlete signed the agency contract;

19 (3) A description of any expenses that the student-athlete
20 agrees to reimburse;

21 (4) A description of the services to be provided to the
22 student-athlete;

23 (5) The duration of the contract; and

24 (6) The date of execution.

25 3. An agency contract shall contain in close proximity to

1 the signature of the student-athlete a conspicuous notice in
2 boldface type in capital letters stating:

3 "WARNING TO STUDENT-ATHLETE IF YOU SIGN THIS CONTRACT: (1) YOU
4 MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR
5 SPORT; (2) BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL
6 YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN
7 72 HOURS AFTER ENTERING INTO AN AGENCY CONTRACT; AND (3) YOU MAY
8 CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT.
9 CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY."

10 4. An agency contract that does not conform to this section
11 is voidable by the student-athlete.

12 5. The athlete agent shall give a copy of the signed agency
13 contract to the student-athlete at the time of signing.

14 436.245. 1. Within seventy-two hours after entering into
15 an agency contract or before the next scheduled athletic event in
16 which the student-athlete may participate whichever occurs first
17 the athlete agent shall give notice in writing of the existence
18 of the contract to the athletic director of the educational
19 institution at which the student-athlete is enrolled or the
20 athlete agent has reasonable grounds to believe the student-
21 athlete intends to enroll.

22 2. Within seventy-two hours after entering into an agency
23 contract or before the next athletic event in which the student-
24 athlete may participate whichever occurs first the student-

1 athlete shall in writing inform the athletic director of the
2 educational institution at which the student-athlete is enrolled
3 that he or she has entered into an agency contract.

4 436.248. 1. A student-athlete may cancel an agency
5 contract by giving notice in writing to the athlete agent of the
6 cancellation within fourteen days after the contract is signed.

7 2. A student-athlete may not waive the right to cancel an
8 agency contract.

9 3. If a student-athlete cancels an agency contract within
10 fourteen days of signing the contract, the student-athlete is not
11 required to pay any consideration under the contract or to return
12 any consideration received from the agent to induce the student-
13 athlete to enter into the contract.

14 436.251. 1. An athlete agent shall retain the following
15 records for a period of five years:

16 (1) The name and address of each individual represented by
17 the athlete agent;

18 (2) Any agency contract entered into by the athlete agent;
19 and

20 (3) Any direct costs incurred by the athlete agent in the
21 recruitment or solicitation of a student-athlete.

22 2. Records required by subsection 1 of this section to be
23 retained are open to inspection by the director during normal
24 business hours.

25 436.254. 1. An athlete agent may not do any of the

1 following with the intent to induce a student-athlete to enter
2 into an agency contract:

3 (1) Give any materially false or misleading information or
4 make a materially false promise or representation;

5 (2) Furnish anything of value to a student-athlete before
6 the student-athlete enters into the agency contract; or

7 (3) Furnish anything of value to any individual other than
8 the student-athlete or another registered athlete agent.

9 2. An athlete agent may not intentionally:

10 (1) Initiate contact with a student-athlete unless
11 registered under sections 436.215 to 436.272;

12 (2) Refuse or willfully fail to retain or permit inspection
13 of the records required by section 436.251;

14 (3) Violate section 436.224 by failing to register;

15 (4) Provide materially false or misleading information in
16 an application for registration or renewal of registration;

17 (5) Predate or postdate an agency contract; or

18 (6) Fail to notify a student-athlete prior to the student
19 athlete's signing an agency contract for a particular sport that
20 the signing by the student-athlete may make the student-athlete
21 ineligible to participate as a student-athlete in that sport.

22 436.257. The commission of any act prohibited by section
23 436.254 by an athlete agent is a class B misdemeanor.

24 436.260. 1. An educational institution has a right of
25 action against an athlete agent or a former student-athlete for

1 damages caused by a violation of sections 436.215 to 436.272. In
2 an action under this section, the court may award to the
3 prevailing party costs and reasonable attorney's fees.

4 2. Damages of an educational institution under subsection 1
5 of this section include losses and expenses incurred because as a
6 result of the activities of an athlete agent or former student-
7 athlete the educational institution was injured by a violation of
8 sections 436.215 to 436.272 or was penalized, disqualified, or
9 suspended from participation in athletics by a national
10 association for the promotion and regulation of athletics, by an
11 athletic conference, or by reasonable self-imposed disciplinary
12 action taken to mitigate sanctions.

13 3. A right of action under this section does not accrue
14 until the educational institution discovers or by the exercise of
15 reasonable diligence would have discovered the violation by the
16 athlete agent or former student-athlete.

17 4. Any liability of the athlete agent or the former
18 student-athlete under this section is several and not joint.

19 5. Sections 436.215 to 436.272 do not restrict rights,
20 remedies, or defenses of any person under law or equity.

21 436.263. Any person who violates any provisions of sections
22 436.215 to 436.269 is guilty of a class A misdemeanor.

23 436.266. In applying and construing sections 436.215 to
24 436.272, consideration must be given to the need to promote
25 uniformity of the law with respect to the subject matter of

1 sections 436.215 to 436.272 among states that enact it.

2 436.269. If any provision of sections 436.215 to 436.272 or
3 its application to any person or circumstance is held invalid,
4 the invalidity does not affect other provisions or applications
5 of sections 436.215 to 436.272 which can be given effect without
6 the invalid provision or application, and to this end the
7 provisions of sections 436.215 to 436.272 are severable.

8 436.272. Any moneys collected by the director under section
9 436.263 shall immediately be transferred to the department of
10 revenue for deposit in the state treasury to the credit of
11 general revenue.

12 620.127. Notwithstanding any provision of law to the
13 contrary, every application for a license, certificate,
14 registration, or permit, or renewal of a license, certificate,
15 registration, or permit issued in this state shall contain the
16 Social Security number of the applicant. This provision shall
17 not apply to an original application for a license, certificate,
18 registration, or permit submitted by a citizen of a foreign
19 country who has never been issued a Social Security number and
20 who previously has not been licensed by any other state, United
21 States territory, or federal agency. A citizen of a foreign
22 country applying for licensure with the division of professional
23 registration shall be required to submit his or her visa or
24 passport identification number in lieu of the Social Security
25 number.

1 620.145. [1.] The division of professional registration
2 shall maintain, for each board in the division, a registry of
3 each person holding a current license, permit or certificate
4 issued by that board. The registry shall contain the name,
5 Social Security number and address of each person licensed or
6 registered together with other relevant information as determined
7 by the board. The registry for each board shall at all times be
8 available to the board and copies shall be supplied to the board
9 on request. Copies of the registry, except for the registrant's
10 Social Security number, shall be available from the division or
11 the board to any individual who pays the reasonable copying cost.
12 Any individual may copy the registry during regular business
13 hours. The information in the registry shall be furnished upon
14 request to the division of child support enforcement. Questions
15 concerning the currency of license of any individual shall be
16 answered, without charge, by the appropriate board. Each year
17 each board may publish, or cause to be published, a directory
18 containing the name and address of each person licensed or
19 registered for the current year together with any other
20 information the board deems necessary. Any expense incurred by
21 the state relating to such publication shall be charged to the
22 board. An official copy of any such publication shall be filed
23 with the director of the department of economic development.

24 [2. Notwithstanding any provision of law to the contrary,
25 each board shall require each person applying for a license,

1 permit or certificate, or a renewal of a license, permit or
2 certificate to furnish the board with the applicant's Social
3 Security number.]

4 [339.600. 1. As used in sections
5 339.600 to 339.610, the following terms mean:

6 (1) "Commission", the Missouri real
7 estate commission;

8 (2) "Escrow agent", any person,
9 partnership, association or corporation,
10 foreign or domestic, who performs any of the
11 following functions: closings or settlements
12 or any function related thereto in sales,
13 exchanges or other transfers of real
14 property.

15 2. A person or entity who meets the
16 definition of escrow agent as provided in
17 subsection 1 of this section is exempt from
18 the provisions of sections 339.600 to 339.610
19 if such person is:

20 (1) A person or entity doing business
21 under the laws of this state or the United
22 States as a bank, trust company, savings and
23 loan association, credit union, commercial or
24 consumer finance company, industrial loan
25 company, insurance company or title insurance
26 company or title insurance agency;

27 (2) An attorney at law;

28 (3) A person or entity licensed
29 pursuant to this chapter rendering services
30 in the performance of his or her duties as a
31 real estate broker or salesperson;

32 (4) A mortgage loan company which is
33 subject to licensing, supervision or auditing
34 by the Federal National Mortgage Association
35 or the Federal Home Loan Mortgage Corporation
36 or the United States Veterans' Administration
37 or the Government National Mortgage
38 Association or the United States Department
39 of Housing and Urban Development or a
40 successor of any of such agencies or
41 entities, as an approved seller or servicer;
42 or

43 (5) The United States, the state of
44 Missouri or any state, any political
45 subdivision of this state or any agency,
46 division or corporate instrumentality
47 thereof.]

1 [339.603. 1. It is unlawful for any
2 person, partnership, association or
3 corporation, foreign or domestic, to act as
4 an escrow agent, or to advertise or attempt
5 to act as such without being properly
6 registered with the commission.

7 2. Upon application by the commission
8 and upon proof by a preponderance of the
9 evidence, a court of general jurisdiction may
10 grant an injunction, restraining order or
11 other order as may be appropriate to enjoin a
12 person from unlawfully engaging or attempting
13 to engage in the activities identified in
14 sections 339.600 to 339.610.]

15 [339.605. 1. A person, partnership,
16 association or corporation, incorporated
17 pursuant to the laws of Missouri, may be
18 registered as an escrow agent pursuant to
19 sections 339.600 to 339.610, if such person,
20 partners of the partnership, members of the
21 association or officers of the corporation
22 are at least eighteen years of age, of good
23 moral character and are competent to transact
24 the business of an escrow agent in such
25 manner as to safeguard the interest of the
26 public. The commission shall require proof
27 that such persons meet the qualifications as
28 provided in this subsection.

29 2. A corporation, partnership or
30 association may be registered if every
31 partner of the partnership, every member of
32 the association, or every officer of the
33 corporation who actively participates in its
34 escrow business has been registered and the
35 corporation, partnership or association has
36 paid all the required fees.

37 3. Applications for registration shall
38 be submitted in writing on forms furnished by
39 the commission and accompanied by such
40 information and recommendations as the
41 commission may require.

42 4. The commission may refuse to
43 register any person, partnership, association
44 or corporation if the person, partner, member
45 or a direct or indirect controlling
46 stockholder has been found guilty of, or
47 pleaded guilty to, stealing, forgery,
48 embezzlement, obtaining money under false
49 pretenses, extortion, criminal conspiracy to

1 defraud or any similar offense.]

2 [339.606. The commission may promulgate
3 rules and regulations and perform all duties
4 necessary for carrying out the provisions of
5 sections 339.600 to 339.610. The commission
6 shall set the amount of the fees which are
7 authorized pursuant to sections 339.600 to
8 339.610 by rules and regulations promulgated
9 pursuant to section 536.021, RSMo. The fees
10 shall be set at a level to produce revenue
11 which shall not substantially exceed the cost
12 and expense of administering sections 339.600
13 to 339.610.]

14 [339.607. Each registration granted
15 pursuant to sections 339.600 to 339.610 shall
16 be renewed every two years and the commission
17 shall issue a new registration upon receipt
18 of a proper renewal application and the
19 required renewal fee.]

20 [339.608. The fees collected pursuant
21 to the provisions of sections 339.600 to
22 339.610 shall be collected by the Missouri
23 real estate commission and shall be sent to
24 the director of the department of revenue for
25 deposit in the state treasury in the "Escrow
26 Agent Administration Fund" which is hereby
27 created. The commission shall administer the
28 fund and shall use the moneys in the fund
29 solely for the administration and enforcement
30 of sections 339.600 to 339.610.
31 Notwithstanding the provisions of section
32 33.080, RSMo, to the contrary, any unexpended
33 balance in the fund at the end of the
34 biennium shall not be transferred to the
35 general revenue fund, but shall remain in the
36 escrow agent administration fund.]

37 [339.610. Any funds received by an
38 escrow agent from any person that are to be
39 used for third-party expenses shall be
40 deposited no later than five banking days
41 after receipt in an escrow account in any
42 federally insured bank, savings and loan
43 association or credit union. The funds in
44 such escrow account shall be expended for the
45 intended use by the escrow agent within
46 ninety days after the obligations of the

1 third party have been completed.]

2 [339.612. The commission or its
3 designated agent may inspect and audit the
4 escrow accounts or accounting records of any
5 escrow agent at any time during normal
6 business hours to determine if escrow funds
7 are being expended and disbursed in a timely
8 fashion and for the intended use. If the
9 commission determines that such escrow funds
10 have been used for any purpose other than the
11 intended purposes, the escrow agent is liable
12 to the intended payee of the funds for any
13 misappropriated funds and the Missouri real
14 estate commission shall cause legal
15 proceedings to be held in any court of
16 competent jurisdiction to enforce the
17 provisions of this section and sections
18 339.610, 339.614, and 339.617. The
19 commission's authority to instigate legal
20 proceedings to enforce the provisions of this
21 section is in addition to the authority to
22 file a complaint with the administrative
23 hearing commission.]

24 [339.614. The records of any inspection
25 or audit made pursuant to the authority in
26 section 339.612 shall be made available to
27 the escrow agent and the parties to the
28 transaction but shall not be considered open
29 to the public unless public money is directly
30 involved or a court of competent jurisdiction
31 orders that such records be opened.]

32 [339.617. 1. The commission may, upon
33 its own motion or upon a written complaint
34 filed by any person, investigate any business
35 transaction, regulated by the provisions of
36 sections 339.600 to 339.610, of any person,
37 partnership, association or corporation
38 registered pursuant to the provisions of
39 sections 339.600 to 339.610. The commission
40 may use all investigatory and subpoena powers
41 provided in section 339.100 in investigating
42 such business transaction. The commission
43 may file a complaint with the administrative
44 hearing commission and the proceedings shall
45 be conducted as provided in chapter 621,
46 RSMo. If the administrative hearing
47 commission finds that the escrow agent is not

1 in compliance with sections 339.610 to
2 339.617 or is operating in an unsafe or
3 unsound manner, the commission may cancel the
4 registration of such escrow agent. If the
5 registration of any escrow agent is canceled
6 pursuant to this subsection, such escrow
7 agent may not accept any referral of business
8 which is regulated by the provisions of
9 sections 339.600 to 339.610.

10 2. No real estate licensee may
11 knowingly refer escrow or real estate closing
12 business to any escrow agent which does not
13 hold a current registration pursuant to
14 sections 339.600 to 339.610.]

15 [374.725. Any person who, on September
16 28, 1983, is acting in any capacity which
17 would be classified as practicing as a bail
18 bond agent or general bail bond agent under
19 the provisions of sections 374.700 to 374.775
20 may continue to act in such capacity without
21 being licensed under sections 374.700 to
22 374.775 for a period of twelve months from
23 September 28, 1983.]

24 [436.200. As used in this act the
25 following terms shall mean:

26 (1) "Agent contract", any contract or
27 agreement pursuant to which a student athlete
28 authorizes an athlete agent to represent him
29 in the marketing of his athletic ability or
30 reputation in a sport;

31 (2) "Athlete agent", a person that, for
32 compensation, directly or indirectly recruits
33 or solicits a student athlete to enter into
34 an agent contract, financial services
35 contract or professional sports services
36 contract;

37 (3) "Financial services contract", any
38 contract or agreement pursuant to which a
39 student athlete authorizes an athlete agent
40 to provide financial services for the student
41 athlete, including but not limited to the
42 making and execution of investment and other
43 financial decisions by the athlete agent on
44 behalf of the student athlete;

45 (4) "Person", an individual, company,
46 corporation, association, partnership or
47 other entity;

48 (5) "Professional sports services

1 contract", any contract or agreement pursuant
2 to which a student athlete authorizes an
3 athlete agent to obtain employment for the
4 student athlete with a professional sports
5 team or as a professional athlete;

6 (6) "Student athlete", any athlete who
7 practices for or otherwise participates in
8 intercollegiate athletics at any college or
9 university located within this state.]

10 [436.205. 1. Each athlete agent must
11 register biennially with the secretary of
12 state on forms to be provided by the
13 secretary of state and, at the same time, pay
14 to the secretary of state a registration fee
15 of five hundred dollars for which the
16 secretary of state shall issue a registration
17 certificate entitling the holder to operate
18 as an athlete agent for a period of two
19 years.

20 2. When the business address of any
21 athlete agent operating in this state is
22 changed, the athlete agent must notify the
23 secretary of state within thirty days after
24 the change of address.

25 3. It is unlawful for any person to
26 operate as an athlete agent unless he is
27 registered as provided in this section.
28 Failure of the athlete agent to register is a
29 class B misdemeanor.

30 4. The secretary of state may suspend
31 or revoke the registration of any athlete
32 agent for failing to comply with the
33 provisions of this section. The suspension
34 or revocation of any registration may be
35 reviewed by a court of competent
36 jurisdiction.]

37 [436.209. 1. A student athlete who is
38 subject to the rules and regulations of the
39 National Collegiate Athletic Association, the
40 National Association for Intercollegiate
41 Athletics, or the National Junior College
42 Athletic Association, and who enters into an
43 agent contract, financial services contract
44 or professional sports services contract with
45 an athlete agent must provide written
46 notification to the athletic director or the
47 president of the college or university in
48 which he is enrolled that he has entered into

1 such a contract. Written notification must
2 be given prior to practicing for or
3 participating in any athletic event on behalf
4 of any college or university or within
5 seventy-two hours after entering into the
6 contract, whichever occurs first. Failure of
7 the student athlete to provide this
8 notification is an infraction.

9 2. An athlete agent who enters into an
10 agent contract, financial services contract
11 or professional sports services contract with
12 a student athlete who is subject to the rules
13 and regulations of the National Collegiate
14 Athletic Association, the National
15 Association for Intercollegiate Athletics, or
16 the National Junior College Athletic
17 Association must provide written notification
18 to the athletic director or the president of
19 the college or university in which the
20 student athlete is enrolled that the student
21 athlete has entered into such a contract.
22 Written notification of such a contract must
23 be given prior to the student athlete's
24 practicing for or participating in any
25 athletic event on behalf of any college or
26 university or within seventy-two hours after
27 entering into said contract, whichever occurs
28 first. Failure of the athlete agent to
29 provide this notification is a class B
30 misdemeanor.

31 3. An agent contract, financial
32 services contract or professional sports
33 services contract between a student athlete
34 and an athlete agent must have a notice
35 printed near the space for the student
36 athlete's signature which must contain the
37 following statement in ten-point boldfaced
38 type: "WARNING: IF YOU AS A STUDENT ATHLETE
39 SIGN THIS CONTRACT, YOU MAY LOSE YOUR
40 ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE
41 ATHLETICS. Pursuant to MISSOURI LAW, YOU
42 MUST NOTIFY THE ATHLETIC DIRECTOR OR
43 PRESIDENT OF YOUR COLLEGE OR UNIVERSITY IN
44 WRITING PRIOR TO PRACTICING FOR OR
45 PARTICIPATING IN ANY ATHLETIC EVENT ON BEHALF
46 OF ANY COLLEGE OR UNIVERSITY OR WITHIN
47 SEVENTY-TWO HOURS AFTER ENTERING INTO THIS
48 CONTRACT, WHICHEVER OCCURS FIRST. FAILURE TO
49 PROVIDE THIS NOTICE IS A CRIMINAL OFFENSE."

50 4. An agent contract, financial

1 services contract or professional sports
2 services contract entered into between a
3 student athlete and an athlete agent which
4 fails to provide the notification required by
5 this section is null, void and unenforceable.

6 5. Any student athlete or athlete agent
7 who enters into an agent contract, financial
8 services contract or professional sports
9 services contract and fails to provide the
10 notification required by this section, is
11 liable to the college or university in which
12 the student athlete is enrolled for damages
13 that result from the student athlete's
14 subsequent ineligibility. In addition to any
15 damages awarded pursuant to this section,
16 additional damages may be assessed in an
17 amount equal to three times the value of the
18 athletic scholarship furnished by the
19 institution to the student athlete during the
20 student athlete's period of eligibility.

21 6. Within ten days after the date on
22 which the contractual relationship between
23 the athlete agent and the student athlete
24 arises or after notification of such
25 contractual relationship is received by the
26 athletic director or president of the college
27 or university in which the student is
28 enrolled, whichever occurs later, the student
29 athlete shall have the right to rescind the
30 contract or any contractual relationship with
31 the athlete agent by giving notice in writing
32 of his intent to rescind. The student
33 athlete may not under any circumstances
34 effect a waiver of his right to rescind, and
35 any attempt to do so shall be null, void and
36 unenforceable.]

37 [436.212. 1. An athlete agent shall
38 not publish or cause to be published false or
39 misleading information or advertisements, nor
40 give any false information or make false
41 promises to a student athlete concerning
42 employment.

43 2. An athlete agent shall not accept as
44 a client a student athlete referred by an
45 employee of or a coach for a college or
46 university located within this state in
47 exchange for any consideration.

48 3. An athlete agent shall not enter
49 into any agreement, written or oral, by which

1 the athlete agent offers anything of value to
2 any employee of or a coach for a college or
3 university located within this state in
4 return for the referral of any student
5 athlete clients by that employee or coach.

6 4. An athlete agent shall not offer
7 anything of value to induce a student athlete
8 to enter into an agent contract, financial
9 services contract, professional sports
10 services contract or other agreement by which
11 the athlete agent will represent the student
12 athlete. Negotiations regarding the athlete
13 agent's fee shall not be considered an
14 inducement.

15 5. A person shall not conduct business
16 as an athlete agent if he is not registered
17 or if his registration is suspended or
18 revoked.

19 6. Violation of any provision of this
20 section is a class B misdemeanor.]

21 [544.650. Whenever any bail bond or
22 recognizance has been given or entered into
23 in any criminal proceedings, conditioned for
24 the appearance of any person charged with,
25 indicted for or convicted of any criminal
26 offense, or for any other purpose, and the
27 conditions thereof shall become broken or the
28 same shall be forfeited, it shall be lawful
29 and sufficient to serve the writ of scire
30 facias or other writ or process which may be
31 issued in such proceeding, either by
32 delivering a duly certified copy of such writ
33 or process to the person therein named, or by
34 leaving such duly certified copy of such writ
35 or process at the usual place of abode of the
36 person therein named, with a member of his
37 family over the age of fifteen years.]