

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 308

AN ACT

To repeal sections 317.001, 317.006, 317.011, 317.013, 317.015, 317.018, 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 331.010, 334.120, 335.016, 335.036, 335.066, 335.068, 335.076, 335.096, 335.097, 335.212, 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.090, 336.140, 336.160, 336.200, 336.220, 336.225, 337.600, 337.603, 337.604, 337.606, 337.609, 337.612, 337.615, 337.618, 337.622, 337.624, 337.627, 337.630, 337.636, 337.639, 337.650, 337.653, 337.659, 337.665, 337.668, 337.674, 337.677, 337.680, 337.686, 337.689, 337.700, 337.715, 337.718, 339.100, 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 383.130, 383.133, 537.035, and 621.045, RSMo, and to enact in lieu thereof one hundred new sections relating to the practice of certain licensed professionals, with penalty provisions and an effective date for certain sections.

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

1 Section A. Sections 317.001, 317.006, 317.011, 317.013,
2 317.015, 317.018, 327.011, 327.111, 327.181, 327.201, 327.291,
3 327.441, 327.633, 331.010, 334.120, 335.016, 335.036, 335.066,
4 335.068, 335.076, 335.096, 335.097, 335.212, 336.010, 336.020,
5 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.090,
6 336.140, 336.160, 336.200, 336.220, 336.225, 337.600, 337.603,

1 337.604, 337.606, 337.609, 337.612, 337.615, 337.618, 337.622,
2 337.624, 337.627, 337.630, 337.636, 337.639, 337.650, 337.653,
3 337.659, 337.665, 337.668, 337.674, 337.677, 337.680, 337.686,
4 337.689, 337.700, 337.715, 337.718, 339.100, 345.015, 345.030,
5 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060,
6 346.110, 383.130, 383.133, 537.035, and 621.045, RSMo, are
7 repealed and one hundred new sections enacted in lieu thereof, to
8 be known as sections 37.800, 192.632, 317.001, 317.006, 317.011,
9 317.013, 317.015, 317.018, 317.019, 324.1100, 324.1102, 324.1104,
10 324.1106, 324.1108, 324.1110, 324.1112, 324.1114, 324.1116,
11 324.1118, 324.1120, 324.1122, 324.1124, 324.1126, 324.1128,
12 324.1130, 324.1132, 324.1134, 324.1136, 324.1138, 324.1140,
13 324.1142, 324.1144, 324.1146, 324.1148, 327.011, 327.076,
14 327.077, 327.181, 327.441, 331.010, 334.120, 335.016, 335.036,
15 335.066, 335.067, 335.068, 335.076, 335.096, 335.097, 335.212,
16 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070,
17 336.080, 336.140, 336.160, 336.220, 336.225, 337.600, 337.603,
18 337.604, 337.612, 337.615, 337.618, 337.622, 337.627, 337.630,
19 337.636, 337.643, 337.644, 337.645, 337.646, 337.653, 337.665,
20 337.689, 337.700, 337.715, 337.718, 339.100, 339.200, 339.205,
21 345.015, 345.030, 345.033, 345.045, 345.055, 346.015, 346.030,
22 346.035, 346.055, 346.060, 346.110, 383.130, 383.133, 537.035,
23 and 621.045, to read as follows:

24 37.800. 1. This section shall be known and may be cited as
25 the "The Human Voice Contact Act".

26 2. A state agency that uses automated telephone answering
27 equipment to answer incoming telephone calls shall, during normal
28 business hours of the agency, provide the caller with the option

1 of speaking to a live operator. This section shall not apply to
2 field offices, telephone lines dedicated as hotlines for
3 emergency services, telephone lines dedicated to providing
4 general information, and any system that is designed to permit an
5 individual to conduct a complete transaction with the state
6 agency over the telephone solely by pressing one or more touch
7 tone telephone keys in response to automated prompts. As used in
8 this section, "state agency" refers to each board, commission,
9 department, officer or other administrative office or unit of the
10 state other than the general assembly, the courts, the governor,
11 or a political subdivision of the state, existing under the
12 constitution or statute.

13 192.632. 1. There is hereby created a "Chronic Kidney
14 Disease Task Force". Unless otherwise stated, members shall be
15 appointed by the director of the department of health and senior
16 services and shall include, but not be limited to, the following
17 members:

18 (1) Two physicians appointed from lists submitted by the
19 Missouri State Medical Association;

20 (2) Two nephrologists;

21 (3) Two family physicians;

22 (4) Two pathologists;

23 (5) One member who represents owners or operators of
24 clinical laboratories in the state;

25 (6) One member who represents a private renal care
26 provider;

27 (7) One member who has a chronic kidney disease;

28 (8) One member who represents the state affiliate of the

1 National Kidney Foundation;

2 (9) One member who represents the Missouri Kidney Program;

3 (10) Two members of the house of representatives appointed
4 by the speaker of the house of representatives;

5 (11) Two members of the senate appointed by the president
6 pro tempore of the senate;

7 (12) Additional members may be chosen to represent public
8 health clinics, community health centers, and private health
9 insurers.

10 2. A chairperson and a vice-chairperson shall be elected by
11 the members of the task force.

12 3. The chronic kidney task force shall:

13 (1) Develop a plan to educate the public and health care
14 professionals about the advantages and methods of early
15 screening, diagnosis, and treatment of chronic kidney disease and
16 its complications based on kidney disease outcomes, quality
17 initiative clinical practice guidelines for chronic kidney
18 disease, or other medically recognized clinical practice
19 guidelines:

20 (2) Make recommendations on the implementation of a cost-
21 effective plan for early screening, diagnosis, and treatment of
22 chronic kidney disease for the state's population;

23 (3) Identify barriers to adoption of best practices and
24 potential public policy options to address such barriers;

25 (4) Submit a report of its findings and recommendations to
26 the general assembly within one year of its first meeting.

27 4. The department of health and senior services shall
28 provide all necessary staff, research, and meeting facilities for

1 the chronic kidney disease task force.

2 317.001. As used in sections 317.001 to 317.021, the
3 following words and terms mean:

4 (1) "Amateur", a person who competes in a boxing,
5 wrestling, kickboxing, or full-contact karate event who has not
6 competed as a contestant for valuable consideration in any event
7 in which similar boxing, wrestling, kickboxing, or full-contact
8 karate skills were used or allowed;

9 (2) "Bout", one match involving [either] professional
10 boxing, sparring, professional wrestling, professional
11 kickboxing, or professional full-contact karate, including
12 professional mixed martial arts;

13 (3) "Boxing", the sport of attack and defense where
14 contestants are allowed to only use the fist to attack or strike
15 in competition;

16 [(2)] (4) "Combative fighting", [also known as "toughman
17 fighting", "toughwoman fighting", "badman fighting", "ultimate
18 fighting", "U.F.C." and "extreme fighting", any boxing or
19 wrestling match, contest or exhibition, between two or more
20 contestants, with or without protective headgear, who use their
21 hands, with or without gloves, or their feet, or both, and who
22 compete for a financial prize or any item of pecuniary value, and
23 which match, contest, tournament championship or exhibition is
24 not recognized by and not sanctioned by any officially recognized
25 state, regional or national boxing or athletic sanctioning
26 authority, or any promoter duly licensed by the division of
27 professional registration] a bout or contest, with or without
28 gloves or protective headgear, whereby any part of the

1 contestant's body may be used as a weapon or any other means of
2 fighting may be used with the specific purpose of intentionally
3 injuring the other contestants in such a manner that they may not
4 defend themselves and in which there is no referee;

5 [(3)] (5) "Contest", a bout or a group of bouts involving
6 licensed contestants competing in professional boxing, sparring,
7 professional wrestling, professional kickboxing, or professional
8 full-contact karate;

9 [(4)] (6) "Contestant", a person who competes in any
10 [activity covered by sections 317.001 to 317.021] boxing,
11 wrestling, kickboxing, or full-contact karate event;

12 [(5)] (7) "Division", the division of professional
13 registration;

14 [(6)] (8) "Director", the director of the division of
15 professional registration;

16 (9) "Exhibition", a boxing, wrestling, kickboxing, or full-
17 contact karate engagement in which persons are participating to
18 show or display their boxing, wrestling, kickboxing, or full-
19 contact karate skill and in which no decision is rendered;

20 [(7)] (10) "Fund", the athletic fund established pursuant
21 to sections 317.001 to 317.021;

22 [(8) "Mandatory count of eight", a required count of eight
23 that is given by a referee to a contestant who has been knocked
24 down;

25 (9) "Noncompetitive boxing", boxing or sparring where a
26 decision is not rendered;

27 (10)] (11) "Full-contact karate", any form of full-contact
28 martial arts including, but not limited to, full-contact kungfu,

1 full-contact tae kwon do, or any form of martial arts, mixed
2 martial arts, combat or self-defense conducted on a full-contact
3 basis in a match where contestants are allowed to deliver blows
4 or strikes;

5 (12) "Kickboxing", any match in which contestants are
6 allowed to use any form of boxing and are also allowed to use any
7 part of the fist, foot, or leg, with or without shin guards or
8 protective gear, or any combination thereof to deliver strikes
9 above the waist and which does not constitute mixed martial arts
10 as defined by this section;

11 (13) "Mixed martial arts", any match in which any form of
12 martial arts or self-defense is conducted on a full-contact basis
13 and where other combative techniques or tactics are allowed in
14 competition including, but not limited to, kicking, striking,
15 chokeholds, boxing, wrestling, kickboxing, grappling, or joint
16 manipulation. Professional mixed martial arts is a form of full-
17 contact karate;

18 (14) "Office", the division of professional registration,
19 office of athletics;

20 [(11) "Professional boxing", the sport of attack and
21 defense which uses the fist and where contestants compete for
22 valuable consideration;

23 (12) "Professional full-contact karate", any form of
24 full-contact martial arts including but not limited to
25 full-contact kungfu, full-contact taw kwon-do, or any form of
26 martial arts or self-defense conducted on a full-contact basis in
27 a bout or contest where weapons are not used and where
28 contestants compete for valuable consideration. Such contests

1 take place in a rope-enclosed ring and are fought in timed
2 rounds;

3 (13) "Professional kickboxing", any form of boxing in which
4 blows are delivered with any part of the arm below the shoulder,
5 including the hand, and any part of the leg below the hip,
6 including the foot, and where contestants compete for valuable
7 consideration. Such contests take place in a rope-enclosed ring
8 and are fought in timed rounds;

9 (14) "Professional wrestling", any performance of wrestling
10 skills and techniques by two or more professional wrestlers, to
11 which any admission is charged. Participating wrestlers may not
12 be required to use their best efforts in order to win, the winner
13 may have been selected before the performance commences and
14 contestants compete for valuable consideration. Such contests
15 take place in a rope-enclosed ring and are fought in timed
16 rounds;]

17 (15) "Professional", a wrestling, boxing, kickboxing, or
18 full-contact karate bout or contest where the participants
19 compete for any valuable consideration or a person who competes
20 in any wrestling, boxing, kickboxing, or full-contact karate bout
21 or contest for any such consideration;

22 _____ (16) "Sparring", [boxing for practice or as an exhibition]
23 any boxing, wrestling, kickboxing, or full-contact karate
24 conducted for practice and for which admission or other similar
25 consideration, in any form, is charged to any member of the
26 public;

27 [(16) "Standing mandatory eight count", the count of eight
28 that is given at the discretion of a referee to a contestant who

1 has been dazed by a blow and is unable to defend himself or
2 herself. The standing mandatory eight count may be waived in a
3 bout only with special permission of the office.]

4 (17) "Wrestling", any performance of wrestling skills and
5 techniques by two or more individuals. Participating wrestlers
6 may perform without being required to use their best efforts in
7 order to win and the winner may have been selected before the
8 performance commences.

9 317.006. 1. The division [of professional registration]
10 shall have general charge and supervision of all professional
11 boxing, sparring, professional wrestling, professional kickboxing
12 and professional full-contact karate contests held in the state
13 of Missouri, and it shall have the power, and it shall be its
14 duty:

15 (1) To make and publish rules governing in every particular
16 professional boxing, sparring, professional wrestling,
17 professional kickboxing and professional full-contact karate
18 contests;

19 (2) To make and publish rules governing the approval of
20 amateur sanctioning bodies;

21 (3) To accept applications for and issue licenses to
22 contestants in professional boxing, sparring, professional
23 wrestling, professional kickboxing and professional full-contact
24 karate contests held in the state of Missouri, and referees,
25 judges, matchmakers, managers, promoters, seconds, announcers,
26 timekeepers and physicians involved in professional boxing,
27 sparring, professional wrestling, professional kickboxing and
28 professional full-contact karate contests held in the state of

1 Missouri, as authorized herein. Such licenses shall be issued in
2 accordance with rules duly adopted by the division;

3 [(3)] (4) To charge fees to be determined by the director
4 and established by rule for every license issued and to assess a
5 tax of five percent of the gross receipts of any person,
6 organization, corporation, partnership, limited liability
7 company, or association holding a promoter's license and permit
8 under sections 317.001 to 317.021, derived from admission charges
9 connected with or as an incident to the holding of any
10 professional boxing, sparring, professional wrestling,
11 professional kickboxing or professional full-contact karate
12 contest in [this state] the state of Missouri. Such funds shall
13 be paid to the division of professional registration which shall
14 pay said funds into the Missouri state treasury to be set apart
15 into a fund to be known as the "Athletic Fund" which is hereby
16 established;

17 [(4)] (5) To assess a tax of five percent of the gross
18 receipts of any person, organization, corporation, partnership,
19 limited liability company or association holding a promoter's
20 license [and permit] under sections 317.001 to 317.021, derived
21 from the sale, lease or other exploitation in this state of
22 broadcasting, television, pay-per-view, closed-circuit telecast,
23 and motion picture rights for any professional boxing, sparring,
24 professional wrestling, professional kickboxing or professional
25 full-contact karate contest. Such funds shall be paid to the
26 division [of professional registration] which shall pay said
27 funds into the Missouri state treasury to be set apart into a
28 fund to be known as the "Athletic Fund";

1 [(5) To assess a tax of twenty-five percent of the gross
2 receipts of any person, organization, corporation, partnership,
3 limited liability company or association derived from the sale,
4 lease or other exploitation in this state of broadcasting,
5 television, closed-circuit telecast, and motion picture rights
6 for any combative fighting contest. Such funds shall be paid to
7 the division of professional registration, which shall pay said
8 funds into the state treasury to be set apart into a fund to be
9 known as the athletic fund;]

10 (6) Each cable television system operator whose
11 pay-per-view or closed-circuit facilities are utilized to
12 telecast a bout or contest shall, within thirty calendar days
13 following the date of the telecast, file a report with the office
14 stating the number of orders sold and the price per order.

15 2. All fees established pursuant to sections 317.001 to
16 317.021 shall be determined by the director by rule in such
17 amount as to produce sufficient revenue to fund the necessary
18 expenses and operating costs incurred in the administration of
19 the provisions of sections 317.001 to 317.021. All expenses
20 shall be paid as otherwise provided by law.

21 317.011. 1. The division [of professional registration]
22 shall have the power, and it shall be its duty, to accept
23 application for and issue permits to hold professional boxing,
24 sparring, professional wrestling, professional kickboxing or
25 professional full-contact karate contests in the state of
26 Missouri, and to charge a fee for the issuance of same in an
27 amount established by rule; such funds to be paid to the division
28 [of professional registration] which shall pay such funds into

1 the Missouri state treasury to be set apart into the athletic
2 fund.

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

14 3. The division [of professional registration] shall not
15 grant any permit to hold professional boxing, sparring,
16 professional wrestling, professional kickboxing or professional
17 full-contact karate contests in the state of Missouri except:

18 (1) Where such professional boxing, sparring, professional
19 wrestling, professional kickboxing or professional full-contact
20 karate contest is to be held under the auspices of a promoter
21 duly licensed by the division;

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

24 [(3)] (2) Where a fee has been paid for such permit, in an
25 amount established by rule.

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

28 5. Specifically exempted from the provisions of this

1 chapter are contests or exhibitions for amateur boxing, amateur
2 kickboxing, amateur wrestling and amateur full-contact karate.
3 However, all amateur boxing, amateur kickboxing, amateur
4 wrestling and amateur full-contact karate must be sanctioned by a
5 nationally recognized amateur sanctioning body approved by the
6 office.

7 317.013. 1. In order to protect the health and welfare of
8 the contestants, there shall be a mandatory medical suspension of
9 any contestant, not to exceed one hundred [~~twenty~~] eighty days,
10 who loses consciousness or who has been injured as a result of
11 blows received to the head or body during a [~~boxing bout or~~
12 ~~semiprofessional elimination contest~~] professional boxing,
13 professional wrestling, professional kickboxing, or professional
14 full-contact karate contest. The determination of consciousness
15 is to be made only by a physician licensed by the board of
16 healing arts and the division. Medical suspensions issued in
17 accordance with this section shall not be reviewable by any
18 tribunal.

19 2. No license shall be issued to any person who has been
20 injured in such a manner that they may not continue to
21 participate in boxing, wrestling, kickboxing, or full-contact
22 karate contests in the future. Such a person shall be deemed
23 medically retired. No person with a status of medically retired
24 shall compete in any events governed by this chapter. Medical
25 retirements issued in accordance with this section shall not be
26 reviewable by any tribunal.

27 317.015. 1. Any person wishing to make a complaint against
28 a licensee under sections 317.001 to 317.014 shall file the

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

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

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

23 (a) Use of an alcoholic beverage or any controlled
24 substance, as defined in chapter 195, RSMo, before or during a
25 bout;

26 (b) The person has been found guilty or has entered a plea
27 of guilty or nolo contendere in a criminal prosecution under any
28 state or federal law for any offense reasonably related to the

1 qualifications, functions or duties of any profession licensed or
2 regulated under this chapter, for any offense an essential
3 element of which is fraud, dishonesty or an act of violence, or
4 for any offense involving moral turpitude, whether or not a
5 sentence is imposed;

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

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

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

15 (f) Violating or enabling any person to violate any
16 provision of this chapter or any rule adopted pursuant to this
17 chapter;

18 (g) Impersonating any permit or license holder or allowing
19 any person to use their permit or license;

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

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

27 (j) A person adjudged mentally incompetent by a court of
28 competent jurisdiction;

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

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

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

9 (3) After the complaint is filed, the proceeding shall be
10 conducted in accordance with the provisions of chapter 621, RSMo.
11 If the administrative hearing commission finds that a person has
12 violated one or more of the grounds as provided in paragraphs (a)
13 through (m) of subdivision (2) of this subsection, the division
14 may censure or place the person named in the complaint on
15 probation on appropriate terms and conditions for a period not to
16 exceed five years, may suspend the person's license for a period
17 not to exceed three years, or may revoke the person's license.

18 3. Upon a finding that the grounds provided in subsection 2
19 of this section for disciplinary action are met, the office may,
20 singly or in combination, censure or place on probation on such
21 terms and conditions as the office deems appropriate for a period
22 not to exceed five years, or may suspend for a period not to
23 exceed three years or revoke the certificate, license, or permit.
24 In any order of revocation, the office may provide that the
25 person shall not apply for a new license for a maximum of three
26 years and one day following the date of the order of revocation.
27 All stay orders shall toll the disciplinary time periods allotted
28 herein. In lieu of or in addition to any remedy specifically

1 provided in subsection 1 of this section, the office may require
2 of a licensee:

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

5 (2) A review conducted as the office may specify and
6 satisfactory completion of medical testing and/or rehabilitation
7 programs as the office may specify.

8 317.018. 1. Combative fighting is prohibited in the state
9 of Missouri.

10 2. Anyone who promotes or participates in combative
11 fighting, or anyone who serves as an agent, principal partner,
12 publicist, vendor, producer, referee, or contractor of or for
13 combative fighting is guilty of a class D felony.

14 3. Any medical personnel who administers to, treats or
15 assists any participants of combative fighting shall not be
16 subject to the provisions of this section.

17 [4. Nothing in section 317.001 or this section shall be
18 construed to give authority to the Missouri state athletic
19 commission to regulate boxing, sparring, wrestling or contact
20 karate conducted by entities which are not regulated on July 10,
21 1996, including but not limited to events conducted by the:

- 22 (1) Military;
- 23 (2) Private schools;
- 24 (3) Church schools;
- 25 (4) Home schools;
- 26 (5) Martial arts academies;
- 27 (6) Private gyms;
- 28 (7) YWCAs and YMCAs;

- 1 (8) Elementary and secondary schools;
- 2 (9) College and university inter- and intra-mural;
- 3 (10) Fraternal organizations;
- 4 (11) Camps, conducted by church or not for profit
- 5 organizations;
- 6 (12) Olympic committees; or
- 7 (13) Correctional facilities.]

8 5. Nothing in section 317.001 or this section is intended

9 to regulate, or interfere with or make illegal, traditional,

10 sanctioned amateur or scholastic boxing, [including

11 professional,] amateur[,] or scholastic[, championship boxing,

12 amateur] wrestling [or scholastic wrestling] amateur or

13 scholastic kickboxing, or amateur or scholastic full-contact

14 karate or amateur or scholastic mixed martial arts.

15 317.019. 1. The promoter of a professional boxing,

16 professional kickboxing, and professional full-contact karate

17 contest shall sign written bout contracts with each professional

18 contestant. Original bout contracts shall be filed with the

19 division prior to the event as required by the rules of the

20 office. The bout contract shall be on a form supplied by the

21 division and contain at least the following:

- 22 (1) The weight required of the contestant at weigh-in;
- 23 (2) The amount of the purse to be paid for the contest;
- 24 (3) The date and location of the contest;
- 25 (4) The glove size allotted for each contestant;
- 26 (5) Any other payment or consideration provided to the
- 27 contestant;
- 28 (6) List of all fees, charges, and expenses including

1 training expenses that will be assessed to the contestant or
2 deducted from the contestant's purse;

3 (7) Any advances paid to the contestant before the bout;

4 (8) The amount of any compensation or consideration that a
5 promoter has contracted to receive in connection with the bout or
6 contest;

7 (9) The signature of the promoter and contestant;

8 (10) The date signed by both the promoter and the
9 contestant; and

10 (11) Any information required by the office.

11 2. If the bout contract between a contestant and promoter
12 is changed, the promoter shall provide the division with the
13 amended contract containing all contract changes at least two
14 hours prior to the event's scheduled start time. The amended
15 contract shall comply with all requirements for original bout
16 contracts and shall contain the signature of the promoter and
17 contestant.

18 3. A promoter of an event shall not be a manager for a
19 contestant who is contracted for ten rounds or more at the event.

20 4. The promoter of an event shall provide payments for the
21 event official's fees to the office prior to the start of the
22 event. The form of payment shall be at the discretion of the
23 office provided that payments remitted by check or money order
24 shall be made payable directly to the applicable official.

25 324.1100. As used in sections 324.1100 to 324.1148, the
26 following terms mean:

27 (1) "Board", the board of private investigator examiners
28 established in section 324.1102;

- 1 (2) "Client", any person who engages the services of a
2 private investigator;
- 3 (3) "Department", the department of insurance, financial
4 institutions and professional registration;
- 5 (4) "Law enforcement officer", a law enforcement officer as
6 defined in section 556.061, RSMo;
- 7 (5) "Organization", a corporation, trust, estate,
8 partnership, cooperative, or association;
- 9 (6) "Person", an individual or organization;
- 10 (7) "Private investigator", any person who receives any
11 consideration, either directly or indirectly, for engaging in the
12 private investigator business;
- 13 (8) "Private investigator agency", a person who regularly
14 employs any other person, other than an organization, to engage
15 in the private investigator business;
- 16 (9) "Private investigator business", the furnishing of,
17 making of, or agreeing to make, any investigation for the purpose
18 of obtaining information pertaining to:
- 19 (a) Crimes or wrongs done or threatened against the United
20 States or any state or territory of the United States;
- 21 (b) The identity, habits, conduct, business, occupation,
22 honesty, integrity, credibility, knowledge, trustworthiness,
23 efficiency, loyalty, activity, movement, whereabouts,
24 affiliations, associations, transactions, acts, reputation, or
25 character of any person;
- 26 (c) The location, disposition, or recovery of lost or
27 stolen property;
- 28 (d) Securing evidence to be used before any court, board,

1 officer, or investigating committee;

2 (e) Sale of personal identification information to the
3 public; or

4 (f) The cause of responsibility for libel, losses,
5 accident, or damage or injury to persons or property or
6 protection of life or property.

7 324.1102. 1. The "Board of Private Investigator Examiners"
8 is hereby created within the division of professional
9 registration. The board shall be a body corporate and may sue
10 and be sued.

11 2. The board shall be composed of five members, including
12 two public members, appointed by the governor with the advice and
13 consent of the senate. Except for the public members, each
14 member of the board shall be a citizen of the United States, a
15 resident of Missouri, at least thirty years of age, and shall
16 have been actively engaged in the private investigator business
17 for the previous five years. No more than one private
18 investigator board member may be employed by, or affiliated with,
19 the same private investigator agency. The initial private
20 investigator board members shall not be required to be licensed
21 but shall obtain a license within one hundred eighty days after
22 the effective date of the rules promulgated under sections
23 324.1100 to 324.1148 regarding licensure. The public members
24 shall each be a registered voter and a person who is not and
25 never was a member of any profession licensed or regulated under
26 sections 324.1100 to 324.1148 or the spouse of such person; and a
27 person who does not have and never has had a material, financial
28 interest in either the providing of the professional services

1 regulated by sections 324.1100 to 324.1148, or an activity or
2 organization directly related to any profession licensed or
3 regulated under sections 324.1100 to 324.1148. The duties of the
4 public members shall not include the determination of the
5 technical requirements to be met for licensure or whether any
6 person meets such technical requirements or of the technical
7 competence or technical judgment of a licensee or a candidate for
8 licensure.

9 3. The members shall be appointed for terms of two years,
10 except those first appointed, in which case two members, who
11 shall be private investigators, shall be appointed for terms of
12 four years, two members shall be appointed for terms of three
13 years, and one member shall be appointed for a one-year term.
14 Any vacancy on the board shall be filled for the unexpired term
15 of the member and in the manner as the first appointment. No
16 member may serve consecutive terms.

17 4. The members of the board may receive compensation, as
18 determined by the director for their services, if appropriate,
19 and shall be reimbursed for actual and necessary expenses
20 incurred in performing their official duties on the board.

21 5. There is hereby created in the state treasury the "Board
22 of Private Investigator Examiners Fund", which shall consist of
23 money collected under sections 324.1100 to 324.1148. The state
24 treasurer shall be custodian of the fund and shall approve
25 disbursements from the fund in accordance with the provisions of
26 sections 30.170 and 30.180, RSMo. Upon appropriation, money in
27 the fund shall be used solely for the administration of sections
28 324.1100 to 324.1148. Notwithstanding the provisions of section

1 33.080, RSMo, to the contrary, any moneys remaining in the fund
2 at the end of the biennium shall not revert to the credit of the
3 general revenue fund. The state treasurer shall invest moneys in
4 the fund in the same manner as other funds are invested. Any
5 interest and moneys earned on such investments shall be credited
6 to the fund.

7 324.1104. Unless expressly exempted from the provisions of
8 sections 324.1100 to 324.1148:

9 (1) It shall be unlawful for any person to engage in the
10 private investigator business in this state unless such person is
11 licensed as a private investigator under sections 324.1100 to
12 324.1148;

13 (2) It shall be unlawful for any person to engage in
14 business in this state as a private investigator agency unless
15 such person is licensed under sections 324.1100 to 324.1148.

16 324.1106. The following persons shall not be deemed to be
17 engaging in the private investigator business:

18 (1) A person employed exclusively and regularly by one
19 employer in connection only with the affairs of such employer and
20 where there exists an employer-employee relationship;

21 (2) Any officer or employee of the United States, or of
22 this state or a political subdivision thereof while engaged in
23 the performance of the officer's or employee's official duties;

24 (3) Any employee, agent, or independent contractor employed
25 by any government agency, division, or department of the state
26 whose work relationship is established by a written contract
27 while working within the scope of employment established under
28 such contract;

1 (4) An attorney performing duties as an attorney, or an
2 attorney's paralegal or employee retained by such attorney
3 assisting in the performance of such duties or investigation on
4 behalf of such attorney;

5 (5) A collection agency or an employee thereof while acting
6 within the scope of employment, while making an investigation
7 incidental to the business of the agency, including an
8 investigation of the location of a debtor or a debtor's property
9 where the contract with an assignor creditor is for the
10 collection of claims owed or due, or asserted to be owed or due,
11 or the equivalent thereof;

12 (6) Insurers and insurance producers licensed by the state,
13 performing duties in connection with insurance transacted by
14 them;

15 (7) Any bank subject to the jurisdiction of the director of
16 the division of finance of the state of Missouri or the
17 comptroller of currency of the United States;

18 (8) An insurance adjuster. For the purposes of sections
19 324.1100 to 324.1148, an "insurance adjuster" means any person
20 who receives any consideration, either directly or indirectly,
21 for adjusting in the disposal of any claim under or in connection
22 with a policy of insurance or engaging in soliciting insurance
23 adjustment business;

24 (9) Any private fire investigator whose primary purpose of
25 employment is the determination of the origin, nature, cause, or
26 calculation of losses relevant to a fire;

27 (10) Employees of a not-for-profit organization or its
28 affiliate or subsidiary who makes and processes requests on

1 behalf of health care providers and facilities for employee
2 criminal and other background information under section 660.317,
3 RSMo;

4 (11) Any real estate broker, real estate salesperson, or
5 real estate appraiser acting within the scope of his or her
6 license;

7 (12) Expert witnesses who have been certified or accredited
8 by a national or state association associated with the expert's
9 scope of expertise;

10 (13) Any person who does not hold themselves out to the
11 public as a private investigator but is under contract with a
12 state agency or political subdivision; or

13 (14) Any person performing duties or conducting
14 investigations relating to serving legal process when such
15 person's investigation is incidental to the serving of legal
16 process;

17 (15) A consumer reporting agency as defined in 15 U.S.C.
18 Section 1681(a) and its contract and salaried employees.

19 324.1108. 1. Every person desiring to be licensed in this
20 state as a private investigator or private investigator agency
21 shall make application therefor to the board of private
22 investigator examiners. An application for a license under the
23 provisions of sections 324.1100 to 324.1148 shall be on a form
24 prescribed by the board of private investigator examiners and
25 accompanied by the required application fee. An application
26 shall be verified and shall include:

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

28 (2) The name under which the applicant intends to conduct

1 business;

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

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

6 (5) Two recent photographs of the applicant, of a type
7 prescribed by the board of private investigator examiners, and
8 two classifiable sets of the applicant's fingerprints processed
9 in a manner approved by the Missouri state highway patrol,
10 criminal records and identification division, under section
11 43.543, RSMo;

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

14 (7) Such other information, evidence, statements, or
15 documents as may be required by the board of private investigator
16 examiners.

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

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

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

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

26 (4) Comply with such other qualifications as the board
27 adopts by rules and regulations.

28 324.1110. 1. The board of private investigator examiners

1 shall require as a condition of licensure as a private
2 investigator that the applicant pass a written examination as
3 evidence of knowledge of investigator rules and regulations.

4 2. The department shall conduct a complete investigation of
5 the background of each applicant for licensure as a private
6 investigator to determine whether the applicant is qualified for
7 licensure under sections 324.1100 to 324.1148. The board shall
8 outline basic qualification requirements for licensing as a
9 private investigator and agency.

10 3. In the event requirements have been met so that testing
11 has been waived, qualification shall be dependent on a showing
12 of, for the two previous years:

13 (1) Registration and good standing as a business in this
14 state; and

15 (2) Two hundred fifty thousand dollars in business general
16 liability insurance.

17 4. The board may review applicants seeking reciprocity. An
18 applicant seeking reciprocity shall have undergone a licensing
19 procedure similar to that required by this state and shall meet
20 this state's minimum insurance requirements.

21 324.1112. The board of private investigator examiners may
22 deny a request for a license if the applicant:

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

26 (2) Within two years prior to the application date:

27 (a) Has been convicted of or entered a plea of guilty or
28 nolo contendere to a felony offense, including the receiving of a

1 suspended imposition of sentence following a plea or finding of
2 guilty to a felony offense;

3 (b) Has been convicted of or entered a plea of guilty or
4 nolo contendere to a misdemeanor offense involving moral
5 turpitude;

6 (c) Has falsified or willfully misrepresented information
7 in an employment application, records of evidence, or in
8 testimony under oath;

9 (d) Has been dependent on or abused alcohol or drugs; or

10 (e) Has used, possessed, or trafficked in any illegal
11 substance;

12 (3) Has been refused a license under the provisions of
13 sections 324.1100 to 324.1148 or had a license revoked in this
14 state or in any other state;

15 (4) While unlicensed, committed or aided and abetted the
16 commission of any act for which a license is required by sections
17 324.1100 to 324.1148 after the effective date of this section; or

18 (5) Knowingly made any false statement in the application.

19 324.1114. 1. Every application submitted under the
20 provisions of sections 324.1100 to 324.1148 shall be accompanied
21 by a fee as determined by the board as follows:

22 (1) For an individual license, agency license and employees
23 being licensed to work under an agency license; or

24 (2) If a license is issued for a period of less than one
25 year, the fee shall be prorated for the months, or fraction
26 thereof, for which the license is issued.

27 2. The board shall set fees as authorized by sections
28 324.1100 to 324.1148 at a level to produce revenue which will not

1 substantially exceed the cost and expense of administering
2 sections 324.1100 to 324.1148.

3 3. The fees prescribed by sections 324.1100 to 324.1148
4 shall be exclusive and notwithstanding any other provision of
5 law. No municipality may require any person licensed under
6 sections 324.1100 to 324.1148 to furnish any bond, pass any
7 examination, or pay any license fee or occupational tax relative
8 to practicing the person's profession.

9 4. A private investigator license shall allow only the
10 individual licensed by the state to conduct investigations. An
11 agency license shall be applied for separately and held by an
12 individual who is licensed as a private investigator. The agency
13 may hire individuals to work for the agency conducting
14 investigations for the agency only. Persons hired shall make
15 application as determined by the board and meet all requirements
16 set forth by the board except that they shall not be required to
17 meet any experience requirements and shall be allowed to begin
18 working immediately upon the agency submitting their
19 applications.

20 324.1116. A private investigator agency shall not hire any
21 individual as an employee unless the individual:

22 (1) Is at least twenty-one years of age;

23 (2) Provides two recent photographs of themselves, of a
24 type prescribed by the board of private investigator examiners;

25 (3) Has been fingerprinted in a manner approved by the
26 Missouri state highway patrol, criminal records and
27 identification division, under section 43.543, RSMo; and

28 (4) Complies with any other qualifications and requirements

1 the board adopts by rule.

2 324.1118. A private investigator agency shall not hire an
3 individual, who is not licensed as a private investigator, as an
4 employee if the individual:

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

8 (2) Within two years prior to the application date:

9 (a) Has been convicted of or entered a plea of guilty or
10 nolo contendere to a felony offense, including the receiving of a
11 suspended imposition of sentence following a plea or finding of
12 guilty to a felony offense;

13 (b) Has been convicted of or entered a plea of guilty or
14 nolo contendere to a misdemeanor offense involving moral
15 turpitude;

16 (c) Has falsified or willfully misrepresented information
17 in an employment application, records of evidence, or in
18 testimony under oath;

19 (d) Has been dependent on or abused alcohol or drugs; or

20 (e) Has used, possessed, or trafficked in any illegal
21 substance;

22 (3) Has been refused a license under the provisions of
23 sections 324.1100 to 324.1148 or had a license revoked in this
24 state or in any other state;

25 (4) While unlicensed, committed or aided and abetted the
26 commission of any act for which a license is required by sections
27 324.1100 to 324.1148 after the effective date of this section; or

28 (5) Knowingly made any false statement in the application.

1 324.1120. An individual, who is not licensed as a private
2 investigator, hired as an employee by a private investigator
3 agency shall work only under the direct supervision of the agency
4 whose identification number appears on their application and
5 shall work only for one agency at any one time.

6 324.1122. A licensee shall successfully complete sixteen
7 hours of continuing education units biennially. An individual
8 not licensed as a private investigator who is hired as an
9 employee by a private investigator agency shall successfully
10 complete eight hours of continuing education units biennially.
11 Such continuing education shall be relevant to the private
12 investigator business and shall be approved by the board as such.

13 324.1124. 1. The board of private investigator examiners
14 shall determine the form of the license which shall include the:

15 (1) Name of the licensee;

16 (2) Name under which the licensee is to operate; and

17 (3) Number and date of the license.

18 2. The license shall be posted at all times in a
19 conspicuous place in the principal place of business of the
20 licensee. Upon the issuance of a license, a pocket card of such
21 size, design, and content as determined by the division shall be
22 issued without charge to each licensee. Such card shall be
23 evidence that the licensee is licensed under sections 324.1100 to
24 324.1148. When any person to whom a card is issued terminates
25 such person's position, office, or association with the licensee,
26 the card shall be surrendered to the licensee and within five
27 days thereafter shall be mailed or delivered by the licensee to
28 the board of private investigator examiners for cancellation.

1 Within thirty days after any change of address, a licensee shall
2 notify the board of the address change. The principal place of
3 business may be at a residence or at a business address, but it
4 shall be the place at which the licensee maintains a permanent
5 office.

6 324.1126. 1. Any license issued under sections 324.1100 to
7 324.1148 shall expire two years after the date of its issuance.
8 Renewal of any such license shall be made in the manner
9 prescribed for obtaining an original license, including payment
10 of the appropriate fee, except that:

11 (1) The application upon renewal need only provide
12 information required of original applicants if the information
13 shown on the original application or any renewal thereof on file
14 with the board is no longer accurate;

15 (2) A new photograph shall be submitted with the
16 application for renewal only if the photograph on file with the
17 board has been on file more than two years; and

18 (3) The applicant does not have to be tested again but must
19 instead provide proof that the applicant successfully completed
20 sixteen hours of continuing education credits; and

21 (4) Additional information may be required by rules and
22 regulations adopted by the board of private investigator
23 examiners.

24 2. A licensee shall at all times be legally responsible for
25 the good conduct of each of the licensee's employees or agents
26 while engaged in the business of the licensee and the licensee is
27 legally responsible for any acts committed by such licensee's
28 employees or agents which are in violation of sections 324.1100

1 to 324.1148. A person receiving an agency license shall directly
2 manage the agency and employees.

3 3. A license issued under sections 324.1100 to 324.1148
4 shall not be assignable.

5 324.1128. 1. Any licensee may divulge to the board, any
6 law enforcement officer, prosecuting attorney, or such person's
7 representative any information such person may acquire about any
8 criminal offense. The licensee may instruct his or her client to
9 divulge such information if the client is the victim, but such
10 person shall not divulge to any other person, except as he or she
11 may be required by law, any information acquired by such person
12 at the direction of the employer or client for whom the
13 information was obtained.

14 2. No licensee officer, director, partner, associate, or
15 employee thereof shall:

16 (1) Knowingly make any false report to his or her employer
17 or client for whom information was being obtained;

18 (2) Cause any written report to be submitted to a client
19 except by the licensee, and the person submitting the report
20 shall exercise diligence in ascertaining whether or not the facts
21 and information in such report are true and correct;

22 (3) Use a title, wear a uniform, use an insignia or an
23 identification card, or make any statement with the intent to
24 give an impression that such person is connected in any way with
25 the federal government, a state government, or any political
26 subdivision of a state government;

27 (4) Appear as an assignee party in any proceeding involving
28 claim and delivery, replevin or other possessory action, action

1 to foreclose a chattel mortgage, mechanic's lien, materialman's
2 lien, or any other lien;

3 (5) Manufacture false evidence; or

4 (6) Create any video recording of an individual in their
5 domicile without the individual's permission. Furthermore, if
6 such video recording is made, it shall not be admissible as
7 evidence in any civil proceeding.

8 324.1130. Each licensee shall maintain a record containing
9 such information relative to the licensee's employees as may be
10 prescribed by the board of private investigator examiners. Such
11 licensee shall file with the board the complete address of the
12 location of the licensee's principal place of business. The
13 board may require the filing of other information for the purpose
14 of identifying such principal place of business.

15 324.1132. Every advertisement by a licensee soliciting or
16 advertising business shall contain the licensee's name, city, and
17 state as it appears in the records of the board of private
18 investigator examiners. No individual or business can advertise
19 as a private investigator, private detective, or private
20 investigator agency without including their state private
21 investigator or private investigator agency license number in the
22 advertisement. A licensee shall not advertise or conduct
23 business from any Missouri address other than that shown on the
24 records of the board as the licensee's principal place of
25 business unless the licensee has received an additional agency
26 license for such location after compliance with the provisions of
27 sections 324.1100 to 324.1148 and such additional requirements
28 necessary for the protection of the public as the board may

1 prescribe by regulation. A licensee shall notify the board in
2 writing within ten days after closing or changing the location of
3 a branch office. The fee for the additional license shall be
4 one-half the cost of the fee for the agency's original license.

5 324.1134. 1. The board may suspend or refuse to renew any
6 certificate of registration or authority, permit or license
7 required under sections 324.1100 to 324.1148 for one or any
8 combination of causes stated in subsection 2 of this section.

9 The board shall notify the applicant in writing of the reasons
10 for the suspension or refusal and shall advise the applicant of
11 the applicant's right to file a complaint with the administrative
12 hearing commission as provided by chapter 621, RSMo. As an
13 alternative to a refusal to issue or renew any certificate,
14 registration or authority, the board may, at its discretion,
15 issue a license which is subject to probation, restriction or
16 limitation to an applicant for licensure for any one or any
17 combination of causes stated in subsection 2 of this section.

18 The board's order of probation, limitation or restriction shall
19 contain a statement of the discipline imposed, the basis
20 therefor, the date such action shall become effective, and a
21 statement that the applicant has thirty days to request in
22 writing a hearing before the administrative hearing commission.

23 If the board issues a probationary, limited or restricted license
24 to an applicant for licensure, either party may file a written
25 petition with the administrative hearing commission within thirty
26 days of the effective date of the probationary, limited or
27 restricted license seeking review of the board's determination.

28 If no written request for a hearing is received by the

1 administrative hearing commission within the thirty-day period,
2 the right to seek review of the board's decision shall be
3 considered as waived.

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

11 (1) Making any false statement or giving any false
12 information in connection with an application for a license or a
13 renewal or reinstatement thereof;

14 (2) Violating any provision of sections 324.1100 to
15 324.1148;

16 (3) Violating any rule of the board of private investigator
17 examiners adopted under the authority contained in sections
18 324.1100 to 324.1148;

19 (4) Impersonating, or permitting or aiding and abetting an
20 employee to impersonate, a law enforcement officer or employee of
21 the United States of America, or of any state or political
22 subdivision thereof;

23 (5) Committing, or permitting any employee to commit any
24 act, while the license was expired, which would be cause for the
25 suspension or revocation of a license, or grounds for the denial
26 of an application for a license;

27 (6) Knowingly violating, or advising, encouraging, or
28 assisting the violation of, any court order or injunction in the

1 course of business as a licensee;

2 (7) Using any letterhead, advertisement, or other printed
3 matter, or in any manner whatever represented that such person is
4 an instrumentality of the federal government, a state, or any
5 political subdivision thereof;

6 (8) Using a name different from that under which such
7 person is currently licensed in any advertisement, solicitation,
8 or contract for business; or

9 (9) Committing any act which is grounds for denial of an
10 application for a license under section 324.1112.

11 3. The record of conviction, or a certified copy thereof,
12 shall be conclusive evidence of such conviction, and a plea or
13 verdict of guilty is deemed to be a conviction within the meaning
14 thereof.

15 4. The agency may continue under the direction of another
16 employee if the licensee's license is suspended or revoked by the
17 board. The board shall establish a time frame in which the
18 agency shall identify an acceptable person who is qualified to
19 assume control of the agency, as required by the board.

20 5. After the filing of a 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 in subsection 1 of this section for disciplinary action
25 are met, the board may singly or in combination censure or place
26 the person named in the complaint on probation under such terms
27 and conditions as the board deems appropriate for a period not to
28 exceed five years, may suspend for a period not to exceed three

1 years, or revoke the license.

2 324.1136. 1. Each private investigator or investigator
3 agency operating under the provisions of sections 324.1100 to
4 324.1148 shall be required to keep a complete record of the
5 business transactions of such investigator or investigator agency
6 for a period of seven years. Upon the service of a court order
7 issued by a court of competent jurisdiction or upon the service
8 of a subpoena issued by the board that is based on a complaint
9 supported by oath or affirmation, which particularly describes
10 the records and reports, any licensed private investigator who is
11 the owner, partner, director, corporate officer, or custodian of
12 business records shall provide an opportunity for the inspection
13 of the same and to inspect reports made. Any information
14 obtained by the board shall be kept confidential, except as may
15 be necessary to commence and prosecute any legal proceedings.
16 The board shall not personally enter a licensee's place of
17 business to inspect records, but shall utilize an employee of the
18 division of professional registration to act as a gatherer of
19 information and facts to present to the board regarding any
20 complaint or inspection under investigation.

21 2. For the purpose of enforcing the provisions of sections
22 324.1100 to 324.1148, and in making investigations relating to
23 any violation thereof, the board shall have the power to subpoena
24 and bring before the board any person in this state and require
25 the production of any books, records, or papers which the board
26 deems relevant to the inquiry. The board also may administer an
27 oath to and take the testimony of any person, or cause such
28 person's deposition to be taken, except that any applicant or

1 licensee or officer, director, partner, or associate thereof
2 shall not be entitled to any fees or mileage. A subpoena issued
3 under this section shall be governed by the Missouri rules of
4 civil procedure and shall comply with any confidentiality
5 standards or legal limitations imposed by privacy or open records
6 acts, fair credit reporting acts, polygraph acts, driver privacy
7 protection acts, judicially recognized privileged communications,
8 and the bill of rights of both the United States and Missouri
9 Constitutions. Any person duly subpoenaed who fails to obey such
10 subpoena without reasonable cause, or without such cause refuses
11 to be examined or to answer any legal or pertinent question as to
12 the character or qualification of such applicant or licensee or
13 such applicant's alleged unlawful or deceptive practices or
14 methods, shall be guilty of a class A misdemeanor. The testimony
15 of witnesses in any investigative proceeding shall be under oath.

16 324.1138. 1. The board shall adopt such rules and
17 regulations as may be necessary to carry out the provisions of
18 sections 324.1100 to 324.1148.

19 2. Any rule or portion of a rule, as that term is defined
20 in section 536.010, RSMo, that is created under the authority
21 delegated in sections 324.1100 to 324.1148 shall become effective
22 only if it complies with and is subject to all of the provisions
23 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.
24 This section and chapter 536, RSMo, are nonseverable and if any
25 of the powers vested with the general assembly under chapter 536,
26 RSMo, to review, to delay the effective date, or to disapprove
27 and annul a rule are subsequently held unconstitutional, then the
28 grant of rulemaking authority and any rule proposed or adopted

1 after August 28, 2007, shall be invalid and void.

2 324.1140. 1. The board of private investigator examiners
3 shall certify persons who are qualified to train private
4 investigators.

5 2. In order to be certified as a trainer under this
6 section, a trainer shall:

7 (1) Be twenty-one or more years of age;

8 (2) Have a minimum of one-year supervisory experience with
9 a private investigator agency; and

10 (3) Be personally licensed as a private investigator under
11 sections 324.1100 to 324.1148 and qualified to train private
12 investigators.

13 3. Persons wishing to become certified trainers shall make
14 application to the board of private investigator examiners on a
15 form prescribed by the board and accompanied by a fee determined
16 by the board. The application shall contain a statement of the
17 plan of operation of the training offered by the applicant and
18 the materials and aids to be used and any other information
19 required by the board.

20 4. A certificate shall be granted to a trainer if the board
21 finds that the applicant:

22 (1) Meets the requirements of subsection 2 of this section;

23 (2) Has sufficient knowledge of private investigator
24 business in order to train private investigators sufficiently;

25 (3) Has supplied all required information to the board; and

26 (4) Has paid the required fee.

27 5. The certificate issued under this section shall expire
28 on the third year after the year in which it is issued and shall

1 be renewable triennially upon application and payment of a fee.

2 324.1142. Any person who knowingly falsifies the
3 fingerprints or photographs or other information required to be
4 submitted under sections 324.1100 to 324.1148 is guilty of a
5 class D felony; and any person who violates any of the other
6 provisions of sections 324.1100 to 324.1148 is guilty of a class
7 A misdemeanor.

8 324.1144. The board may negotiate and enter into reciprocal
9 agreements with appropriate officials in other states to permit
10 licensed private investigator agencies and licensed private
11 investigators who meet or exceed the qualifications established
12 in sections 324.1100 to 324.1148 to operate across state lines
13 under mutually acceptable terms.

14 324.1146. Law enforcement officers who perform private
15 investigations shall be licensed under this chapter subject to
16 the following qualifications and limitations:

17 (1) The board may waive testing for law enforcement
18 officers currently certified under existing peace officer
19 standards and training requirements under chapter 590, RSMo;

20 (2) Law enforcement officers shall pay the appropriate
21 licensing fees;

22 (3) Law enforcement officers shall assume individual
23 liability for their actions while performing private
24 investigations, complying with any insurance or bonding
25 requirements imposed under sections 324.1100 to 324.1148;

26 (4) Law enforcement officers shall not utilize their
27 official capacity in the course of a private investigation,
28 including but not limited to:

1 (a) Accessing information intended only for police
2 officials. Law enforcement officers shall comply with the legal
3 limits on access to the information of private citizens;

4 (b) Utilizing any official item, such as a uniform, badge,
5 or vehicle, while performing a private investigation. Law
6 enforcement officers shall provide their own equipment;

7 (c) Utilizing law enforcement officer arrest and use of
8 force standards. Law enforcement officers shall use private
9 citizen arrest and use of force standards while operating as a
10 private investigator;

11 (5) Law enforcement officers shall produce evidence of
12 training and experience concerning the legal limits imposed on
13 private investigations or pass a test on such subject produced by
14 the board; and

15 (6) The provisions of sections 324.1100 to 324.1148 shall
16 not apply to law enforcement officers who provide only private
17 security services and not private investigator services.

18 324.1148. Any person who violates sections 324.1100 to
19 324.1148 is guilty of a class A misdemeanor. Any second or
20 subsequent violation of sections 324.1100 to 324.1148 is a class
21 D felony.

22 327.011. As used in this chapter, the following words and
23 terms shall have the meanings indicated:

24 (1) "Accredited degree program from a school of
25 architecture", a degree from any school or other institution
26 which teaches architecture and whose curricula for the degree in
27 question have been, at the time in question, certified as
28 accredited by the National Architectural Accrediting Board;

1 (2) "Accredited school of landscape architecture", any
2 school or other institution which teaches landscape architecture
3 and whose curricula on the subjects in question are or have been
4 at the times in question certified as accredited by the Landscape
5 Architecture Accreditation Board of the American Society of
6 Landscape Architects;

7 (3) "Accredited school of engineering", any school or other
8 institution which teaches engineering and whose curricula on the
9 subjects in question are or have been, at the time in question
10 certified as accredited by the engineering accreditation
11 commission of the accreditation board for engineering and
12 technology or its successor organization;

13 (4) "Architect", any person authorized pursuant to the
14 provisions of this chapter to practice architecture in Missouri,
15 as the practice of architecture is defined in section 327.091;

16 (5) "Board", the Missouri board for architects,
17 professional engineers, professional land surveyors and landscape
18 architects;

19 (6) "Corporation", any general business corporation,
20 professional corporation or limited liability company;

21 (7) ["Department", the department of economic development;

22 (8) "Division", the division of professional registration
23 in the department of economic development;

24 (9)] "Landscape architect", any person licensed pursuant to
25 the provisions of sections 327.600 to 327.635 who is qualified to
26 practice landscape architecture by reason of special knowledge
27 and the use of biological, physical, mathematical and social
28 sciences and the principles and methods of analysis and design of

1 the land, has demonstrated knowledge and ability in such areas,
2 and has been duly licensed as a landscape architect by the board
3 on the basis of professional education, examination and
4 experience in landscape architecture;

5 (8) "Licensee", a person licensed to practice any
6 profession regulated under this chapter or a corporation
7 authorized to practice any such profession;

8 [(10)] (9) "Partnership", any partnership or limited
9 liability partnership;

10 [(11)] (10) "Person", any person, corporation, firm,
11 partnership, association or other entity;

12 [(12)] (11) "Professional engineer", any person authorized
13 pursuant to the provisions of this chapter to practice as a
14 professional engineer in Missouri, as the practice of engineering
15 is defined in section 327.181;

16 [(13)] (12) "Professional land surveyor", any person
17 authorized pursuant to the provisions of this chapter to practice
18 as a professional land surveyor in Missouri as the practice of
19 land surveying is defined in section 327.272.

20 327.076. 1. Any person who practices architecture,
21 engineering, land surveying, or landscape architecture, as
22 defined in sections 327.011 to 327.635, or who holds himself or
23 herself out as able to practice such profession and who is not
24 the holder of a currently valid license or certificate of
25 authority in Missouri, and who is not exempt from holding such a
26 license or certificate, is guilty of a class A misdemeanor. As
27 used in this section "practice" shall not include the rendering
28 of opinions or giving of testimony in a civil or criminal

1 proceeding by a licensed professional.

2 2. The board may cause a complaint to be filed with the
3 administrative hearing commission, as provided in chapter 621,
4 RSMo, against any unlicensed person who:

5 (1) Engages in or offers to render or engage in the
6 practice of architecture, professional engineering, land
7 surveying, or landscape architecture;

8 (2) Uses or employs titles defined and protected by this
9 chapter, or implies authorization to provide or offer
10 professional services, or otherwise uses or advertises any title,
11 word, figure, sign, card, advertisement, or other symbol or
12 description tending to convey the impression that the person is
13 licensed or holds a certificate of authority to practice
14 architecture, professional engineering, land surveying, or
15 landscape architecture;

16 (3) Presents or attempts to use another person's license,
17 seal, or certificate of authority as his or her own;

18 (4) Attempts to use an expired, suspended, revoked, or
19 nonexistent license or certificate of authority;

20 (5) Affixes his or her or another architect's, engineer's,
21 land surveyor's, or landscape architect's seal on any plans,
22 drawings, specifications or reports which have not been prepared
23 by such person or under such person's immediate personal
24 supervision care;

25 (6) Gives false or forged evidence of any kind to the board
26 or any member of the board in obtaining or attempting to obtain a
27 certificate of licensure in this state or any other state or
28 jurisdiction;

1 (7) Knowingly aids or abets an unlicensed or unauthorized
2 person who engages in any prohibited activity identified in this
3 subsection;

4 (8) Violates any provision of the code of professional
5 conduct or other rule adopted by the board; or

6 (9) Violates any provision of subsection 2 of section
7 327.441.

8 3. When reviewing complaints against unlicensed persons,
9 the board may initiate an investigation and take all measures
10 necessary to find the facts of any potential violation, including
11 issuing subpoenas to compel the attendance and testimony of
12 witnesses and the disclosure of evidence, and may request the
13 attorney general to bring an action to enforce the subpoena.

14 4. If the board files a complaint with the administrative
15 hearing commission, the proceedings shall be conducted in
16 accordance with the provisions of chapter 621, RSMo. Upon a
17 finding by the administrative hearing commission that the grounds
18 provided in subsection 2 of this section for disciplinary action
19 are met, the board may, either singularly or in combination with
20 other provisions of this chapter, impose a civil penalty as
21 provided for in section 327.077 against the person named in the
22 complaint.

23 327.077. 1. In disciplinary actions against licensed or
24 unlicensed persons, the board may issue an order imposing a civil
25 penalty. Such penalty shall not be imposed until the findings of
26 fact and conclusions of law by the administrative hearing
27 commission have been delivered to the board in accordance with
28 section 621.110, RSMo. Further, no civil penalty shall commence

1 until a formal meeting and vote by the board has been taken to
2 impose such a penalty.

3 2. A civil penalty imposed under this section shall not
4 exceed five thousand dollars for each offense. Each day of a
5 continued violation constitutes a separate offense, with a
6 maximum penalty of twenty-five thousand dollars. In determining
7 the amount of penalty to be imposed, the board may consider any
8 of the following:

9 (1) Whether the amount imposed will be a substantial
10 deterrent to the violation;

11 (2) The circumstances leading to the violation;

12 (3) The severity of the violation and the risk of harm to
13 the public;

14 (4) The economic benefits gained by the violator as a
15 result of noncompliance;

16 (5) The interest of the public.

17 3. Any final order imposing a civil penalty is subject to
18 judicial review upon the filing of a petition under section
19 536.100, RSMo, by any person subject to the penalty.

20 4. Payment of a civil penalty shall be made within sixty
21 days of filing the order, or if the order is stayed pending an
22 appeal within ten days after the court enters a final judgment in
23 favor of the board. If the penalty is not timely paid, the board
24 shall notify the attorney general. The attorney general may
25 commence an action to recover the amount of the penalty,
26 including reasonable attorney fees and costs and a surcharge of
27 fifteen percent of the penalty plus ten percent per annum on any
28 amounts owed. In such action, the validity and appropriateness

1 of the final order imposing the civil penalty shall not be
2 subject to review.

3 5. An action to enforce an order under this section may be
4 joined with an action for an injunction.

5 6. Any offer of settlement to resolve a civil penalty under
6 this section shall be in writing, state that an action for
7 imposition of a civil penalty may be initiated by the attorney
8 general representing the board under this section, and identify
9 any dollar amount as an offer of settlement, which shall be
10 negotiated in good faith through conference, conciliation, and
11 persuasion.

12 7. Failure to pay a civil penalty by any person licensed
13 under this chapter shall be grounds for refusing to renew or
14 denying reinstatement of a license or certificate of authority.

15 8. Penalties collected under this section shall be handled
16 in accordance with section 7 of article IX of the Missouri
17 Constitution. Such penalties shall not be considered a
18 charitable contribution for tax purposes.

19 327.181. 1. Any person practices in Missouri as a
20 professional engineer who renders or offers to render or holds
21 himself or herself out as willing or able to render any service
22 or creative work, the adequate performance of which requires
23 engineering education, training, and experience in the
24 application of special knowledge of the mathematical, physical,
25 and engineering sciences to such services or creative work as
26 consultation, investigation, evaluation, planning and design of
27 engineering works and systems, engineering teaching of advanced
28 engineering subjects or courses related thereto, engineering

1 surveys, the coordination of services furnished by structural,
2 civil, mechanical and electrical engineers and other consultants
3 as they relate to engineering work and the inspection of
4 construction for the purpose of compliance with drawings and
5 specifications, any of which embraces such service or work either
6 public or private, in connection with any utilities, structures,
7 buildings, machines, equipment, processes, work systems or
8 projects and including such architectural work as is incidental
9 to the practice of engineering; or who uses the title
10 "professional engineer" or "consulting engineer" or the word
11 "engineer" alone or preceded by any word indicating or implying
12 that such person is or holds himself or herself out to be a
13 professional engineer, or who shall use any word or words,
14 letters, figures, degrees, titles or other description indicating
15 or implying that such person is a professional engineer or is
16 willing or able to practice engineering.

17 2. Notwithstanding any provision of subsection 1 of this
18 section, any person using the word "engineer", "engineers", or
19 "engineering", alone or preceded by any word, or in combination
20 with any words, may do so without being subject to disciplinary
21 action by the board so long as such use is reflective of that
22 person's profession or vocation and is clearly not indicating or
23 implying that such person is holding himself or herself out as
24 being a professional engineer or is willing or able to practice
25 engineering as defined in this section.

26 327.441. 1. The board may refuse to issue any license or
27 certificate of authority required pursuant to this chapter for
28 one or any combination of causes stated in subsection 2 of this

1 section. The board shall notify the applicant in writing of the
2 reasons for the refusal and shall advise the applicant of the
3 applicant's right to file a complaint with the administrative
4 hearing commission as provided by chapter 621, RSMo.

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

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

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

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

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

1 tuition or other compensation by fraud, deception or
2 misrepresentation;

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

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

10 (7) Impersonation of any person holding a license or
11 certificate of authority, or allowing any person to use his or
12 her license or certificate of authority, or diploma from any
13 school;

14 (8) Disciplinary action against the holder of a license or
15 a certificate of authority, or other right to practice any
16 profession regulated by this chapter granted by another state,
17 territory, federal agency or country upon grounds for which
18 revocation or suspension is authorized in this state;

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

21 (10) Assisting or enabling any person to practice or offer
22 to practice any profession licensed or regulated by this chapter
23 who is not licensed and currently eligible to practice pursuant
24 to this chapter;

25 (11) Issuance of a professional license or a certificate of
26 authority based upon a material mistake of fact;

27 (12) Failure to display a valid license or certificate of
28 authority if so required by this chapter or any rule promulgated

1 pursuant to this chapter;

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

3 (14) Use of any advertisement or solicitation which is
4 false, misleading or deceptive to the general public or persons
5 to whom the advertisement or solicitation is primarily directed.

6 3. After the filing of such complaint, the proceedings
7 shall be conducted in accordance with the provisions of chapter
8 621, RSMo. Upon a finding by the administrative hearing
9 commission that the grounds, provided in subsection 2 of this
10 section, for disciplinary action are met, the board may, singly
11 or in combination, censure or place the person named in the
12 complaint on probation on such terms and conditions as the board
13 deems appropriate for a period not to exceed five years, or may
14 suspend, for a period not to exceed three years, or order a civil
15 penalty under section 327.077, or revoke the license or
16 certificate of authority of the person named in the complaint.

17 331.010. 1. The "practice of chiropractic" is defined as
18 the science and art of examination, diagnosis, adjustment,
19 manipulation and treatment [of malpositioned articulations and
20 structures of the body,] both in inpatient and outpatient
21 settings, by those methods commonly taught in any chiropractic
22 college or chiropractic program in a university which has been
23 accredited by the Council on Chiropractic Education, its
24 successor entity or approved by the board. [The adjustment,
25 manipulation, or treatment shall be directed toward restoring and
26 maintaining the normal neuromuscular and musculoskeletal function
27 and health.] It shall not include the use of operative surgery,
28 obstetrics, osteopathy, podiatry, nor the administration or

1 prescribing of any drug or medicine nor the practice of medicine.
2 The practice of chiropractic is declared not to be the practice
3 of medicine and operative surgery or osteopathy within the
4 meaning of chapter 334, RSMo, and not subject to the provisions
5 of the chapter.

6 2. [A licensed chiropractor may practice chiropractic as
7 defined in subsection 1 of this section by those methods commonly
8 taught in any chiropractic college recognized and approved by the
9 board.

10 3. Chiropractors may advise and instruct patients in all
11 matters pertaining to hygiene, nutrition, and sanitary measures
12 as taught in any chiropractic college recognized and approved by
13 the board.

14 4.] The practice of chiropractic may include meridian
15 therapy/acupressure/acupuncture with certification as required by
16 the board.

17 334.120. 1. There is hereby created and established a
18 board to be known as "The State Board of Registration for the
19 Healing Arts" for the purpose of registering, licensing and
20 supervising all physicians and surgeons, and midwives in this
21 state. The board shall consist of nine members, including one
22 voting public member, to be appointed by the governor by and with
23 the advice and consent of the senate, at least five of whom shall
24 be graduates of professional schools [approved and accredited as
25 reputable by the American Medical Association or the Liaison
26 Committee on Medical Education and] accredited by the Liaison
27 Committee on Medical Education or recognized by the Educational
28 Commission for Foreign Medical Graduates, and at least two of

1 whom shall be graduates of professional schools approved and
2 accredited as reputable by the American Osteopathic Association,
3 and all of whom, except the public member, shall be duly licensed
4 and registered as physicians and surgeons pursuant to the laws of
5 this state. Each member must be a citizen of the United States
6 and must have been a resident of this state for a period of at
7 least one year next preceding his or her appointment and shall
8 have been actively engaged in the lawful and ethical practice of
9 the profession of physician and surgeon for at least five years
10 next preceding his or her appointment. Not more than four
11 members shall be affiliated with the same political party. All
12 members shall be appointed for a term of four years. Each member
13 of the board shall receive as compensation an amount set by the
14 board not to exceed fifty dollars for each day devoted to the
15 affairs of the board, and shall be entitled to reimbursement of
16 his or her expenses necessarily incurred in the discharge of his
17 or her official duties. The president of the Missouri State
18 Medical Association, for all medical physician appointments, or
19 the president of the Missouri Association of Osteopathic
20 Physicians and Surgeons, for all osteopathic physician
21 appointments, in office at the time shall, at least ninety days
22 prior to the expiration of the term of the respective board
23 member, other than the public member, or as soon as feasible
24 after the appropriate vacancy on the board otherwise occurs,
25 submit to the director of the division of professional
26 registration a list of five physicians and surgeons qualified and
27 willing to fill the vacancy in question, with the request and
28 recommendation that the governor appoint one of the five persons

1 so listed, and with the list so submitted, the president of the
2 Missouri State Medical Association or the Missouri Association of
3 Osteopathic Physicians and Surgeons, as appropriate, shall
4 include in his or her letter of transmittal a description of the
5 method by which the names were chosen by that association.

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

23 335.016. As used in this chapter, unless the context
24 clearly requires otherwise, the following words and terms mean:

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

27 (2) "Advanced practice nurse", a nurse who has had
28 education beyond the basic nursing education and is certified by

1 a nationally recognized professional organization as having a
2 nursing specialty, or who meets criteria for advanced practice
3 nurses established by the board of nursing. The board of nursing
4 may promulgate rules specifying which professional nursing
5 organization certifications are to be recognized as advanced
6 practice nurses, and may set standards for education, training
7 and experience required for those without such specialty
8 certification to become advanced practice nurses. Advanced
9 practice nurses and only such individuals may use the title
10 "Advanced Practice Registered Nurse" and the abbreviation "APRN";

11 (3) "Approval", official recognition of nursing education
12 programs which meet standards established by the board of
13 nursing;

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

15 (5) "Executive director", a qualified individual employed
16 by the board as executive secretary or otherwise to administer
17 the provisions of this chapter under the board's direction. Such
18 person employed as executive director shall not be a member of
19 the board;

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

22 (7) "Lapsed license status", as defined by rule under
23 section 335.061;

24 (8) [A] "Licensed practical nurse" or "practical nurse", a
25 person licensed pursuant to the provisions of this chapter to
26 engage in the practice of practical nursing;

27 [(8)] (9) "Licensure", the issuing of a license to practice
28 professional or practical nursing to candidates who have met the

1 specified requirements and the recording of the names of those
2 persons as holders of a license to practice professional or
3 practical nursing;

4 [(9)] (10) "Practical nursing", the performance for
5 compensation of selected acts for the promotion of health and in
6 the care of persons who are ill, injured, or experiencing
7 alterations in normal health processes. Such performance
8 requires substantial specialized skill, judgment and knowledge.
9 All such nursing care shall be given under the direction of a
10 person licensed by a state regulatory board to prescribe
11 medications and treatments or under the direction of a registered
12 professional nurse. For the purposes of this chapter, the term
13 "direction" shall mean guidance or supervision provided by a
14 person licensed by a state regulatory board to prescribe
15 medications and treatments or a registered professional nurse,
16 including, but not limited to, oral, written, or otherwise
17 communicated orders or directives for patient care. When
18 practical nursing care is delivered pursuant to the direction of
19 a person licensed by a state regulatory board to prescribe
20 medications and treatments or under the direction of a registered
21 professional nurse, such care may be delivered by a licensed
22 practical nurse without direct physical oversight;

23 [(10)] (11) "Professional nursing", the performance for
24 compensation of any act which requires substantial specialized
25 education, judgment and skill based on knowledge and application
26 of principles derived from the biological, physical, social and
27 nursing sciences, including, but not limited to:

28 (a) Responsibility for the teaching of health care and the

1 prevention of illness to the patient and his or her family;

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

5 (c) The administration of medications and treatments as
6 prescribed by a person licensed by a state regulatory board to
7 prescribe medications and treatments;

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

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

12 [(11)] (12) A "registered professional nurse" or
13 "registered nurse", a person licensed pursuant to the provisions
14 of this chapter to engage in the practice of professional
15 nursing;

16 (13) "Retired license status", any person licensed in this
17 state under this chapter who retires from such practice. Such
18 person shall file with the board an affidavit, on a form to be
19 furnished by the board, which states the date on which the
20 licensee retired from such practice, an intent to retire from the
21 practice for at least two years, and such other facts as tend to
22 verify the retirement as the board may deem necessary; but if the
23 licensee thereafter reengages in the practice, the licensee shall
24 renew his or her license with the board as provided by this
25 chapter and by rule and regulation.

26 335.036. 1. The board shall:

27 (1) Elect for a one-year term a president and a secretary,
28 who shall also be treasurer, and the board may appoint, employ

1 and fix the compensation of a legal counsel and such board
2 personnel as defined in subdivision (4) of subsection 16 of
3 section 620.010, RSMo, as are necessary to administer the
4 provisions of sections 335.011 to 335.096;

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

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

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

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

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

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

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

24 (9) Keep a record of all the proceedings; and make an
25 annual report to the governor and to the director of the
26 department of economic development;

27 (10) Establish an impaired nurse program.

28 2. The board shall set the amount of the fees which this

1 chapter authorizes and requires by rules and regulations. The
2 fees shall be set at a level to produce revenue which shall not
3 substantially exceed the cost and expense of administering this
4 chapter.

5 3. All fees received by the board pursuant to the
6 provisions of sections 335.011 to 335.096 shall be deposited in
7 the state treasury and be placed to the credit of the state board
8 of nursing fund. All administrative costs and expenses of the
9 board shall be paid from appropriations made for those purposes.

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

21 5. Any rule or portion of a rule, as that term is defined
22 in section 536.010, RSMo, that is created under the authority
23 delegated in this chapter shall become effective only if it
24 complies with and is subject to all of the provisions of chapter
25 536, RSMo, and, if applicable, section 536.028, RSMo. All
26 rulemaking authority delegated prior to August 28, 1999, is of no
27 force and effect and repealed. Nothing in this section shall be
28 interpreted to repeal or affect the validity of any rule filed or

1 adopted prior to August 28, 1999, if it fully complied with all
2 applicable provisions of law. This section and chapter 536,
3 RSMo, are nonseverable and if any of the powers vested with the
4 general assembly pursuant to chapter 536, RSMo, to review, to
5 delay the effective date or to disapprove and annul a rule are
6 subsequently held unconstitutional, then the grant of rulemaking
7 authority and any rule proposed or adopted after August 28, 1999,
8 shall be invalid and void.

9 335.066. 1. The board may refuse to issue or reinstate any
10 certificate of registration or authority, permit or license
11 required pursuant to [sections 335.011 to 335.096] chapter 335
12 for one or any combination of causes stated in subsection 2 of
13 this section or the board may, as a condition to issuing or
14 reinstating any such permit or license, require a person to
15 submit himself or herself for identification, intervention,
16 treatment, or rehabilitation by the impaired nurse program as
17 provided in section 335.067. The board shall notify the
18 applicant in writing of the reasons for the refusal and shall
19 advise the applicant of his or her right to file a complaint with
20 the administrative hearing commission as provided by chapter 621,
21 RSMo.

22 2. The board may cause a complaint to be filed with the
23 administrative hearing commission as provided by chapter 621,
24 RSMo, against any holder of any certificate of registration or
25 authority, permit or license required by sections 335.011 to
26 335.096 or any person who has failed to renew or has surrendered
27 his or her certificate of registration or authority, permit or
28 license for any one or any combination of the following causes:

1 (1) Use or unlawful possession of any controlled substance,
2 as defined in chapter 195, RSMo, or alcoholic beverage to an
3 extent that such use impairs a person's ability to perform the
4 work of any profession licensed or regulated by sections 335.011
5 to 335.096;

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

15 (3) Use of fraud, deception, misrepresentation or bribery
16 in securing any certificate of registration or authority, permit
17 or license issued pursuant to sections 335.011 to 335.096 or in
18 obtaining permission to take any examination given or required
19 pursuant to sections 335.011 to 335.096;

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

23 (5) Incompetency, misconduct, gross negligence, fraud,
24 misrepresentation or dishonesty in the performance of the
25 functions or duties of any profession licensed or regulated by
26 sections 335.011 to 335.096;

27 (6) Violation of, or assisting or enabling any person to
28 violate, any provision of sections 335.011 to 335.096, or of any

1 lawful rule or regulation adopted pursuant to sections 335.011 to
2 335.096;

3 (7) Impersonation of any person holding a certificate of
4 registration or authority, permit or license or allowing any
5 person to use his or her certificate of registration or
6 authority, permit, license or diploma from any school;

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

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

14 (10) Assisting or enabling any person to practice or offer
15 to practice any profession licensed or regulated by sections
16 335.011 to 335.096 who is not registered and currently eligible
17 to practice pursuant to sections 335.011 to 335.096;

18 (11) Issuance of a certificate of registration or
19 authority, permit or license based upon a material mistake of
20 fact;

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

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

25 (14) Violation of the drug laws or rules and regulations of
26 this state, any other state or the federal government;

27 (15) Placement on an employee disqualification list or
28 other related restriction or finding pertaining to employment

1 within a health-related profession issued by any state or federal
2 government or agency following final disposition by such state or
3 federal government or agency;

4 (16) Failure to successfully complete the impaired nurse
5 program.

6 3. After the filing of such complaint, the proceedings
7 shall be conducted in accordance with the provisions of chapter
8 621, RSMo. Upon a finding by the administrative hearing
9 commission that the grounds, provided in subsection 2 of this
10 section, for disciplinary action are met, the board may, singly
11 or in combination, censure or place the person named in the
12 complaint on probation on such terms and conditions as the board
13 deems appropriate for a period not to exceed five years, or may
14 suspend, for a period not to exceed three years, or revoke the
15 license, certificate, or permit.

16 4. For any hearing before the full board, the board shall
17 cause the notice of the hearing to be served upon such licensee
18 in person or by certified mail to the licensee at the licensee's
19 last known address. If service cannot be accomplished in person
20 or by certified mail, notice by publication as described in
21 subsection 3 of section 506.160, RSMo, shall be allowed; any
22 representative of the board is authorized to act as a court or
23 judge would in that section; any employee of the board is
24 authorized to act as a clerk would in that section.

25 5. An individual whose license has been revoked shall wait
26 one year from the date of revocation to apply for relicensure.
27 Relicensure shall be at the discretion of the board after
28 compliance with all the requirements of sections 335.011 to

1 335.096 relative to the licensing of an applicant for the first
2 time.

3 [5.] 6. The board may notify the proper licensing authority
4 of any other state concerning the final disciplinary action
5 determined by the board on a license in which the person whose
6 license was suspended or revoked was also licensed of the
7 suspension or revocation.

8 [6.] 7. Any person, organization, association or
9 corporation who reports or provides information to the board of
10 nursing pursuant to the provisions of sections 335.011 to 335.259
11 and who does so in good faith shall not be subject to an action
12 for civil damages as a result thereof.

13 8. If the board concludes that a nurse has committed an act
14 or is engaging in a course of conduct which would be grounds for
15 disciplinary action which constitutes a clear and present danger
16 to the public health and safety, the board may file a complaint
17 before the administrative hearing commission requesting an
18 expedited hearing and specifying the activities which give rise
19 to the danger and the nature of the proposed restriction or
20 suspension of the nurse's license. Within fifteen days after
21 service of the complaint on the nurse, the administrative hearing
22 commission shall conduct a preliminary hearing to determine
23 whether the alleged activities of the nurse appear to constitute
24 a clear and present danger to the public health and safety which
25 justify that the nurse's license be immediately restricted or
26 suspended. The burden of proving that a nurse is a clear and
27 present danger to the public health and safety shall be upon the
28 state board of nursing. The administrative hearing commission

1 shall issue its decision immediately after the hearing and shall
2 either grant to the board the authority to suspend or restrict
3 the license or dismiss the action.

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

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

18 335.067. 1. The state board of nursing may establish an
19 impaired nurse program to promote the early identification,
20 intervention, treatment, and rehabilitation of nurses who may be
21 impaired by reasons of illness, substance abuse, or as a result
22 of any mental condition. This program shall be available to
23 anyone holding a current license and may be entered voluntarily,
24 as part of an agreement with the board of nursing, or as a
25 condition of a disciplinary order entered by the board of
26 nursing.

27 2. The board may enter into a contractual agreement with a
28 nonprofit corporation or a nursing association for the purpose of

1 creating, supporting, and maintaining a program to be designated
2 as the impaired nurse program. The board may promulgate
3 administrative rules subject to the provisions of this section
4 and chapter 536, RSMo, to effectuate and implement any program
5 formed pursuant to this section.

6 3. The board may expend appropriated funds necessary to
7 provide for operational expenses of the program formed pursuant
8 to this section.

9 4. Any member of the program, as well as any administrator,
10 staff member, consultant, agent, or employee of the program,
11 acting within the scope of his or her duties and without actual
12 malice, and all other persons who furnish information to the
13 program in good faith and without actual malice, shall not be
14 liable for any claim of damages as a result of any statement,
15 decision, opinion, investigation, or action taken by the program,
16 or by any individual member of the program.

17 5. All information, interviews, reports, statements,
18 memoranda, or other documents furnished to or produced by the
19 program, as well as communications to or from the program, any
20 findings, conclusions, interventions, treatment, rehabilitation,
21 or other proceedings of the program which in any way pertain to a
22 licensee who may be, or who actually is, impaired shall be
23 privileged and confidential.

24 6. All records and proceedings of the program which pertain
25 or refer to a licensee who may be, or who actually is, impaired
26 shall be privileged and confidential and shall be used by the
27 program and its members only in the exercise of the proper
28 function of the program and shall not be considered public

1 records under chapter 610, RSMo, and shall not be subject to
2 court subpoena or subject to discovery or introduction as
3 evidence in any civil, criminal, or administrative proceedings
4 except as provided in subsection 7 of this section.

5 7. The program shall disclose information relative to an
6 impaired licensee only when:

7 (1) It is essential to disclose the information to further
8 the intervention, treatment, or rehabilitation needs of the
9 impaired licensee and only to those persons or organizations with
10 a need to know;

11 (2) Its release is authorized in writing by the impaired
12 licensee;

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

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

17 8. When pursuing discipline against a licensed practical
18 nurse, registered nurse, or advanced practice registered nurse
19 for violating one or more causes stated in subsection 2 of
20 section 335.066, the board may, if the violation is related to
21 chemical dependency or mental health, require that the licensed
22 practical nurse, registered nurse, or advanced practice
23 registered nurse complete the impaired nurse program under such
24 terms and conditions as are agreed to by the board and the
25 licensee for a period not to exceed five years. If the licensee
26 violates a term or condition of an impaired nurse program
27 agreement entered into under this section, the board may elect to
28 pursue discipline against the licensee pursuant to chapter 621,

1 RSMo, for the original conduct that resulted in the impaired
2 nurse program agreement, or for any subsequent violation of
3 subsection 2 of section 335.066. While the licensee participates
4 in the impaired nurse program, the time limitations of section
5 620.154, RSMo, shall toll under subsection 7 of section 620.154,
6 RSMo. All records pertaining to the impaired nurse program
7 agreements are confidential and may only be released under
8 subdivision (7) of subsection 14 of section 620.010, RSMo.

9 9. The board may disclose information and records to the
10 impaired nurse program to assist the program in the
11 identification, intervention, treatment, and rehabilitation of
12 licensed practical nurses, registered nurses, or advanced
13 practice registered nurses who may be impaired by reason of
14 illness, substance abuse, or as the result of any physical or
15 mental condition. The program shall keep all information and
16 records provided by the board confidential to the extent the
17 board is required to treat the information and records closed to
18 the public under chapter 620, RSMo.

19 335.068. 1. [If the board finds merit to a complaint by an
20 individual incarcerated or under the care and control of the
21 department of corrections and takes further investigative action,
22 no documentation may appear on file or disciplinary action may be
23 taken in regards to the licensee's license unless the provisions
24 of subsection 2 of section 335.066 have been violated. Any case
25 file documentation that does not result in the board filing an
26 action pursuant to subsection 2 of section 335.066 shall be
27 destroyed within three months after the final case disposition by
28 the board. No notification to any other licensing board in

1 another state or any national registry regarding any
2 investigative action shall be made unless the provisions of
3 subsection 2 of section 335.066 have been violated.

4 2. Upon written request of the nurse subject to a
5 complaint, prior to August 28, 1999, by an individual
6 incarcerated or under the care and control of the department of
7 corrections that did not result in the board filing an action
8 pursuant to subsection 2 of section 335.066, the board and the
9 division of professional registration shall in a timely fashion:

10 (1) Destroy all documentation regarding the complaint;] If
11 the board determines that a complaint does not constitute a
12 violation of the nursing practice act or that the complaint is
13 unsubstantiated, then that complaint, and all documentation
14 related to it, shall be deemed a sealed record. If the
15 administrative hearing commission or a court of competent
16 jurisdiction makes a finding that an action brought by the board
17 does not constitute sufficient grounds to discipline the license
18 of a licensee, that complaint, and all documentation related to
19 it, shall be deemed a sealed record.

20 2. For purposes of this section, a "sealed record" shall
21 mean that the complaint to which it refers shall be deemed to
22 never have occurred. The licensee may properly reply that no
23 record exists with respect to such complaint upon any inquiry in
24 the matter. A sealed record shall not be disclosed or reported
25 to any other state agency, other board of nursing, or any other
26 organization without express, written permission of the licensee.

27 3. Upon determination by the board that a complaint is not
28 a violation of the nursing practice act or that the complaint is

1 unsubstantiated, or upon the conclusion of litigation resulting
2 in a finding of insufficient grounds to impose discipline upon a
3 licensee's license, the board and the division of professional
4 registration shall, in a timely fashion:

5 [(2)] (1) Notify any other licensing board in another state
6 or any national registry regarding the board's action if they
7 have been previously notified of the complaint; and

8 [(3)] (2) Send a letter to the licensee that clearly states
9 that the board found the complaint to be unsubstantiated[, that
10 the board has taken the requested action,] or that litigation
11 resulted in a finding that there are insufficient grounds to
12 discipline the licensee's license, that the board has sealed all
13 records concerning the complaint, and notify the licensee of the
14 provisions of subsection [3] 4 of this section.

15 [3.] 4. Any person who has been the subject of an
16 unsubstantiated complaint as provided in subsection 1 [or 2] of
17 this section shall not be required to disclose the existence of
18 such complaint in subsequent applications or representations
19 relating to their nursing professions.

20 5. Nothing contained in this section shall prevent the
21 board of nursing from maintaining such records as to ensure that
22 all complaints received by the board are properly investigated
23 and reviewed by the board and the results of that investigation
24 are reported to the appropriate parties.

25 6. The provisions of this section shall not preclude any
26 individual from rendering expert opinions or giving testimony in
27 civil, criminal, or administrative hearings.

28 335.076. 1. Any person who holds a license to practice

1 professional nursing in this state may use the title "Registered
2 Professional Nurse" and the abbreviation "R.N.". No other person
3 [may] shall use the title "Registered Professional Nurse" or the
4 abbreviation "R.N.". No other person shall assume any title or
5 use any abbreviation or any other words, letters, signs, or
6 devices to indicate that the person using the same is a
7 registered professional nurse.

8 2. Any person who holds a license to practice practical
9 nursing in this state may use the title "Licensed Practical
10 Nurse" and the abbreviation "L.P.N.". No other person [may]
11 shall use the title "Licensed Practical Nurse" or the
12 abbreviation "L.P.N.". No other person shall assume any title or
13 use any abbreviation or any other words, letters, signs, or
14 devices to indicate that the person using the same is a licensed
15 practical nurse.

16 3. Any person who holds a license or recognition to
17 practice advanced practice nursing in this state may use the
18 title "Advanced Practice Registered Nurse", and the abbreviation
19 "APRN", and any other title designations appearing on his or her
20 license. No other person shall use the title "Advanced Practice
21 Registered Nurse" or the abbreviation "APRN". No other person
22 shall assume any title or use any abbreviation or any other
23 words, letters, signs, or devices to indicate that the person
24 using the same is an advanced practice registered nurse.

25 4. No person shall practice or offer to practice
26 professional nursing [or], practical nursing, or advanced
27 practice nursing in this state [for compensation] or use any
28 title, sign, abbreviation, card, or device to indicate that such

1 person is a practicing professional nurse [or], practical nurse,
2 or advanced practice nurse unless he or she has been duly
3 licensed under the provisions of [sections 335.011 to 335.096]
4 this chapter.

5 5. In the interest of public safety and consumer awareness,
6 it is unlawful for any person to use the title "nurse" in
7 reference to himself or herself in any capacity, except
8 individuals who are or have been licensed as a registered nurse,
9 licensed practical nurse, or advanced practice registered nurse
10 under this chapter.

11 335.096. Any person who violates any of the provisions of
12 [sections 335.011 to 335.096] chapter 335 is guilty of a class [A
13 misdemeanor] D felony and, upon conviction, shall be punished as
14 provided by law.

15 335.097. 1. The president or secretary of the board of
16 nursing may administer oaths, issue subpoenas duces tecum and
17 require production of documents and records. Subpoenas duces
18 tecum shall be served by a person authorized to serve subpoenas
19 of courts of record. In lieu of requiring attendance of a person
20 to produce original documents in response to a subpoena duces
21 tecum, the board may require sworn copies of such documents to be
22 filed with it or delivered to its designated representative.

23 2. The board may enforce its subpoenas duces tecum by
24 applying to a circuit court of Cole County, the county of the
25 investigation, hearing or proceeding, or any county where the
26 person resides or may be found, for an order upon any person who
27 shall fail to comply with a subpoena duces tecum to show cause
28 why such subpoena should not be enforced, which such order and a

1 copy of the application therefor shall be served upon the person
2 in the same manner as a summons in a civil action, and if the
3 circuit court shall, after a hearing, determine that the subpoena
4 duces tecum should be sustained and enforced, such court shall
5 proceed to enforce the subpoena duces tecum in the same manner as
6 though the subpoena duces tecum had been issued in a civil case
7 in the circuit court.

8 3. Reports made to the board under the mandated reporting
9 requirements as defined in chapter 383, RSMo, shall not be deemed
10 a violation of the federal health insurance portability and
11 accountability act (HIPAA) and the privacy rules located in the
12 act because the Missouri state board of nursing qualifies as a
13 health oversight agency as defined in the HIPAA privacy rules.

14 335.212. As used in sections 335.212 to 335.242, the
15 following terms mean:

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

17 (2) "Department", the Missouri department of health and
18 senior services;

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

21 (4) "Eligible student", a resident who has been accepted as
22 a full-time student in a formal course of instruction leading to
23 an associate degree, a diploma, a bachelor of science, or a
24 master of science in nursing or leading to the completion of
25 educational requirements for a licensed practical nurse;

26 (5) "Participating school", an institution within this
27 state which is approved by the board for participation in the
28 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] in
12 any agency, institution, or organization located in an area of
13 need as determined by the department of health and senior
14 services. Any forgiveness of such principal and interest for any
15 qualified applicant engaged in qualified employment on a less
16 than full-time basis may be prorated to reflect the amounts
17 provided 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.

21 336.010. [Any one or any combination of the following
22 practices constitutes the "practice of optometry":

23 (1) The examination of the human eye, without the use of
24 drugs, medicines or surgery, to ascertain the presence of defects
25 or abnormal conditions which can be corrected by the use of
26 lenses, prisms or ocular exercises;

27 (2) The employment of objective or subjective mechanical
28 means to determine the accommodative or refractive states of the

1 human eye or the range of power of vision of the human eye;

2 (3) The prescription or adaptation without the use of
3 drugs, medicines or surgery, of lenses, prisms, or ocular
4 exercises to correct defects or abnormal conditions of the human
5 eye or to adjust the human eye to the conditions of special
6 occupation.] 1. The "practice of optometry" is the examination,

7 diagnosis, treatment, and preventative care of the eye, adnexa,
8 and vision. The practice includes, but is not limited to:

9 (1) The examination of the eye, adnexa, and vision to
10 determine the accommodative and refractive states, visual
11 perception, conditions, and diseases;

12 (2) The diagnosis and treatment of conditions or diseases
13 of the eye, adnexa, and vision;

14 (3) The performance of diagnostic procedures and ordering
15 of laboratory and imaging tests for the diagnosis of vision and
16 conditions and diseases of the eye and adnexa;

17 (4) The prescription and administration of pharmaceutical
18 agents, excluding injectable agents, for the purpose of
19 examination, diagnosis, and treatment of vision and conditions or
20 diseases of the eye and adnexa;

21 (5) The removal of superficial foreign bodies from the eye
22 or adnexa;

23 (6) The employment of objective or subjective mechanical
24 means to determine the accommodative or refractive states of the
25 human eye;

26 (7) The prescription or adaptation of lenses, prisms,
27 devices, or ocular exercises to correct defects or abnormal
28 conditions of the human eye or vision or to adjust the human eye

1 to special conditions;
2 (8) The prescription and fitting of ophthalmic or contact
3 lenses and devices;
4 (9) The prescription and administration of vision therapy;
5 and
6 (10) The prescription and administration of low vision
7 care.

8 2. An optometrist may not perform surgery, including the
9 use of lasers for treatment of any disease or condition or for
10 the correction of refractive error.

11 3. As used in this chapter, except as the context may
12 otherwise require, the following terms mean:

13 (1) "Eye", the human eye;

14 (2) "Adnexa", all structures adjacent to the eye and the
15 conjunctiva, lids, lashes, and lacrimal system;

16 (3) "Board", the Missouri state board of optometry;

17 (4) "Diagnostic pharmaceutical agents", topically applied
18 pharmaceuticals used for the purpose of conducting an examination
19 of the eye, adnexa, and vision;

20 (5) "Low vision care", the examination, treatment, and
21 management of patients with visual impairments not treatable by
22 conventional eyewear or contact lenses and may include a vision
23 rehabilitation program to enhance remaining vision skills;

24 (6) "Pharmaceutical agents", any diagnostic and therapeutic
25 drug or combination of drugs that assist the diagnosis,
26 prevention, treatment, or mitigation of abnormal conditions or
27 symptoms of the human eye, adnexa, and vision;

28 (7) "Therapeutic pharmaceutical agents", those

1 pharmaceuticals, excluding injectable agents, used for the
2 treatment of conditions or diseases of the eye, adnexa, and
3 vision;

4 (8) "Vision therapy", a treatment regiment to improve a
5 patient's diagnosed visual dysfunctions, prevent the development
6 of visual problems, or enhance visual performance to meet the
7 defined needs of the patient.

8 336.020. It shall be unlawful for any person to practice
9 [optometry or], to attempt to practice [optometry], or to offer
10 to practice optometry, or to be employed by [a] any person,
11 corporation, partnership, [or] association [for the purpose of
12 practicing optometry], or other entity that practice or attempts
13 to practice without a [certificate of registration] license as [a
14 registered] an optometrist issued by the [state] board [of
15 optometry]. Nothing in this section shall be construed to
16 prohibit a person licensed or registered under chapter 334, RSMo,
17 whose license is in good standing from acting within the scope of
18 his or her practice or a person licensed as an optometrist in any
19 state to serve as an expert witness in a civil, criminal, or
20 administrative proceeding.

21 336.030. 1. A person is qualified to receive a
22 [certificate of registration as a registered] license as an
23 optometrist:

24 (1) Who is at least twenty-one years of age;

25 (2) Who is of good moral character [and];

26 (3) Who has graduated from a college or school of optometry
27 approved by the [state] board [of optometry]; and

28 (4) Who has [passed a satisfactory examination conducted by

1 or approved by the state board of optometry to determine his
2 fitness to receive a certificate of registration as a registered
3 optometrist] met either of the following conditions:

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

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

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

21 336.040. Every person who desires to obtain a [certificate
22 of registration] license to practice optometry shall apply
23 [therefor] to the [state] board [of optometry], in writing, on
24 [blanks] forms prepared and furnished by the [state] board [of
25 optometry]. [Each] The application shall [contain proof of the
26 particular] state the required qualifications [required] of the
27 applicant, [shall contain a statement that it is] that the
28 representations are made under oath or affirmation and [that its

1 representations] are true and correct to the applicant's best
2 knowledge [and belief of the person signing same], subject to the
3 penalties of making a false affidavit or declaration and shall be
4 accompanied by the examination fee.

5 336.050. The [state] board [of optometry] shall hold
6 examinations of applicants for [certificates of registration as
7 registered optometrists] a license as an optometrist at such
8 times and places as it may determine. The examination of
9 applicants for [certificates of registration as registered
10 optometrists] a license as an optometrist may include both
11 practical demonstrations and written and oral tests, and shall
12 embrace the subjects normally taught in schools of optometry
13 approved by the [state] board [of optometry].

14 336.060. Whenever the provisions of this chapter have been
15 complied with, and upon payment of the [certificate] license fee,
16 the [state] board [of optometry] shall issue a [certificate of
17 registration as a registered optometrist] license as an
18 optometrist.

19 336.070. Every holder of [a certificate of registration] an
20 optometry license shall display [it] the license in a conspicuous
21 place in his or her principal office, place of business or
22 employment. Whenever a [registered] licensed optometrist
23 practices optometry [outside of, or] away from[,] his or her
24 principal office, [places of business or employment, he] the
25 licensee shall [deliver to each patient in his care a certificate
26 of identification or provide other identification as authorized
27 by rule and regulation] obtain a duplicate renewal license from

1 the board and display it in clear view of the public.

2 336.080. 1. Every [registered] licensed optometrist who
3 continues in active practice or service shall, on or before the
4 renewal date, renew his [certificate of registration] or her
5 license and pay the required renewal fee and present satisfactory
6 evidence to the [state] board [of optometry] of his or her
7 attendance for a minimum of [eight hours each year] thirty-two
8 hours of board-approved continuing education, or their equivalent
9 during the preceding [licensing period at educational optometric
10 programs, or their equivalent, that have been approved by the
11 board] two-year continuing education reporting period as
12 established by rule and regulation. The [attendance or
13 equivalent] continuing education requirement may be waived by the
14 board upon presentation to it of satisfactory evidence of the
15 illness of the optometrist or for other good cause as defined by
16 rule and regulation. The board shall not reject any such
17 application if approved programs are not available within the
18 state of Missouri. Every [certificate of registration] license
19 which has not been renewed on or before the renewal date shall
20 expire.

21 2. Any [registered] licensed optometrist who permits his
22 [certificate] or her license to expire may renew it within five
23 years of expiration upon payment of the required [restoration]
24 reactivation fee and presentation of satisfactory evidence to the
25 [state] board [of optometry] of his or her attendance for a
26 minimum of [twenty-four] forty-eight hours of board-approved
27 continuing education, or their equivalent, during the five years
28 [at educational programs, or their equivalent, that have been

1 approved by the board. The attendance or equivalent may be
2 waived by the board upon presentation to it of satisfactory
3 evidence of the illness of the optometrist or for other good
4 cause as defined by rule and regulation].

5 336.140. 1. The board shall hold meetings for the
6 examination of applicants for registration and the transaction of
7 other business pertaining to its duties at least once in six
8 months. [The board shall give thirty days' public notice of the
9 time and place of this meeting.] Each member of the board shall
10 receive as compensation an amount set by the board not to exceed
11 fifty dollars for each day devoted to the affairs of the board,
12 and shall be entitled to reimbursement of his expenses
13 necessarily incurred in the discharge of his official duties.
14 All fees payable under this chapter shall be collected by the
15 division of professional registration, which shall transmit the
16 same to the department of revenue for deposit in the state
17 treasury to the credit of a fund to be known as the "Optometry
18 Fund". All costs and expenses incurred in administering the
19 provisions of this chapter shall be appropriated and paid from
20 this fund.

21 2. The provisions of section 33.080, RSMo, to the contrary
22 notwithstanding, money in this fund shall not be transferred and
23 placed to the credit of general revenue until the amount in the
24 fund at the end of the biennium exceeds two times the amount of
25 the appropriation from the board's funds for the preceding fiscal
26 year or, if the board requires by rule permit renewal less
27 frequently than yearly, then three times the appropriation from
28 the board's funds for the preceding fiscal year. The amount, if

1 any, in the fund which shall lapse is that amount in the fund
2 which exceeds the appropriate multiple of the appropriations from
3 the board's funds for the preceding fiscal year.

4 336.160. 1. The [state] board [of optometry] may adopt
5 reasonable rules and regulations within the scope and terms of
6 this chapter for the proper administration and enforcement
7 thereof. It may employ such board personnel, as defined in
8 subdivision (4) of subsection 16 of section 620.010, RSMo, as it
9 deems necessary within appropriations therefor.

10 2. The board shall set the amount of the fees which this
11 chapter authorizes and requires by rules and regulations
12 promulgated pursuant to section 536.021, RSMo. The fees shall be
13 set at a level to produce revenue which shall not substantially
14 exceed the cost and expense of administering this chapter.

15 336.220. 1. [The state board of optometry may adopt
16 reasonable rules and regulations providing for the examination
17 and certification of registered optometrists who apply to the
18 board for authority to administer pharmaceutical agents in the
19 practice of optometry. Such pharmaceutical agents may be
20 "diagnostic pharmaceutical agents" or "therapeutic pharmaceutical
21 agents". As used in this section, the term "diagnostic
22 pharmaceutical agents" means those topically applied
23 pharmaceuticals used for the purpose of conducting an examination
24 upon the eye or adnexa, and the term "therapeutic pharmaceutical
25 agents" means those pharmaceuticals, excluding injectable agents,
26 used for the treatment of conditions or diseases of the eye or
27 the adnexa.

28 2. No registered optometrist shall administer diagnostic

1 pharmaceutical agents or therapeutic pharmaceutical agents in the
2 practice of optometry unless such person submits to the state
3 board of optometry evidence of satisfactory completion of: a
4 course of instruction in general and ocular pharmacology; which
5 includes at least one hundred hours of approved, supervised,
6 clinical training in the examination, diagnosis and treatment of
7 conditions of the human eye and adnexa in a program supervised by
8 a board-certified ophthalmologist; and such other educational
9 requirements or examination as may be required by the board, and
10 is certified by the board as qualified to administer diagnostic
11 pharmaceutical agents and therapeutic pharmaceutical agents in
12 the practice of optometry. An optometrist may not be certified
13 by the board to administer therapeutic pharmaceutical agents
14 unless the optometrist is certified to administer diagnostic
15 pharmaceutical agents. The board shall not approve a course of
16 instruction in general or ocular pharmacology unless it is taught
17 by an institution utilizing both the didactic and clinical
18 instruction in pharmacology and which is accredited by a regional
19 or professional accrediting organization which is recognized by
20 the United States Department of Education or its successors and
21 the transcript for the course of instruction is certified to the
22 board by the institution as being comparable in content to those
23 courses in general and ocular pharmacology required by other
24 licensing boards whose licenses or registrants are permitted the
25 administration of pharmaceutical agents in the course of their
26 professional practice for either diagnostic or therapeutic
27 purposes or both.

28 3. In issuing a certificate of registration or a renewal of

1 a certificate of registration, the state board of optometry
2 shall:

3 (1) State upon the certificate of an optometrist certified
4 by the board to administer diagnostic pharmaceutical agents in
5 the practice of optometry that the optometrist is so certified;
6 and

7 (2) State upon the certificate of an optometrist certified
8 by the board to administer therapeutic pharmaceutical agents in
9 the practice of optometry that the optometrist is so certified.

10 4. Any provision of section 336.010 to the contrary
11 notwithstanding, a registered optometrist who is examined and so
12 certified by the state board of optometry in the administration
13 of diagnostic pharmaceutical agents or therapeutic pharmaceutical
14 agents may administer those agents for which he is certified in
15 the practice of optometry. An optometrist's prescriptions for
16 therapeutic pharmaceutical agents should be dispensed by a
17 pharmacist licensed under chapter 338, RSMo. When therapeutic
18 pharmaceutical agents are dispensed by an optometrist the
19 provisions of section 338.059, RSMo, shall apply.

20 5. An optometrist certified in the administration of
21 therapeutic pharmaceutical agents may:

22 (1) Administer and prescribe pharmaceutical agents,
23 excluding injectable agents, for the diagnosis and treatment of
24 conditions or diseases of the eye or adnexa; and

25 (2) Perform diagnostic procedures and order laboratory and
26 imaging tests for the diagnosis of conditions or diseases of the
27 eye or adnexa.

28 6. Each optometrist certified in the administration of

1 therapeutic pharmaceutical agents shall, within one year of
2 August 28, 1995, complete a course of instruction approved by the
3 board that includes at least twenty-four hours of training in the
4 treatment of glaucoma. The board shall not approve a course of
5 instruction in the treatment of glaucoma unless it is taught by
6 an institution that is accredited by a regional or professional
7 accrediting organization that is recognized by the United States
8 Department of Education or its successor and the content for the
9 course of instruction is certified to the board by the
10 institution as being comparable in the content to those courses
11 in the treatment of glaucoma required by other licensing boards
12 whose licensees or registrants are permitted to treat glaucoma in
13 the course of their professional practice; except that, any
14 optometrist initially licensed in Missouri after December 31,
15 1990, who had previously passed the examination of the National
16 Board of Examiners in Optometry in the year 1990, or anytime
17 after such year, shall be exempt from the requirement of
18 completing the course of instruction in the treatment of glaucoma
19 required by this subsection. Until December 31, 1999, as a
20 condition for the annual renewal of the certificate of
21 registration, each optometrist certified in the administration of
22 therapeutic pharmaceutical agents shall, as a condition for the
23 annual renewal of certification through December 31, 1999,
24 complete a continuing course of instruction of at least six hours
25 in the treatment of glaucoma as approved by the board; provided
26 that, such six hours may be credited against the initial course
27 of at least twenty-four hours required by this section and
28 against the educational optometric program of at least eight

1 hours required by section 336.080.

2 7. An optometrist certified by the board in the
3 administration of therapeutic pharmaceutical agents may remove
4 superficial foreign bodies from the eye and adnexa. An
5 optometrist may not perform surgery, including the use of lasers
6 for treatment of any disease or condition or for the correction
7 of refractive error. An optometrist certified to use
8 pharmaceutical agents as provided in this section shall be held
9 to the same standard of care in the use of such agents in the
10 optometrist's diagnosis and treatment as are physicians, licensed
11 by the Missouri state board of registration for the healing arts,
12 who exercise that degree of skill and proficiency commonly
13 exercised by ordinary, skillful, careful and prudent physicians
14 and surgeons engaged in the practice of medicine.

15 8. Any optometrist authorized by the board to administer
16 diagnostic pharmaceutical agents shall refer a patient to a
17 physician licensed under chapter 334, RSMo, if an examination of
18 the eyes indicates a condition, including reduced visual acuity,
19 which requires medical treatment, further medical diagnosis, or
20 further refraction. This referral is not required on known or
21 previously diagnosed conditions. The record of the referral in
22 the optometrist's notes shall have the standing of any business
23 record. Any optometrist violating this section shall be subject
24 to the provisions of section 336.110.] Notwithstanding the
25 provisions of subsection 1 of section 336.010, any optometrist
26 who is not certified to use either diagnostic or therapeutic
27 pharmaceutical agents shall continue to be prohibited from
28 administering, dispensing, or prescribing the respective

1 pharmaceutical agents unless the optometrist has completed an
2 approved course of study and has been certified by the board.
3 Such status shall be noted on the license at each renewal.

4 2. Any optometrist authorized by the board to administer
5 only diagnostic pharmaceutical agents shall refer a patient to a
6 physician licensed under chapter 334, RSMo, if an examination of
7 the eyes indicates a condition, including reduced visual acuity,
8 which requires medical treatment, further medical diagnosis, or
9 further refraction. This referral is not required on known or
10 previously diagnosed conditions. The record of the referral in
11 the optometrist's notes shall have the standing of any business
12 record. Any optometrist violating this section shall be subject
13 to the provisions of section 336.110.

14 3. An optometrist's prescriptions for therapeutic
15 pharmaceutical agents shall be dispensed by a pharmacist licensed
16 under chapter 338, RSMo. When therapeutic pharmaceutical agents
17 are dispensed by an optometrist, the provisions of section
18 338.059, RSMo, shall apply.

19 4. An optometrist certified to use pharmaceutical agents
20 shall be held to the standard of care in the use of
21 pharmaceutical agents in the optometrist's diagnosis and
22 treatment as are physicians licensed by the Missouri State Board
23 of Registration for the Healing Arts, who exercise that degree of
24 skill and learning ordinarily used under the same or similar
25 circumstances by physicians and surgeons engaged in the practice
26 of medicine.

27 5. The board may adopt reasonable rules and regulations
28 providing for the examination and certification of optometrists

1 who apply to the board for authority to administer and prescribe
2 pharmaceutical agents in the practice of optometry.

3 336.225. [Notwithstanding any other provision of law, any
4 written or broadcast advertising for eye exam services whether
5 regional or national by any optical firm shall not be required to
6 list the name of the optometrist in the advertisement provided
7 those optometrists practicing under a trade name at a specific
8 location shall be identified to any person by having the
9 optometrist's name prominently displayed at such specific
10 location. All eye exam services provided by any optical firm
11 must be provided by a person in accordance with the provisions
12 contained in section 336.030.] Any optometrist or any person,
13 firm, or corporation employing or associated with an optometrist
14 may advertise the availability of optometric service. The
15 optometrist shall be responsible for ensuring that his or her
16 name is prominently displayed at all of his or her practice
17 locations. All eye examination services shall be provided by a
18 person in accordance with the provisions of section 336.030.

19 337.600. As used in sections 337.600 to 337.689, the
20 following terms mean:

21 (1) "Advanced macro social worker", the applications of
22 social work theory, knowledge, methods, principles, values, and
23 ethics; and the professional use of self to community and
24 organizational systems, systemic and macrocosm issues, and other
25 indirect nonclinical services; specialized knowledge and advanced
26 practice skills in case management, information and referral,
27 nonclinical assessments, counseling, outcome evaluation,
28 mediation, nonclinical supervision, nonclinical consultation,

1 expert testimony, education, outcome evaluation, research,
2 advocacy, social planning and policy development, community
3 organization, and the development, implementation and
4 administration of policies, programs, and activities. A licensed
5 advanced macro social worker may not treat mental or emotional
6 disorders or provide psychotherapy without the direct supervision
7 of a licensed clinical social worker; or diagnose a mental
8 disorder;

9 (2) "Clinical social work", the application of social work
10 theory, knowledge, values, methods, principles, and techniques of
11 case work, group work, client-centered advocacy, [community
12 organization,] administration, [planning, evaluation,]
13 consultation, research, psychotherapy and counseling methods and
14 techniques to persons, families and groups in assessment,
15 diagnosis, treatment, prevention and amelioration of mental and
16 emotional conditions;

17 (3) "Committee", the state committee for social workers
18 established in section 337.622;

19 [(2)] (4) "Department", the Missouri department of economic
20 development;

21 [(3)] (5) "Director", the director of the division of
22 professional registration [in the department of economic
23 development];

24 [(4)] (6) "Division", the division of professional
25 registration;

26 [(5)] (7) "Independent practice", any practice of social
27 workers outside of an organized setting such as a social,
28 medical, or governmental agency in which a social worker assumes

1 responsibility and accountability for services required;

2 (8) "Licensed advanced macro social worker", any person who
3 offers to render services to individuals, groups, families,
4 couples, organizations, institutions, communities, government
5 agencies, corporations, or the general public for a fee, monetary
6 or otherwise, implying that the person is trained, experienced,
7 and licensed as an advanced macro social worker, and who holds a
8 current valid license to practice as an advanced macro social
9 worker;

10 (9) "Licensed baccalaureate social worker", any person who
11 offers to render services to individuals, groups, organizations,
12 institutions, corporations, government agencies, or the general
13 public for a fee, monetary or otherwise, implying that the person
14 is trained, experienced, and licensed as a baccalaureate social
15 worker, and who holds a current valid license to practice as a
16 baccalaureate social worker;

17 [(6)] (10) "Licensed clinical social worker", any person
18 who offers to render services to individuals, groups,
19 organizations, institutions, corporations, government agencies,
20 or the general public for a fee, monetary or otherwise, implying
21 that the person is trained, experienced, and licensed as a
22 clinical social worker, and who holds a current, valid license to
23 practice as a clinical social worker;

24 (11) "Licensed master social worker", any person who offers
25 to render services to individuals, groups, families, couples,
26 organizations, institutions, communities, government agencies,
27 corporations, or the general public for a fee, monetary or
28 otherwise, implying that the person is trained, experienced, and

1 licensed as a master social worker, and who holds a current valid
2 license to practice as a master social worker. A licensed master
3 social worker may not treat mental or emotional disorders,
4 provide psychotherapy without the direct supervision of a
5 licensed clinical social worker, or diagnose a mental disorder;

6 (12) "Master social work", the application of social work
7 theory, knowledge, methods, and ethics and the professional use
8 of self to restore or enhance social, psychosocial, or bio-
9 psychosocial functioning of individuals, couples, families,
10 groups, organizations, communities, institutions, government
11 agencies, or corporations. The practice includes the
12 applications of specialized knowledge and advanced practice
13 skills in the areas of assessment, treatment planning,
14 implementation and evaluation, case management, mediation,
15 information and referral, counseling, client education,
16 supervision, consultation, education, research, advocacy,
17 community organization and development, planning, evaluation,
18 implementation and administration of policies, programs, and
19 activities. Under supervision as provided in this section, the
20 practice of master social work may include the practices reserved
21 to clinical social workers or advanced macro social workers;

22 (13) "Practice of advanced macro social work", rendering,
23 offering to render, or supervising those who render to
24 individuals, couples, families, groups, organizations,
25 institutions, corporations, government agencies, communities, or
26 the general public any service involving the application of
27 methods, principles, and techniques of advanced practice macro
28 social work but shall not include rendering expert opinions or

1 giving testimony in civil, criminal, or administrative
2 proceedings;

3 (14) "Practice of baccalaureate social work", rendering,
4 offering to render, or supervising those who render to
5 individuals, families, groups, organizations, institutions,
6 corporations, or the general public any service involving the
7 application of methods, principles, and techniques of
8 baccalaureate social work but shall not include rendering expert
9 opinions or giving testimony in civil, criminal, or
10 administrative proceedings;

11 [(7)] (15) "Practice of clinical social work", rendering,
12 offering to render, or supervising those who render to
13 individuals, couples, groups, organizations, institutions,
14 corporations, or the general public any service involving the
15 application of methods, principles, and techniques of clinical
16 social work but shall not include rendering expert opinions or
17 giving testimony in civil, criminal, or administrative
18 proceedings;

19 (16) "Practice of master social work", rendering, offering
20 to render, or supervising those who render to individuals,
21 couples, families, groups, organizations, institutions,
22 corporations, government agencies, communities, or the general
23 public any service involving the application of methods,
24 principles, and techniques of master social work but shall not
25 include rendering expert opinions or giving testimony in civil,
26 criminal, or administrative proceedings;

27 [(8)] (17) "Provisional licensed clinical social worker",
28 any person who is a graduate of an accredited school of social

1 work and meets all requirements of a licensed clinical social
2 worker, other than the supervised clinical social work experience
3 prescribed by subdivision (2) of subsection 1 of section 337.615,
4 and who is supervised by a person who is qualified to practice
5 clinical social work, as defined by rule;

6 (18) "Qualified advanced macro supervisor", any licensed
7 social worker who meets the qualifications of a qualified
8 clinical supervisor or a licensed advanced macro social worker
9 who has:

10 (a) Practiced in the field for which he or she is
11 supervising the applicant for a minimum uninterrupted period of
12 five years;

13 (b) Has successfully completed a minimum of sixteen hours
14 of supervisory training from the Association of Social Work
15 boards, the National Association of Social Workers, an accredited
16 university, or a program approved by the state committee for
17 social workers. All organizations providing the supervisory
18 training shall adhere to the basic content and quality standards
19 outlined by the state committee on social work; and

20 (c) Met all the requirements of sections 337.600 to
21 337.689, and as defined by rule by the state committee for social
22 workers;

23 (19) "Qualified baccalaureate supervisor", any licensed
24 social worker who meets the qualifications of a qualified
25 clinical supervisor, qualified master supervisor, qualified
26 advanced macro supervisor, or a licensed baccalaureate social
27 worker who has:

28 (a) Practiced in the field for which he or she is

1 supervising the applicant for a minimum uninterrupted period of
2 five years;

3 (b) Has successfully completed a minimum of sixteen hours
4 of supervisory training from the Association of Social Work
5 boards, the National Association of Social Workers, an accredited
6 university, or a program approved by the state committee for
7 social workers. All organizations providing the supervisory
8 training shall adhere to the basic content and quality standards
9 outlined by the state committee on social workers; and

10 (c) Met all the requirements of sections 337.600 to
11 337.689, and as defined by rule by the state committee for social
12 workers;

13 (20) "Qualified clinical supervisor", any licensed clinical
14 social worker who has:

15 (a) Practiced in the field for which he or she is
16 supervising the applicant uninterrupted since August 28, 2004, or
17 a minimum of five years;

18 (b) Has successfully completed a minimum of sixteen hours
19 of supervisory training from the Association of Social Work
20 boards, the National Association of Social Workers, an accredited
21 university, or a program approved by the state committee for
22 social workers. All organizations providing the supervisory
23 training shall adhere to the basic content and quality standards
24 outlined by the state committee on social work; and

25 (c) Met all the requirements of sections 337.600 to
26 337.689, and as defined by rule by the state committee for social
27 workers;

28 [(9)] (21) "Social worker", any individual that has:

1 (a) Received a baccalaureate or master's degree in social
2 work from an accredited social work program approved by the
3 council on social work education;

4 (b) Received a doctorate or Ph.D. in social work; or

5 (c) A current [baccalaureate or clinical] social worker
6 license as set forth in sections 337.600 to 337.689.

7 337.603. No person shall use the title of "licensed
8 clinical social worker", "clinical social worker" or "provisional
9 licensed clinical social worker" [and], or engage in the practice
10 of clinical social work in this state, unless the person is
11 licensed as required by the provisions of sections 337.600 to
12 [337.639] 337.689. Only individuals who are licensed clinical
13 social workers shall practice clinical social work. Sections
14 337.600 to [337.639] 337.689 shall not apply to:

15 (1) Any person registered, certificated, or licensed by
16 this state, another state, or any recognized national
17 certification agent acceptable to the committee to practice any
18 other occupation or profession while rendering services similar
19 in nature to clinical social work in the performance of the
20 occupation or profession which the person is registered,
21 certificated, or licensed; and

22 (2) The practice of any social worker who is employed by
23 any agency or department of the state of Missouri while
24 discharging the person's duties in that capacity.

25 337.604. 1. No person shall hold himself or herself out to
26 be a "social worker" unless such person has:

27 (1) Received a baccalaureate or master's degree in social
28 work from an accredited social work program approved by the

1 council on social work education;

2 (2) Received a doctorate or Ph.D. in social work; or

3 (3) A current [baccalaureate or clinical] social worker
4 license as set forth in sections 337.600 to 337.689.

5 2. No government entities, public or private agencies or
6 organizations in the state shall use the title "social worker" or
7 any form of the title for volunteer or employment positions or
8 within contracts for services, documents, manuals, or reference
9 material effective January 1, 2004, unless the volunteers or
10 employees in those positions meet the criteria set forth in
11 subdivision [(8)] (17) of section 337.600 or subsection 1 of this
12 section.

13 337.612. 1. Applications for licensure as a clinical
14 social worker, baccalaureate social worker, advanced macro social
15 worker or master social worker shall be in writing, submitted to
16 the committee on forms prescribed by the committee and furnished
17 to the applicant. The application shall contain the applicant's
18 statements showing the applicant's education, experience, and
19 such other information as the committee may require. Each
20 application shall contain a statement that it is made under oath
21 or affirmation and that the information contained therein is true
22 and correct to the best knowledge and belief of the applicant,
23 subject to the penalties provided for the making of a false
24 affidavit or declaration. Each application shall be accompanied
25 by the fees required by the committee.

26 2. The committee shall mail a renewal notice to the last
27 known address of each licensee prior to the licensure renewal
28 date. Failure to provide the committee with the information

1 required for licensure, or to pay the licensure fee after such
2 notice shall effect a revocation of the license after a period of
3 sixty days from the licensure renewal date. The license shall be
4 restored if, within two years of the licensure date, the
5 applicant provides written application and the payment of the
6 licensure fee and a delinquency fee.

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

10 4. The committee shall set the amount of the fees which
11 sections 337.600 to [337.639] 337.689 authorize and require by
12 rules and regulations promulgated pursuant to section 536.021,
13 RSMo. The fees shall be set at a level to produce revenue which
14 shall not substantially exceed the cost and expense of
15 administering the provisions of sections 337.600 to [337.639]
16 337.689. All fees provided for in sections 337.600 to [337.639]
17 337.689 shall be collected by the director who shall deposit the
18 same with the state treasurer in a fund to be known as the
19 "Clinical Social Workers Fund". After August 28, 2007, the
20 "Clinical Social Workers Fund" shall be called the "Licensed
21 Social Workers Fund" and after such date all references in state
22 law to the "Clinical Social Workers Fund" shall be considered
23 references to the "Licensed Social Workers Fund".

24 5. The provisions of section 33.080, RSMo, to the contrary
25 notwithstanding, money in this fund shall not be transferred and
26 placed to the credit of general revenue until the amount in the
27 fund at the end of the biennium exceeds two times the amount of
28 the appropriations from the clinical social workers fund for the

1 preceding fiscal year or, if the committee requires by rule
2 renewal less frequently than yearly, then three times the
3 appropriation from the committee's fund for the preceding fiscal
4 year. The amount, if any, in the fund which shall lapse is that
5 amount in the fund which exceeds the appropriate multiple of the
6 appropriations from the clinical social workers fund for the
7 preceding fiscal year.

8 337.615. 1. Each applicant for licensure as a clinical
9 social worker shall furnish evidence to the committee that:

10 (1) The applicant has a master's degree from a college or
11 university program of social work accredited by the council of
12 social work education or a doctorate degree from a school of
13 social work acceptable to the committee;

14 (2) The applicant has completed three thousand hours of
15 supervised clinical experience with a [licensed clinical social
16 worker acceptable to the committee, as defined by rule,]
17 "qualified clinical supervisor", as defined in section 337.600,
18 in no less than twenty-four months and no more than forty-eight
19 consecutive calendar months;

20 (3) The applicant has achieved a passing score, as defined
21 by the committee, on an examination approved by the committee.
22 The eligibility requirements for such examination shall be
23 promulgated by rule of the committee;

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

1 2. Any person holding a current license, certificate of
2 registration, or permit from another state or territory of the
3 United States or the District of Columbia to practice clinical
4 social work who has had no disciplinary action taken against the
5 license, certificate of registration, or permit for the preceding
6 five years may be granted a license to practice clinical social
7 work in this state if the person meets one of the following
8 criteria:

9 (1) Has received a masters or doctoral degree from a
10 college or university program of social work accredited by the
11 council of social work education and has been licensed to
12 practice clinical social work for the preceding five years; or

13 (2) Is currently licensed or certified as a clinical social
14 worker in another state, territory of the United States, or the
15 District of Columbia having substantially the same requirements
16 as this state for clinical social workers.

17 3. The committee shall issue a license to each person who
18 files an application and fee as required by the provisions of
19 sections 337.600 to ~~[337.639]~~ 337.689 and who furnishes evidence
20 satisfactory to the committee that the applicant has complied
21 with the provisions of subdivisions (1) to (4) of subsection 1 of
22 this section or with the provisions of subsection 2 of this
23 section. The committee shall issue a provisional clinical social
24 worker license to any applicant who meets all requirements of
25 subdivisions (1), (3) and (4) of subsection 1 of this section,
26 but who has not completed the twenty-four months of supervised
27 clinical experience required by subdivision (2) of subsection 1
28 of this section, and such applicant may reapply for licensure as

1 a clinical social worker upon completion of the twenty-four
2 months of supervised clinical experience.

3 337.618. Each license issued pursuant to the provisions of
4 sections 337.600 to [337.639] 337.689 shall expire on a renewal
5 date established by the director. The term of licensure shall be
6 twenty-four months. The committee shall require a minimum number
7 of thirty clock hours of continuing education for renewal of a
8 license issued pursuant to sections 337.600 to [337.639] 337.689.
9 The committee shall renew any license, other than a provisional
10 license, upon application for a renewal, completion of the
11 required continuing education hours and upon payment of the fee
12 established by the committee pursuant to the provisions of
13 section 337.612. As provided by rule, the board may waive or
14 extend the time requirements for completion of continuing
15 education for reasons related to health, military service,
16 foreign residency, or for other good cause. All requests for
17 waivers or extensions of time shall be made in writing and
18 submitted to the board before the renewal date.

19 337.622. 1. There is hereby established the "State
20 Committee for Social Workers", which shall guide, advise, and
21 make recommendations to the division and fulfill other
22 responsibilities designated by sections 337.600 to [337.649 and
23 sections 337.650 to] 337.689. The committee shall approve any
24 examination required by sections 337.600 to [337.649 and sections
25 337.650 to] 337.689 and shall assist the division in carrying out
26 the provisions of sections 337.600 to [337.649 and sections
27 337.650 to] 337.689.

28 2. The committee shall consist of [nine] ten members,

1 including a public member appointed by the governor with the
2 advice and consent of the senate. Each member of the committee
3 shall be a citizen of the United States and a resident of this
4 state. The committee shall consist of six licensed clinical
5 social workers, ~~two~~ one licensed master social worker, one
6 licensed baccalaureate social workers, one licensed advanced
7 macro social worker, and one voting public member. At least two
8 committee members shall be involved in the private practice of
9 clinical social work. [Any person who is a member of any
10 clinical social worker advisory committee appointed by the
11 director of the division of professional registration shall be
12 eligible for appointment to the state committee for social work
13 on August 28, 1997.] The governor shall endeavor to appoint
14 members from different geographic regions of the state and with
15 regard to the pattern of distribution of social workers in the
16 state. The term of office for committee members shall be four
17 years and no committee member shall serve more than ten years.
18 [Of the members first appointed, the governor shall appoint three
19 members, one of whom shall be the public member, whose terms
20 shall be four years; three members whose terms shall be three
21 years; two members whose terms shall be two years; and one member
22 whose term shall be one year.] The president of the National
23 Association of Social Workers Missouri Chapter in office at the
24 time shall, at least ninety days prior to the expiration of a
25 term of a member of a clinical social worker, master social
26 worker, advanced macro social worker, or baccalaureate social
27 worker committee member or as soon as feasible after a vacancy on
28 the committee otherwise occurs, submit to the director of the

1 division of professional registration a list of five [clinical]
2 social workers qualified [or five baccalaureate social workers]
3 and willing to fill the vacancy in question, with the request and
4 recommendation that the governor appoint one of the five persons
5 in each category so listed, and with the list so submitted, the
6 president of the National Association of Social Workers Missouri
7 Chapter shall include in his or her letter of transmittal a
8 description of the method by which the names were chosen by that
9 association.

10 3. A vacancy in the office of a member shall be filled by
11 appointment by the governor for the remainder of the unexpired
12 term.

13 4. Notwithstanding any other provision of law to the
14 contrary, any appointed member of the committee shall receive as
15 compensation an amount established by the director of the
16 division of professional registration not to exceed seventy
17 dollars per day for committee business plus each member of the
18 committee shall be reimbursed for necessary and actual expenses
19 incurred in the performance of the member's official duties. The
20 director of the division of professional registration shall
21 establish by rule guidelines for payment. All staff for the
22 committee shall be provided by the division.

23 5. The committee shall hold an annual meeting at which it
24 shall elect from its membership a chairperson and a secretary.
25 The committee may hold such additional meetings as may be
26 required in the performance of its duties, provided that notice
27 of every meeting must be given to each member at least three days
28 prior to the date of the meeting. A quorum of the board shall

1 consist of a majority of its members.

2 6. The governor may remove a committee member for
3 misconduct, incompetency or neglect of the member's official
4 duties after giving the committee member written notice of the
5 charges against such member and an opportunity to be heard
6 thereon.

7 7. The public member shall be at the time of such member's
8 appointment a citizen of the United States; a resident of this
9 state for a period of one year and a registered voter; a person
10 who is not and never was a member of any profession licensed or
11 regulated pursuant to sections 337.600 to [337.649 or sections
12 337.650 to] 337.689, or the spouse of such person; and a person
13 who does not have and never has had a material, financial
14 interest in either the providing of the professional services
15 regulated by sections 337.600 to [337.649 or sections 337.650 to]
16 337.689, or an activity or organization directly related to any
17 profession licensed or regulated pursuant to sections 337.600 to
18 [337.649] 337.689. The duties of the public member shall not
19 include the determination of the technical requirements to be met
20 for licensure or whether any person meets such technical
21 requirements or of the technical competence or technical judgment
22 of a licensee or a candidate for licensure.

23 337.627. 1. The committee shall promulgate rules and
24 regulations pertaining to:

25 (1) The form and content of license applications required
26 by the provisions of sections 337.600 to [337.639] 337.689 and
27 the procedures for filing an application for an initial or
28 renewal license in this state;

1 (2) Fees required by the provisions of sections 337.600 to
2 ~~[337.639]~~ 337.689;

3 (3) The characteristics of "supervised clinical experience"
4 [as that term is used in section 337.615], "supervised master
5 experience", "supervised advanced macro experience", and
6 "supervised baccalaureate experience";

7 (4) The standards and methods to be used in assessing
8 competency as a licensed clinical social worker, licensed master
9 social worker, licensed advanced macro social worker, and
10 licensed baccalaureate social worker, including the requirement
11 for continuing education hours;

12 (5) Establishment and promulgation of procedures for
13 investigating, hearing and determining grievances and violations
14 occurring pursuant to the provisions of sections 337.600 to
15 ~~[337.639]~~ 337.689;

16 (6) Development of an appeal procedure for the review of
17 decisions and rules of administrative agencies existing pursuant
18 to the constitution or laws of this state;

19 (7) Establishment of a policy and procedure for reciprocity
20 with other states, including states which do not have clinical,
21 master, advanced macro, or baccalaureate social worker licensing
22 laws or states whose licensing laws are not substantially the
23 same as those of this state; and

24 (8) Any other policies or procedures necessary to the
25 fulfillment of the requirements of sections 337.600 to ~~[337.639]~~
26 337.689.

27 2. [No rule or portion of a rule promulgated pursuant to
28 the authority of sections 337.600 to 337.639 shall become

1 effective unless it has been promulgated pursuant to the
2 provisions of section 536.024, RSMo.] Any rule or portion of a
3 rule, as that term is defined in section 536.010, RSMo, that is
4 created under the authority delegated in this section shall
5 become effective only if it complies with and is subject to all
6 of the provisions of chapter 536, RSMo, and, if applicable,
7 section 536.028, RSMo. This section and chapter 536, RSMo, are
8 nonseverable and if any of the powers vested with the general
9 assembly pursuant to chapter 536, RSMo, to review, to delay the
10 effective date, or to disapprove and annul a rule are
11 subsequently held unconstitutional, then the grant of rulemaking
12 authority and any rule proposed or adopted after August 28, 2007,
13 shall be invalid and void.

14 337.630. 1. The committee may refuse to issue or renew any
15 license required by the provisions of sections 337.600 to
16 [337.639] 337.689 for one or any combination of causes stated in
17 subsection 2 of this section. The committee shall notify the
18 applicant in writing of the reasons for the refusal and shall
19 advise the applicant of the applicant's right to file a complaint
20 with the administrative hearing commission as provided by chapter
21 621, RSMo.

22 2. The committee may cause a complaint to be filed with the
23 administrative hearing commission as provided by chapter 621,
24 RSMo, against any holder of any license required by sections
25 337.600 to [337.639] 337.689 or any person who has failed to
26 renew or has surrendered the person's license for any one or any
27 combination of the following causes:

28 (1) Use of any controlled substance, as defined in chapter

1 195, RSMo, or alcoholic beverage to an extent that such use
2 impairs a person's ability to engage in the occupation of
3 [clinical] social work licensed under this chapter; except that
4 the fact that a person has undergone treatment for past substance
5 or alcohol abuse and/or has participated in a recovery program,
6 shall not by itself be cause for refusal to issue or renew a
7 license;

8 (2) The person has been finally adjudicated and found
9 guilty, or entered a plea of guilty or nolo contendere, in a
10 criminal prosecution pursuant to the laws of any state or of the
11 United States, for any offense reasonably related to the
12 qualifications, functions or duties of a [clinical] social worker
13 licensed under this chapter; for any offense an essential element
14 of which is fraud, dishonesty or an act of violence; or for any
15 offense involving moral turpitude, whether or not sentence is
16 imposed;

17 (3) Use of fraud, deception, misrepresentation or bribery
18 in securing any license issued pursuant to the provisions of
19 sections 337.600 to [337.639] 337.689 or in obtaining permission
20 to take any examination given or required pursuant to the
21 provisions of sections 337.600 to [337.639] 337.689;

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

25 (5) Incompetency, misconduct, fraud, misrepresentation or
26 dishonesty in the performance of the functions or duties of a
27 [clinical] social worker licensed pursuant to this chapter;

28 (6) Violation of, or assisting or enabling any person to

1 violate, any provision of sections 337.600 to [337.639] 337.689,
2 or of any lawful rule or regulation adopted pursuant to sections
3 337.600 to [337.639] 337.689;

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

7 (8) Revocation or suspension of a license or other right to
8 practice [clinical] social work licensed pursuant to this chapter
9 granted by another state, territory, federal agency or country
10 upon grounds for which revocation or suspension is authorized in
11 this state;

12 (9) Final adjudication as incapacitated by a court of
13 competent jurisdiction;

14 (10) Assisting or enabling any person to practice or offer
15 to practice [clinical] social work licensed pursuant to this
16 chapter who is not licensed and currently eligible to practice
17 pursuant to the provisions of sections 337.600 to [337.639]
18 337.689;

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

21 (12) Failure to display a valid license if so required by
22 sections 337.600 to [337.639] 337.689 or any rule promulgated
23 hereunder;

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

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

28 (15) Being guilty of unethical conduct as defined in the

1 ethical standards for clinical social workers adopted by the
2 committee by rule and filed with the secretary of state.

3 3. Any person, organization, association or corporation who
4 reports or provides information to the committee pursuant to the
5 provisions of sections 337.600 to [337.639] 337.689 and who does
6 so in good faith shall not be subject to an action for civil
7 damages as a result thereof.

8 4. After the filing of such complaint, the proceedings
9 shall be conducted in accordance with the provisions of chapter
10 621, RSMo. Upon a finding by the administrative hearing
11 commission that the grounds, provided in subsection 2 of this
12 section, for disciplinary action are met, the committee may
13 censure or place the person named in the complaint on probation
14 on such terms and conditions as the committee deems appropriate
15 for a period not to exceed five years, or may suspend, for a
16 period not to exceed three years, or revoke the license.

17 337.636. Persons licensed under the provisions of sections
18 337.600 to [337.639] 337.689 may not disclose any information
19 acquired from persons consulting them in their professional
20 capacity, or be compelled to disclose such information except:

21 (1) With the written consent of the client, or in the case
22 of the client's death or disability, the client's personal
23 representative or other person authorized to sue, or the
24 beneficiary of an insurance policy on the client's life, health
25 or physical condition;

26 (2) When such information pertains to a criminal act;

27 (3) When the person is a child under the age of eighteen
28 years and the information acquired by the licensee indicated that

1 the child was the victim of a crime;

2 (4) When the person waives the privilege by bringing
3 charges against the licensee;

4 (5) When the licensee is called upon to testify in any
5 court or administrative hearings concerning matters of adoption,
6 adult abuse, child abuse, child neglect, or other matters
7 pertaining to the welfare of clients of the licensee; or

8 (6) When the licensee is collaborating or consulting with
9 professional colleagues or an administrative superior on behalf
10 of the client.

11 337.643. 1. No person shall use the title of licensed
12 master social worker and engage in the practice of master social
13 work in this state unless the person is licensed as required by
14 the provisions of this section and section 337.644.

15 2. A licensed master social worker shall be deemed
16 qualified to practice the applications of social work theory,
17 knowledge, methods and ethics and the professional use of self to
18 restore or enhance social, psychosocial, or bio-psychosocial
19 functioning of individuals, couples, families, groups,
20 organizations, and communities. Master social work practice
21 includes the applications of specialized knowledge and advanced
22 practice skills in the management, information and referral,
23 counseling, supervision, consultation, education, research,
24 advocacy, community organization, and the development,
25 implementation, and administration of policies, programs, and
26 activities. Under supervision as provided in sections 337.600 to
27 337.689, the practice of master social work may include the
28 practices reserved to clinical social workers or advanced macro

1 social workers.

2 337.644. 1. Each applicant for licensure as a master
3 social worker shall furnish evidence to the committee that:

4 (1) The applicant has a master's or doctorate degree in
5 social work from an accredited social work degree program
6 approved by the council of social work education;

7 (2) The applicant has achieved a passing score, as defined
8 by the committee, on an examination approved by the committee.
9 The eligibility requirements for such examination shall be
10 determined by the state committee for social workers;

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

16 (4) The applicant has submitted a written application on
17 forms prescribed by the state board;

18 (5) The applicant has submitted the required licensing fee,
19 as determined by the committee.

20 2. Any applicant who answers in the affirmative to any
21 question on the application that relates to possible grounds for
22 denial of licensure under section 337.630 shall submit a sworn
23 affidavit setting forth in detail the facts which explain such
24 answer and copies of appropriate documents related to such
25 answer.

26 3. Any person holding a valid unrevoked and unexpired
27 license, certificate, or registration from another state or
28 territory of the United States having substantially the same

1 requirements as this state for master social workers may be
2 granted a license to engage in the person's occupation in this
3 state upon application to the committee accompanied by the
4 appropriate fee as established by the committee under section
5 337.612.

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 337.600 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 3 of this section. The license shall
12 refer to the individual as a licensed master social worker and
13 shall recognize that individual's right to practice licensed
14 master social work as defined in section 337.600.

15 337.645. 1. Each applicant for licensure as an advanced
16 macro social worker shall furnish evidence to the committee that:

17 (1) The applicant has a master's degree from a college or
18 university program of social work accredited by the council of
19 social work education or a doctorate degree from a school of
20 social work acceptable to the committee;

21 (2) The applicant has completed three thousand hours of
22 supervised advanced macro experience with a "qualified advanced
23 macro supervisor" as defined in section 337.600 in no less than
24 twenty-four months and no more than forty-eight consecutive
25 calendar months;

26 (3) The applicant has achieved a passing score, as defined
27 by the committee, on an examination approved by the committee.
28 The eligibility requirements for such examination shall be

1 promulgated by rule of the committee;

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

7 2. Any person holding a current license, certificate of
8 registration, or permit from another state or territory of the
9 United States or the District of Columbia to practice advanced
10 macro social work who has had no disciplinary action taken
11 against the license, certificate of registration, or permit for
12 the preceding five years may be granted a license to practice
13 advanced macro social work in this state if the person meets one
14 of the following criteria:

15 (1) Has received a master's or doctoral degree from a
16 college or university program of social work accredited by the
17 council of social work education and has been licensed to
18 practice advanced macro social work for the preceding five years;
19 or

20 (2) Is currently licensed or certified as an advanced macro
21 social worker in another state, territory of the United States,
22 or the District of Columbia having substantially the same
23 requirements as this state for advanced macro social workers.

24 3. The committee shall issue a license to each person who
25 files an application and fee as required by the provisions of
26 sections 337.600 to 337.689 and who furnishes evidence
27 satisfactory to the committee that the applicant has complied
28 with the provisions of subdivisions (1) to (4) of subsection 1 of

1 this section or with the provisions of subsection 2 of this
2 section.

3 337.646. 1. No person shall use the title of licensed
4 advanced macro social worker and engage in the practice of
5 advanced macro social work in this state unless the person is
6 licensed as required by the provisions of section 337.645.

7 337.653. 1. No person shall use the title of "licensed
8 baccalaureate social worker" [or "provisional licensed
9 baccalaureate social worker"] and engage in the practice of
10 baccalaureate social work in this state unless the person is
11 licensed as required by the provisions of sections [337.650]
12 337.600 to 337.689.

13 2. A licensed baccalaureate social worker shall be deemed
14 qualified to practice the following:

15 (1) Engage in assessment and evaluation from a generalist
16 perspective, excluding the diagnosis and treatment of mental
17 illness and emotional disorders;

18 (2) Conduct basic data gathering of records and social
19 problems of individuals, groups, families and communities, assess
20 such data, and formulate and implement a plan to achieve specific
21 goals;

22 (3) Serve as an advocate for clients, families, groups or
23 communities for the purpose of achieving specific goals;

24 (4) Counsel, excluding psychotherapy; however, counseling
25 shall be defined as providing support, direction, and guidance to
26 clients by assisting them in successfully solving complex social
27 problems;

28 (5) Perform crisis intervention, screening and resolution,

1 excluding the use of psychotherapeutic techniques;

2 (6) Be a community supporter, organizer, planner or
3 administrator for a social service program;

4 (7) Conduct crisis planning ranging from disaster relief
5 planning for communities to helping individuals prepare for the
6 death or disability of family members;

7 (8) Inform and refer clients to other professional
8 services;

9 (9) Perform case management and outreach, including but not
10 limited to planning, managing, directing or coordinating social
11 services; and

12 (10) Engage in the training and education of social work
13 students from an accredited institution and supervise other
14 licensed baccalaureate social workers.

15 3. [A] If the licensed baccalaureate social worker has
16 completed three thousand hours of supervised baccalaureate
17 experience with a qualified baccalaureate supervisor in no less
18 than twenty-four months and no more than forty-eight consecutive
19 calendar months, the licensed baccalaureate social worker may
20 engage in the independent practice of baccalaureate social work
21 as defined in [subdivision (6) of] section [337.650] 337.600 and
22 subdivisions (1) to (10) of subsection 2 of this section. Upon
23 demonstrating the successful completion of supervised experience,
24 the state committee for social workers shall provide the licensee
25 with a certificate clearly stating the individual's qualification
26 to practice independently with the words "independent practice"
27 or "IP" next to his or her licensure.

28 337.665. 1. Each applicant for licensure as a

1 baccalaureate social worker shall furnish evidence to the
2 committee that:

3 (1) The applicant has a baccalaureate degree in social work
4 from an accredited social work degree program approved by the
5 council of social work education;

6 (2) The applicant has achieved a passing score, as defined
7 by the committee, on an examination approved by the committee.
8 The eligibility requirements for such examination shall be
9 determined by the state committee for social work;

10 (3) [The applicant has completed three thousand hours of
11 supervised baccalaureate experience with a licensed clinical
12 social worker or licensed baccalaureate social worker in no less
13 than twenty-four and no more than forty-eight consecutive
14 calendar months;

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

20 [(5)] (4) The applicant has submitted a written application
21 on forms prescribed by the state board;

22 [(6)] (5) The applicant has submitted the required
23 licensing fee, as determined by the [division] committee.

24 2. Any applicant who answers in the affirmative to any
25 question on the application that relates to possible grounds for
26 denial of licensure pursuant to section [337.680] 337.630 shall
27 submit a sworn affidavit setting forth in detail the facts which
28 explain such answer and copies of appropriate documents related

1 to such answer.

2 3. Any person holding a valid unrevoked and unexpired
3 license, certificate or registration from another state or
4 territory of the United States having substantially the same
5 requirements as this state for baccalaureate social workers may
6 be granted a license to engage in the person's occupation in this
7 state upon application to the committee accompanied by the
8 appropriate fee as established by the committee pursuant to
9 section ~~[337.662]~~ 337.612.

10 4. The committee shall issue a license to each person who
11 files an application and fee as required by the provisions of
12 sections ~~[337.650]~~ 337.600 to 337.689 and who furnishes evidence
13 satisfactory to the committee that the applicant has complied
14 with the provisions of subsection 1 of this section or with the
15 provisions of subsection 2 of this section. ~~【The committee shall~~
16 ~~issue a one-time provisional baccalaureate social worker license~~
17 ~~to any applicant who meets all requirements of subdivisions (1),~~
18 ~~(2), (4), (5) and (6) of subsection 1 of this section, but who~~
19 ~~has not completed the supervised baccalaureate experience~~
20 ~~required by subdivision (3) of subsection 1 of this section, and~~
21 ~~such applicant may apply for licensure as a baccalaureate social~~
22 ~~worker upon completion of the supervised baccalaureate~~
23 ~~experience.】~~

24 5. The committee shall issue a certificate to practice
25 independently under subsection 3 of section 337.653 to any
26 licensed baccalaureate social worker who has satisfactorily
27 completed three thousand hours of supervised experience with a
28 qualified baccalaureate supervisor in no less than twenty-four

1 months and no more than forty-eight consecutive calendar months.

2 337.689. Nothing in sections [337.650] 337.600 to 337.689
3 shall be construed to prohibit any person licensed pursuant to
4 the provisions of sections [337.650] 337.600 to 337.689 from
5 testifying in court hearings concerning matters of adoption,
6 adult abuse, child abuse, child neglect, or other matters
7 pertaining to the welfare of children or any dependent person, or
8 from seeking collaboration or consultation with professional
9 colleagues or administrative supervisors on behalf of the client.

10 337.700. As used in sections 337.700 to 337.739, the
11 following terms mean:

12 (1) "Committee", the state committee for family and marital
13 therapists;

14 (2) "Department", the Missouri department of economic
15 development;

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

19 (4) "Division", the division of professional registration;

20 (5) "Fund", the marital and family therapists' fund created
21 in section 337.712;

22 (6) "Licensed marital and family therapist", a person to
23 whom a license has been issued pursuant to the provisions of
24 sections 337.700 to 337.739, whose license is in force and not
25 suspended or revoked;

26 (7) "Marital and family therapy", the use of scientific and
27 applied marriage and family theories, methods and procedures for
28 the purpose of describing, diagnosing, evaluating and modifying

1 marital, family and individual behavior within the context of
2 marital and family systems, including the context of marital
3 formation and dissolution. Marriage and family therapy is based
4 on systems theories, marriage and family development, normal and
5 dysfunctional behavior, human sexuality and psychotherapeutic,
6 marital and family therapy theories and techniques and includes
7 the use of marriage and family therapy theories and techniques in
8 the diagnosis, evaluation, assessment and treatment of
9 intrapersonal or interpersonal dysfunctions within the context of
10 marriage and family systems. Marriage and family therapy may
11 also include clinical research into more effective methods for
12 the treatment and prevention of the above-named conditions;

13 (8) "Practice of marital and family therapy", the rendering
14 of professional marital and family therapy services to
15 individuals, family groups and marital pairs, singly or in
16 groups, whether such services are offered directly to the general
17 public or through organizations, either public or private, for a
18 fee, monetary or otherwise.

19 337.715. 1. Each applicant for licensure as a marital and
20 family therapist shall furnish evidence to the division that:

21 (1) The applicant has a master's degree or a doctoral
22 degree in marital and family therapy, or its equivalent, from an
23 acceptable educational institution accredited by a regional
24 accrediting body or accredited by an accrediting body which has
25 been approved by the United States Department of Education;

26 (2) The applicant has twenty-four months of postgraduate
27 supervised clinical experience acceptable to the division, as the
28 division determines by rule;

1 (3) After August 28, 2008, the applicant shall have
2 completed a minimum of three semester hours of graduate level
3 course work in diagnostic systems either within the curriculum
4 leading to a degree as defined in subdivision (1) of this
5 subsection or as post master's graduate level course work. Each
6 applicant shall demonstrate supervision of diagnosis as a core
7 component of the postgraduate supervised clinical experience as
8 defined in subdivision (2) of this subsection;

9 (4) Upon examination, the applicant is possessed of
10 requisite knowledge of the profession, including techniques and
11 applications research and its interpretation and professional
12 affairs and ethics;

13 [(4)] (5) The applicant is at least eighteen years of age,
14 is of good moral character, is a United States citizen or has
15 status as a legal resident alien, and has not been convicted of a
16 felony during the ten years immediately prior to application for
17 licensure.

18 2. A licensed marriage and family therapist who has had no
19 violations and no suspensions and no revocation of a license to
20 practice marriage and family therapy in any jurisdiction may
21 receive a license in Missouri provided said marriage and family
22 therapist passes a written examination on Missouri laws and
23 regulations governing the practice of professional counseling as
24 defined in section 337.700, and meets one of the following
25 criteria:

26 (1) Is a member in good standing and holds a certification
27 from the Academy of Marriage and Family Therapists;

28 (2) Is currently licensed or certified as a licensed

1 marriage and family therapist in another state, territory of the
2 United States, or the District of Columbia; and

3 (a) Meets the educational standards set forth in
4 subdivision (1) of subsection 1 of this section;

5 (b) Has been licensed for the preceding five years; and

6 (c) Has had no disciplinary action taken against the
7 license for the preceding five years; or

8 (3) Is currently licensed or certified as a marriage and
9 family therapist in another state, territory of the United
10 States, or the District of Columbia that extends like privileges
11 for reciprocal licensing or certification to persons licensed by
12 this state with similar qualifications.

13 3. The division shall issue a license to each person who
14 files an application and fee as required by the provisions of
15 sections 337.700 to 337.739, and who furnishes evidence
16 satisfactory to the division that the applicant has complied with
17 the provisions of subdivisions (1) to (4) of subsection 1 of this
18 section or with the provisions of
19 subsection 2 of this section.

20 337.718. 1. Each license issued pursuant to the provisions
21 of sections 337.700 to 337.739 shall expire on a renewal date
22 established by the director. The term of licensure shall be
23 twenty-four months; however, the director may establish a shorter
24 term for the first licenses issued pursuant to sections 337.700
25 to 337.739. The division shall renew any license upon
26 application for a renewal and upon payment of the fee established
27 by the division pursuant to the provisions of section 337.712.
28 Effective August 28, 2008, as a prerequisite for renewal, each

1 licensee shall furnish to the committee satisfactory evidence of
2 the completion of the requisite number of hours of continuing
3 education as defined by rule, which shall be no more than forty
4 contact hours biennially. The continuing education requirements
5 may be waived by the committee upon presentation to the committee
6 of satisfactory evidence of illness or for other good cause.

7 2. The division may issue temporary permits to practice
8 under extenuating circumstances as determined by the division and
9 defined by rule.

10 339.100. 1. The commission may, upon its own motion, and
11 shall upon receipt of a written complaint filed by any person,
12 investigate any real estate-related activity of a licensee
13 licensed under sections 339.010 to 339.180 and sections 339.710
14 to 339.860 or an individual or entity acting as or representing
15 themselves as a real estate licensee. In conducting such
16 investigation, if the questioned activity or written complaint
17 involves an affiliated licensee, the commission may forward a
18 copy of the information received to the affiliated licensee's
19 designated broker. The commission shall have the power to hold
20 an investigatory hearing to determine whether there is a
21 probability of a violation of sections 339.010 to 339.180 and
22 sections 339.710 to 339.860. The commission shall have the power
23 to issue a subpoena to compel the production of records and
24 papers bearing on the complaint. The commission shall have the
25 power to issue a subpoena and to compel any person in this state
26 to come before the commission to offer testimony or any material
27 specified in the subpoena. Subpoenas and subpoenas duces tecum
28 issued pursuant to this section shall be served in the same

1 manner as subpoenas in a criminal case. The fees and mileage of
2 witnesses shall be the same as that allowed in the circuit court
3 in civil cases.

4 2. The commission may cause a complaint to be filed with
5 the administrative hearing commission as provided by the
6 provisions of chapter 621, RSMo, against any person or entity
7 licensed under this chapter or any licensee who has failed to
8 renew or has surrendered his or her individual or entity license
9 for any one or any combination of the following acts:

10 (1) Failure to maintain and deposit in a special account,
11 separate and apart from his or her personal or other business
12 accounts, all moneys belonging to others entrusted to him or her
13 while acting as a real estate broker or as the temporary
14 custodian of the funds of others, until the transaction involved
15 is consummated or terminated, unless all parties having an
16 interest in the funds have agreed otherwise in writing;

17 (2) Making substantial misrepresentations or false promises
18 or suppression, concealment or omission of material facts in the
19 conduct of his or her business or pursuing a flagrant and
20 continued course of misrepresentation through agents,
21 salespersons, advertising or otherwise in any transaction;

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

25 (4) Representing to any lender, guaranteeing agency, or any
26 other interested party, either verbally or through the
27 preparation of false documents, an amount in excess of the true
28 and actual sale price of the real estate or terms differing from

1 those actually agreed upon;

2 (5) Failure to timely deliver a duplicate original of any
3 and all instruments to any party or parties executing the same
4 where the instruments have been prepared by the licensee or under
5 his or her supervision or are within his or her control,
6 including, but not limited to, the instruments relating to the
7 employment of the licensee or to any matter pertaining to the
8 consummation of a lease, listing agreement or the purchase, sale,
9 exchange or lease of property, or any type of real estate
10 transaction in which he or she may participate as a licensee;

11 (6) Acting for more than one party in a transaction without
12 the knowledge of all parties for whom he or she acts, or
13 accepting a commission or valuable consideration for services
14 from more than one party in a real estate transaction without the
15 knowledge of all parties to the transaction;

16 (7) Paying a commission or valuable consideration to any
17 person for acts or services performed in violation of sections
18 339.010 to 339.180 and sections 339.710 to 339.860;

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

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

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

1 (11) Representing a real estate broker other than the
2 broker with whom associated without the express written consent
3 of the broker with whom associated;

4 (12) Accepting a commission or valuable consideration for
5 the performance of any of the acts referred to in section 339.010
6 from any person except the broker with whom associated at the
7 time the commission or valuable consideration was earned;

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

17 (14) Placing a sign on or advertising any property offering
18 it for sale or rent without the written consent of the owner or
19 his or her duly authorized agent;

20 (15) Violation of, or attempting to violate, directly or
21 indirectly, or assisting or enabling any person to violate, any
22 provision of sections 339.010 to 339.180 and sections 339.710 to
23 339.860, or of any lawful rule adopted pursuant to sections
24 339.010 to 339.180 and sections 339.710 to 339.860;

25 (16) Committing any act which would otherwise be grounds
26 for the commission to refuse to issue a license under section
27 339.040;

28 (17) Failure to timely inform seller of all written offers

1 unless otherwise instructed in writing by the seller;

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

10 (19) Any other conduct which constitutes untrustworthy,
11 improper or fraudulent business dealings, demonstrates bad faith
12 or incompetence, misconduct, or gross negligence;

13 (20) Disciplinary action against the holder of a license or
14 other right to practice any profession regulated under sections
15 339.010 to 339.180 and sections 339.710 to 339.860 granted by
16 another state, territory, federal agency, or country upon grounds
17 for which revocation, suspension, or probation is authorized in
18 this state;

19 (21) Been found by a court of competent jurisdiction of
20 having used any controlled substance, as defined in chapter 195,
21 RSMo, to the extent that such use impairs a person's ability to
22 perform the work of any profession licensed or regulated by
23 sections 339.010 to 339.180 and sections 339.710 to 339.860;

24 (22) Been finally adjudged insane or incompetent by a court
25 of competent jurisdiction;

26 (23) Assisting or enabling any person to practice or offer
27 to practice any profession licensed or regulated under sections
28 339.010 to 339.180 and sections 339.710 to 339.860 who is not

1 registered and currently eligible to practice under sections
2 339.010 to 339.180 and sections 339.710 to 339.860;

3 (24) Use of any advertisement or solicitation which is
4 knowingly false, misleading or deceptive to the general public or
5 persons to whom the advertisement or solicitation is primarily
6 directed.

7 3. After the filing of such complaint, the proceedings will
8 be conducted in accordance with the provisions of law relating to
9 the administrative hearing commission. A finding of the
10 administrative hearing commissioner that the licensee has
11 performed or attempted to perform one or more of the foregoing
12 acts shall be grounds for the suspension or revocation of his
13 license by the commission, or the placing of the licensee on
14 probation on such terms and conditions as the real estate
15 commission shall deem appropriate, or the imposition of a civil
16 penalty by the commission not to exceed two thousand five hundred
17 dollars for each offense. Each day of a continued violation
18 shall constitute a separate offense.

19 4. The commission may prepare a digest of the decisions of
20 the administrative hearing commission which concern complaints
21 against licensed brokers or salespersons and cause such digests
22 to be mailed to all licensees periodically. Such digests may
23 also contain reports as to new or changed rules adopted by the
24 commission and other information of significance to licensees.

25 5. Notwithstanding other provisions of this section, a
26 broker or salesperson's license shall be revoked, or in the case
27 of an applicant, shall not be issued, if the licensee or
28 applicant has pleaded guilty to, entered a plea of nolo

1 contendere to, or been found guilty of any of the following
2 offenses or offenses of a similar nature established under the
3 laws of this, any other state, the United States, or any other
4 country, notwithstanding whether sentence is imposed:

5 (1) Any dangerous felony as defined under section 556.061,
6 RSMo, or murder in the first degree;

7 (2) Any of the following sexual offenses: rape, statutory
8 rape in the first degree, statutory rape in the second degree,
9 sexual assault, forcible sodomy, statutory sodomy in the first
10 degree, statutory sodomy in the second degree, child molestation
11 in the first degree, child molestation in the second degree,
12 deviate sexual assault, sexual misconduct involving a child,
13 sexual misconduct in the first degree, sexual abuse, enticement
14 of a child, or attempting to entice a child;

15 (3) Any of the following offenses against the family and
16 related offenses: incest, abandonment of a child in the first
17 degree, abandonment of a child in the second degree, endangering
18 the welfare of a child in the first degree, abuse of a child,
19 using a child in a sexual performance, promoting sexual
20 performance by a child, or trafficking in children; and

21 (4) Any of the following offenses involving child
22 pornography and related offenses: promoting obscenity in the
23 first degree, promoting obscenity in the second degree when the
24 penalty is enhanced to a class D felony, promoting child
25 pornography in the first degree, promoting child pornography in
26 the second degree, possession of child pornography in the first
27 degree, possession of child pornography in the second degree,
28 furnishing child pornography to a minor, furnishing pornographic

1 materials to minors, or coercing acceptance of obscene material.

2 6. A person whose license was revoked under subsection 5 of
3 this section may appeal such revocation to the administrative
4 hearing commission. Notice of such appeal must be received by
5 the administrative hearing commission within ninety days of
6 mailing, by certified mail, the notice of revocation. Failure of
7 a person whose license was revoked to notify the administrative
8 hearing commission of his or her intent to appeal waives all
9 rights to appeal the revocation. Upon notice of such person's
10 intent to appeal, a hearing shall be held before the
11 administrative hearing [commissioner] commission.

12 339.200. 1. It shall be unlawful for any person not
13 holding the required license from the commission to perform any
14 act for which a license is required by sections 339.010 to
15 339.180 and sections 339.710 to 339.860. The commission may
16 cause a complaint to be filed with the administrative hearing
17 commission, as provided in chapter 621, RSMo, against any
18 unlicensed person who:

19 (1) Engages in or offers to perform any act for which a
20 license is required by sections 339.010 to 339.180 and sections
21 339.710 to 339.860; or

22 (2) Uses or employs titles defined and protected by this
23 chapter, or implies authorization to provide or offer
24 professional services, or otherwise uses or advertises any title,
25 word, figure, sign, card, advertisement, or other symbol or
26 description tending to convey the impression that the person
27 holds any license required by sections 339.010 to 339.180 and
28 sections 339.710 to 339.860.

1 2. When reviewing complaints against unlicensed persons,
2 the commission may initiate an investigation and take all
3 measures necessary to find the facts of any potential violation,
4 including issuing subpoenas to compel the attendance and
5 testimony of witnesses and the disclosure of evidence.

6 3. If the commission files a complaint with the
7 administrative hearing commission, the proceedings shall be
8 conducted in accordance with the provisions of chapter 621, RSMo.
9 Upon a finding by the administrative hearing commission that the
10 grounds provided in subsection 1 of this section for action are
11 met, the commission may, either singularly or in combination with
12 other provisions of this chapter, impose a civil penalty against
13 the person named in the complaint in an amount not to exceed the
14 limit authorized by section 339.205.

15 4. The provisions of this section shall not preclude any
16 individual from rendering expert opinions or giving testimony in
17 civil, criminal, or administrative proceedings.

18 339.205. 1. In actions against unlicensed persons or
19 disciplinary actions against licensed persons, the commission may
20 issue an order imposing a civil penalty. Such penalty shall not
21 be imposed until the findings of facts and conclusions of law by
22 the administrative hearing commission have been delivered to the
23 commission in accordance with section 621.110, RSMo. Further, no
24 civil penalty shall be assessed until a formal meeting and vote
25 by the board has been taken to impose such a penalty.

26 2. Any civil penalty imposed by the commission shall not
27 exceed two thousand five hundred dollars for each offense. Each
28 day of a continued violation constitutes a separate offense, with

1 a maximum penalty of twenty-five thousand dollars. In
2 determining the amount of penalty to be imposed, the commission
3 may consider any of the following:

4 (1) Whether the amount imposed will be a substantial
5 deterrent to the violation;

6 (2) The circumstances leading to the violation;

7 (3) The severity of the violation and the risk of harm to
8 the public;

9 (4) The economic benefits gained by the violator as a
10 result of noncompliance; and

11 (5) The interest of the public.

12 3. Any final order imposing a civil penalty is subject to
13 judicial review upon the filing of a petition under section
14 536.100, RSMo, by any person subject to the penalty.

15 4. Payment of a civil penalty shall be made within sixty
16 days of filing the order, or if the order is stayed pending an
17 appeal, within ten days after the court enters a final judgment
18 in favor of the commission. If the penalty is not timely paid,
19 the commission shall notify the attorney general. The attorney
20 general may commence an action to recover the amount of the
21 penalty, including reasonable attorney fees and costs and a
22 surcharge of fifteen percent of the penalty plus ten percent per
23 annum on any amounts owed. In such action, the validity and
24 appropriateness of the final order imposing the civil penalty
25 shall not be subject to review.

26 5. An action to enforce an order under this section may be
27 joined with an action for an injunction.

28 6. Any offer of settlement to resolve a civil penalty under

1 this section shall be in writing, state that an action for
2 imposition of a civil penalty may be initiated by the attorney
3 general representing the commission under this section, and
4 identify any dollar amount as an offer of settlement, which shall
5 be negotiated in good faith through conference, conciliation, and
6 persuasion.

7 7. Failure to pay a civil penalty by any person licensed
8 under this chapter shall be grounds for denying, disciplining or
9 refusing to renew or reinstate a license or certificate of
10 authority.

11 8. Penalties collected under this section shall be handled
12 in accordance with section 7 of article IX of the Missouri
13 Constitution. Such penalties shall not be considered a
14 charitable contribution for tax purposes.

15 345.015. As used in sections 345.010 to 345.080, the
16 following terms mean:

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

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

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

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

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

5 b. On-the-job training;

6 (c) Be employed in a setting in which direct and indirect
7 supervision are provided on a regular and systematic basis by a
8 licensed audiologist.

9 However, the aide shall not administer or interpret hearing
10 screening or diagnostic tests, fit or dispense hearing
11 instruments, make ear impressions, make diagnostic statements,
12 determine case selection, present written reports to anyone other
13 than the supervisor without the signature of the supervisor, make
14 referrals to other professionals or agencies, use a title other
15 than speech-language pathology aide or clinical audiology aide,
16 develop or modify treatment plans, discharge clients from
17 treatment or terminate treatment, disclose clinical information,
18 either orally or in writing, to anyone other than the supervising
19 speech-language pathologist/audiologist, or perform any procedure
20 for which he or she is not qualified, has not been adequately
21 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
26 practicum requirements of an accredited training program as
27 defined in sections 345.010 to 345.080;

28 (5) "Commission", the advisory commission for

1 speech-language pathologists and audiologists;

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

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

10 (8) "Practice of audiology":

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

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

18 (c) Provides academic, social and medical referrals when
19 appropriate;

20 (d) Provides for establishing goals, implementing
21 strategies, methods and techniques, for habilitation,
22 rehabilitation or aural rehabilitation, related to disorders of
23 the auditory system, balance system or related structures and
24 systems;

25 (e) Provides for involvement in related research, teaching
26 or public education;

27 (f) Provides for rendering of services or participates in
28 the planning, directing or conducting of programs which are

1 designed to modify audition, communicative, balance or cognitive
2 disorder, which may involve speech and language or education
3 issues;

4 (g) Provides and interprets behavioral and neurophysiologic
5 measurements of auditory balance, cognitive processing and
6 related functions, including intraoperative monitoring;

7 (h) Provides involvement in any tasks, procedures, acts or
8 practices that are necessary for evaluation of audition, hearing,
9 training in the use of amplification or assistive listening
10 devices;

11 (i) Provides selection [and], assessment, fitting,
12 programming, and dispensing of hearing instruments, assistive
13 listening devices, and other amplification systems;

14 (j) Provides for taking impressions of the ear, making
15 custom ear molds, ear plugs, swim molds and industrial noise
16 protectors;

17 (k) Provides assessment of external ear and cerumen
18 management;

19 (l) Provides advising, fitting, mapping assessment of
20 implantable devices such as cochlear or auditory brain stem
21 devices;

22 (m) Provides information in noise control and hearing
23 conservation including education, equipment selection, equipment
24 calibration, site evaluation and employee evaluation;

25 (n) Provides performing basic speech-language screening
26 test;

27 (o) Provides involvement in social aspects of
28 communication, including challenging behavior and ineffective

1 social skills, lack of communication opportunities;

2 (p) Provides support and training of family members and
3 other communication partners for the individual with auditory
4 balance, cognitive and communication disorders;

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

7 (r) Evaluates, collaborates and manages audition problems
8 in the assessment of the central auditory processing disorders
9 and providing intervention for individuals with central auditory
10 processing disorders;

11 (s) Develops and manages academic and clinical problems in
12 communication sciences and disorders;

13 (t) Conducts, disseminates and applies research in
14 communication sciences and disorders;

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

16 (a) Provides screening, identification, assessment,
17 diagnosis, treatment, intervention, including but not limited to
18 prevention, restoration, amelioration and compensation, and
19 follow-up services for disorders of:

20 a. Speech: articulation, fluency, voice, including
21 respiration, phonation and resonance;

22 b. Language, involving the parameters of phonology,
23 morphology, syntax, semantics and pragmatic; and including
24 disorders of receptive and expressive communication in oral,
25 written, graphic and manual modalities;

26 c. Oral, pharyngeal, cervical esophageal and related
27 functions, such as dysphagia, including disorders of swallowing
28 and oral functions for feeding; orofacial myofunctional

1 disorders;

2 d. Cognitive aspects of communication, including
3 communication disability and other functional disabilities
4 associated with cognitive impairment;

5 e. Social aspects of communication, including challenging
6 behavior, ineffective social skills, lack of communication
7 opportunities;

8 (b) Provides consultation and counseling and makes
9 referrals when appropriate;

10 (c) Trains and supports family members and other
11 communication partners of individuals with speech, voice,
12 language, communication and swallowing disabilities;

13 (d) Develops and establishes effective augmentative and
14 alternative communication techniques and strategies, including
15 selecting, prescribing and dispensing of augmentative aids and
16 devices; and the training of individuals, their families and
17 other communication partners in their use;

18 (e) Selects, fits and establishes effective use of
19 appropriate prosthetic/adaptive devices for speaking and
20 swallowing, such as tracheoesophageal valves, electrolarynges, or
21 speaking valves;

22 (f) Uses instrumental technology to diagnose and treat
23 disorders of communication and swallowing, such as
24 videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;

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

27 (h) Collaborates in the assessment of central auditory
28 processing disorders in cases in which there is evidence of

1 speech, language or other cognitive communication disorders;
2 provides intervention for individuals with central auditory
3 processing disorders;

4 (i) Conducts pure-tone air conduction hearing screening and
5 screening tympanometry for the purpose of the initial
6 identification or referral;

7 (j) Enhances speech and language proficiency and
8 communication effectiveness, including but not limited to accent
9 reduction, collaboration with teachers of English as a second
10 language and improvement of voice, performance and singing;

11 (k) Trains and supervises support personnel;

12 (l) Develops and manages academic and clinical programs in
13 communication sciences and disorders;

14 (m) Conducts, disseminates and applies research in
15 communication sciences and disorders;

16 (n) Measures outcomes of treatment and conducts continuous
17 evaluation of the effectiveness of practices and programs to
18 improve and maintain quality of services;

19 (10) "Speech-language pathologist", a person who is
20 licensed as a speech-language pathologist pursuant to sections
21 345.010 to 345.080; who engages in the practice of
22 speech-language pathology as defined in sections 345.010 to
23 345.080;

24 (11) "Speech-language pathology aide", a person who is
25 registered as a speech-language aide by the board, who does not
26 act independently but works under the direction and supervision
27 of a licensed speech-language pathologist. Such person assists
28 the speech-language pathologist with activities which require an

1 understanding of speech-language pathology but do not require
2 formal training in the relevant academics. To be eligible for
3 registration by the board, each applicant shall submit a
4 registration fee, be of good moral and ethical character; and:

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

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

8 a. Certification of graduation from an accredited high
9 school or its equivalent; and

10 b. On-the-job training;

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

26 (12) "Speech-language pathology assistant", a person who is
27 registered as a speech-language pathology assistant by the board,
28 who does not act independently but works under the direction and

1 supervision of a licensed speech-language pathologist and whose
2 activities require both academic and practical training in the
3 field of speech-language pathology although less training than
4 those established by sections 345.010 to 345.080 as necessary for
5 licensing as a speech-language pathologist. To be eligible for
6 registration by the board, each applicant shall submit the
7 registration fee, be of good moral character and furnish evidence
8 of the person's educational qualifications which meet the
9 following:

10 (a) Hold a bachelor's level degree in the field of
11 speech-language pathology from an institution accredited or
12 approved by a regional accrediting body recognized by the United
13 States Department of Education or its equivalent; and

14 (b) Submit official transcripts from one or more accredited
15 colleges or universities presenting evidence of the completion of
16 bachelor's level course work and clinical practicum requirements
17 equivalent to that required or approved by a regional accrediting
18 body recognized by the United States Department of Education or
19 its equivalent.

20 345.030. 1. The board shall administer, coordinate, and
21 enforce the provisions of sections 345.010 to 345.080, evaluate
22 the qualifications of applicants, supervise the examination of
23 applicants, issue licenses, and shall investigate persons
24 engaging in practices which appear to violate the provisions of
25 sections 345.010 to 345.080.

26 2. The board shall conduct such hearings and keep such
27 records and minutes as shall be necessary to an orderly dispatch
28 of business.

1 3. The board shall adopt reasonable rules and regulations
2 which establish ethical standards of practice and may amend or
3 repeal the same. Rules and regulations shall be adopted that
4 ensure consumer protection related to hearing instrument
5 dispensing that meet or exceed those provided under sections
6 346.007 to 346.250, RSMo, and rules and regulations promulgated
7 pursuant thereto.

8 4. Regular meetings of the commission shall be held at such
9 times and places as it prescribes, and special meetings may be
10 held upon the call of the chairperson or by request of at least
11 two other members of the commission, but at least one regular
12 meeting shall be held each year.

13 5. No rule or portion of a rule promulgated pursuant to the
14 authority of sections 345.010 to 345.080 shall become effective
15 unless it has been promulgated pursuant to the provisions of
16 chapter 536, RSMo.

17 345.033. 1. Any person licensed under sections 345.010 to
18 345.080 who dispenses products associated with professional
19 practice to clients for remuneration shall deliver to each person
20 supplied with a product a completed purchase agreement which
21 shall include the terms of the sale clearly stated using ordinary
22 English language and terminology which is easily understood by
23 the purchaser. If a product which is not new is sold, the
24 purchase agreement and the container thereof shall be clearly
25 marked as "used", "recased", or "reconditioned", whichever is
26 applicable, with terms of guarantee, if any.

27 2. Any audiologist licensed under sections 345.010 to
28 345.080 who dispenses hearing instruments shall include in the

1 purchase agreement for a hearing instrument the following:

2 (1) The licensee's signature, business address, and license
3 number;

4 (2) The specifications of the hearing instrument dispensed
5 including make, model, and serial number;

6 (3) The exact amount of any down payment;

7 (4) The length of any trial period provided;

8 (5) The amount of any charges or service fees connected
9 with any trial period;

10 (6) A description of the right of the purchaser to return
11 the hearing instrument or written notification that no such right
12 exists;

13 (7) The name of the manufacturer of the component parts and
14 the assembler or reassembler of the hearing instrument when the
15 product sold is remanufactured or assembled by someone other than
16 the manufacturer of the component parts.

17 345.045. 1. Except as otherwise provided in this section,
18 all moneys received pursuant to sections 345.010 to 345.080 shall
19 be collected by the division of professional registration and
20 shall be transmitted to the department of revenue for deposit in
21 the state treasury to the credit of the board of registration for
22 the healing arts fund.

23 2. Effective July 1, 2008, the board shall, in every odd
24 numbered year, transfer from the "Board of Registration for the
25 Healing Arts Fund" to the "Hearing Instrument Specialist Fund" an
26 amount not to exceed sixty-one thousand dollars per transfer as
27 necessary to replace decreased renewal fees received by the board
28 of examiners for hearing instrument specialists as a result of

1 the decrease in licensees under subsection 2 of section 346.060,
2 RSMo. The initial transfer amount shall be equal to the license
3 renewal fees paid during fiscal years 2006 and 2007 by
4 individuals licensed under subsection 2 of section 346.060, RSMo.
5 The amount of subsequent transfers may decrease each odd numbered
6 year. Any decrease shall be no more than twenty-five percent of
7 the initial transfer amount. The transfer amount shall be
8 requested through the legislative budget process by the director
9 of the division of professional registration, with the advice and
10 consultation of the board and the board of examiners for hearing
11 instrument specialists.

12 3. Moneys collected and deposited under this section may be
13 used to assist in the enforcement of the statutes relating to the
14 fitting and dispensing of hearing aids by unlicensed individuals.

15 345.055. 1. The board shall charge a license or
16 registration renewal fee for each license or registration
17 renewed. Persons possessing the required training and
18 qualifications to be licensed or registered as both a
19 speech-language pathologist and audiologist shall receive both
20 licenses, which for the purposes of this section shall be
21 considered as a single license or certificate. Duplicate
22 licenses or certificates shall be issued without additional
23 charge to persons practicing in more than one location. Persons
24 who allow their licenses to lapse shall submit a reinstatement
25 fee, and if the license has lapsed for more than a three-year
26 period, the board may require reexamination.

27 2. The fees prescribed by section 345.051 and this section
28 shall be exclusive, and notwithstanding any other provision of

1 law, no municipality may require any person licensed pursuant to
2 the provisions of sections 345.010 to 345.080 to furnish any
3 bond, pass any examination, or pay any license fee or
4 occupational tax.

5 3. The board shall set the amount of the fees which
6 sections 345.010 to 345.080 authorize and require by rules and
7 regulations promulgated pursuant to section 536.021, RSMo. The
8 fees shall be set at a level to produce:

9 (1) Revenue which shall not substantially exceed the cost
10 and expense of administering sections 345.010 to 345.080; and

11 (2) Effective July 1, 2008, any transfer required from the
12 board under subsection 2 of section 345.045.

13 346.015. 1. No person shall engage in the practice of
14 fitting hearing instruments or display a sign or in any other way
15 advertise or represent such person by any other words, letters,
16 abbreviations or insignia indicating or implying that the person
17 practices the fitting of hearing instruments unless the person
18 holds a valid license issued by the division as provided in this
19 chapter. The license shall be conspicuously posted in the
20 person's office or place of business. Duplicate licenses shall
21 be issued by the department to valid license holders operating
22 more than one office, without additional payment. A license
23 under this chapter shall confer upon the holder the right to
24 select, fit and sell hearing instruments.

25 2. Each person licensed pursuant to sections 346.010 to
26 346.250 shall display the license in an appropriate and public
27 manner and shall keep the board informed of the licensee's
28 current address. A license issued pursuant to sections 346.010

1 to 346.250 is the property of the division and must be
2 surrendered on demand in the event of expiration or after a final
3 determination is made with respect to revocation, suspension or
4 probation.

5 3. Nothing in this chapter shall prohibit a corporation,
6 partnership, trust, association or other like organization
7 maintaining an established business address from engaging in the
8 business of selling or offering for sale hearing instruments at
9 retail, provided that it employ only properly licensed hearing
10 instrument specialists or properly licensed audiologists in the
11 direct sale and fitting of such instruments. Each corporation,
12 partnership, trust, association or other like organization shall
13 file annually with the board on a form provided by the board, a
14 list of all licensed hearing instrument specialists employed by
15 it. Each organization shall also file with the division a
16 statement, on a form provided by the division, that it agrees to
17 comply with the rules and regulations of the division and the
18 provisions of this chapter.

19 4. Any person who violates any provision of this section is
20 guilty of a class B misdemeanor.

21 346.030. Sections 346.010 to 346.250 [are not intended to
22 prevent] shall not apply to any audiologist licensed pursuant to
23 chapter 345, RSMo, [from engaging in the practice of measuring
24 human hearing for the purpose of selection of hearing aids,
25 provided such audiologist, or organization employing such
26 audiologist, does not sell hearing instruments, or accessories
27 thereto, except in the case of earmolds provided by an
28 audiologist to be used only for the purpose of audiologic

1 evaluation] while practicing exclusively under that license.

2 346.035. [1.] Sections 346.010 to 346.250 shall not apply
3 to a person who is a physician licensed to practice in Missouri
4 pursuant to chapter 334, RSMo.

5 [2. Sections 346.010 to 346.250 shall not apply to an
6 audiologist, provided such person or organization employing such
7 person does not engage in the sale of hearing aids.]

8 346.055. 1. An applicant may obtain a license by
9 successfully passing a qualifying examination of the type
10 described in sections 346.010 to 346.250, provided the applicant:

11 (1) Is at least twenty-one years of age;

12 (2) Is of good moral character; and

13 (3) Until December 31, 2008, has an education equivalent to
14 at least a high school diploma from an accredited high school.

15 2. Beginning January 1, 2009, an applicant for a hearing
16 instrument specialist license or a hearing instrument specialist-
17 in-training permit shall demonstrate successful completion of a
18 minimum of sixty semester hours, or its equivalent, at a state or
19 regionally accredited institution of higher education.

20 3. Beginning January 1, 2011, an applicant for a hearing
21 instrument specialist license or a hearing instrument specialist-
22 in-training permit shall hold an associate's level degree or
23 higher from a state or regionally accredited institution of
24 higher education.

25 4. Beginning January 1, 2013, or any date thereafter when
26 an associate degree program in hearing instrument sciences is
27 available from a state or regionally accredited institution
28 within Missouri, an applicant for a hearing instrument specialist

1 license or a hearing instrument specialist-in-training permit
2 shall hold:

3 (1) An associate's degree or higher in hearing instrument
4 sciences; or

5 (2) A master's or doctoral degree in audiology from a state
6 or regionally accredited institution.

7 5. The provisions of subsections 2, 3, and 4 of this
8 section shall not apply to any person holding a valid Missouri
9 hearing instrument specialist license under this chapter when
10 applying for the renewal of that license. These provisions shall
11 apply to any person holding a hearing instrument specialist-in-
12 training permit at the time of their application for licensure or
13 renewal of said permit.

14 346.060. [1.] An applicant for license by examination
15 shall appear at a time, place, and before such persons as the
16 board may designate to be examined by means of written and
17 practical tests in order to demonstrate that the applicant is
18 qualified to engage in the practice of fitting hearing
19 instruments. Nothing in this examination shall imply that the
20 applicant shall possess the degree of medical competence normally
21 expected of physicians.

22 [2. Notwithstanding the provisions of subsection 1 of this
23 section, any applicant who is an audiologist licensed pursuant to
24 chapter 345, RSMo, and who holds the certification of clinical
25 competence or is completing the clinical fellowship year offered
26 by the American Speech-Language-Hearing Association shall not be
27 required to pass either the written exam or the practical exam
28 for licensure as a hearing instrument specialist in this state.]

1 346.110. No person shall:

2 (1) Sell through the mails, hearing instruments without
3 prior fitting and testing by a hearing instrument specialist
4 licensed under this chapter or an audiologist licensed under
5 chapter 345, RSMo;

6 (2) Sell, barter, or offer to sell or barter a license;

7 (3) Purchase or procure by barter a license with intent to
8 use it as evidence of the holder's qualification to engage in the
9 practice of fitting hearing instruments;

10 (4) Alter a license with fraudulent intent;

11 (5) Use or attempt to use as a valid license a license
12 which has been purchased, fraudulently obtained, counterfeited or
13 materially altered;

14 (6) Willfully make a false statement in an application for
15 license or application for renewal of a license.

16 383.130. As used in sections 383.130[,] and 383.133 [and
17 383.500], the following terms shall mean:

18 (1) "Disciplinary action", any final action taken by the
19 board of trustees or similarly empowered officials of a hospital
20 or ambulatory surgical center, or owner or operator of a
21 temporary nursing staffing agency, to reprimand, discipline or
22 restrict the practice of a health care professional. [If the
23 health care professional is a physician or surgeon,] Only such
24 reprimands, discipline, or restrictions in response to activities
25 which are also grounds for disciplinary actions [pursuant to
26 section 334.100, RSMo,] according to the professional licensing
27 law for that health care professional shall be considered
28 disciplinary actions for the purposes of this definition[. If

1 the health care professional is a dentist, only such reprimands,
2 discipline, or restrictions in response to activities which are
3 also grounds for disciplinary actions pursuant to section
4 332.321, RSMo, shall be considered disciplinary actions for the
5 purposes of this definition];

6 (2) "Health care professional", a physician or surgeon
7 licensed under the provisions of chapter 334, RSMo, a dentist
8 licensed under the provisions of chapter 332, RSMo, or a
9 podiatrist licensed under the provisions of chapter 330, RSMo, or
10 a pharmacist licensed under the provisions of chapter 338, RSMo,
11 a psychologist licensed under the provisions of chapter 337,
12 RSMo, or a nurse licensed under the provisions of chapter 335,
13 RSMo, while acting within their scope of practice;

14 (3) "Hospital", a place devoted primarily to the
15 maintenance and operation of facilities for the diagnosis,
16 treatment or care for not less than twenty-four hours in any week
17 of three or more nonrelated individuals suffering from illness,
18 disease, injury, deformity or other abnormal physical conditions;
19 or a place devoted primarily to provide for not less than
20 twenty-four hours in any week medical or nursing care for three
21 or more nonrelated individuals. The term "hospital" does not
22 include convalescent, nursing, shelter or boarding homes as
23 defined in chapter 198, RSMo;

24 (4) "Licensing authority", the appropriate board or
25 authority which is responsible for the licensing or regulation of
26 the health care professional;

27 (5) "Temporary nursing staffing agency", any person, firm,
28 partnership, or corporation doing business within the state that

1 supplies, on a temporary basis, registered nurses, licensed
2 practical nurses to a hospital, nursing home, or other facility
3 requiring the services of those persons.

4 383.133. 1. [Beginning on January 1, 1987,] The chief
5 executive office or similarly empowered official of any hospital
6 [or], ambulatory surgical center, as such [term is] terms are
7 defined in [section 197.200] chapter 197, RSMo, or temporary
8 nursing staffing agency, shall report to the appropriate health
9 care professional licensing authority any disciplinary action
10 against any health care professional or the voluntary resignation
11 of any health care professional against whom any complaints or
12 reports have been made which might have led to disciplinary
13 action.

14 2. All reports required by this section shall be submitted
15 within fifteen days of the final disciplinary action and shall
16 contain, but need not be limited to, the following information:

17 (1) The name, address and telephone number of the person
18 making the report;

19 (2) The name, address and telephone number of the person
20 who is the subject of the report;

21 (3) A [brief] description of the facts, including as much
22 detail and information as possible, which gave rise to the
23 issuance of the report, including the dates of occurrence deemed
24 to necessitate the filing of the report;

25 (4) If court action is involved and known to the reporting
26 agent, the identity of the court, including the date of filing
27 and the docket number of the action.

28 3. Upon request, the licensing authority may furnish a

1 report of any disciplinary action received by it under the
2 provisions of this section to any [of the hospitals or ambulatory
3 surgical centers] entity required to report under this section.
4 Such licensing authority may also furnish, upon request, a report
5 of disciplinary action taken by the licensing authority to any
6 other administrative or law enforcement agency acting within the
7 scope of its statutory authority.

8 4. There shall be no liability on the part of, and no cause
9 of action of any nature shall arise against any health care
10 professional licensing authority or any [hospital or ambulatory
11 surgical center] entity required to report under this section, or
12 any of their agents or employees for any action taken in good
13 faith and without malice in carrying out the provisions of this
14 section.

15 5. Neither a report required to be filed under subsection 2
16 of this section nor the record of any proceeding shall be used
17 against a health care professional in any other administrative or
18 judicial proceeding.

19 6. Violation of any provision of this section is an
20 infraction.

21 537.035. 1. As used in this section, unless the context
22 clearly indicates otherwise, the following words and terms shall
23 have the meanings indicated:

24 (1) "Health care professional", a physician or surgeon
25 licensed under the provisions of chapter 334, RSMo, or a physical
26 therapist licensed under the provisions of chapter 334, RSMo, or
27 a dentist licensed under the provisions of chapter 332, RSMo, or
28 a podiatrist licensed under the provisions of chapter 330, RSMo,

1 or an optometrist licensed under the provisions of chapter 336,
2 RSMo, or a pharmacist licensed under the provisions of chapter
3 338, RSMo, or a chiropractor licensed under the provisions of
4 chapter 331, RSMo, or a psychologist licensed under the
5 provisions of chapter 337, RSMo, or a nurse licensed under the
6 provisions of chapter 335, RSMo, or a social worker licensed
7 under the provisions of chapter 337, RSMo, or a professional
8 counselor licensed under the provisions of chapter 337, RSMo, or
9 a mental health professional as defined in section 632.005, RSMo,
10 or an emergency medical technician, including an emergency
11 medical technician-basic, emergency medical technician-
12 intermediate, and an emergency medical technician-paramedic, and
13 emergency medical dispatcher licensed or authorized under the
14 provisions of chapter 190, RSMo, while acting within their scope
15 of practice;

16 (2) "Peer review committee", a committee of health care
17 professionals with the responsibility to evaluate, maintain, or
18 monitor the quality and utilization of health care services or to
19 exercise any combination of such responsibilities.

20 2. A peer review committee may be constituted as follows:

21 (1) Comprised of, and appointed by, a state, county or
22 local society of health care professionals;

23 (2) Comprised of, and appointed by, the partners,
24 shareholders, or employed health care professionals of a
25 partnership or professional corporation of health care
26 professionals, or employed health care professionals of a
27 university or an entity affiliated with a university operating
28 under chapter 172, 174, 352, or 355, RSMo;

1 (3) Appointed by the board of trustees, chief executive
2 officer, or the organized medical staff of a licensed hospital,
3 or other health facility operating under constitutional or
4 statutory authority, including long-term care facilities licensed
5 under chapter 198, RSMo, or an administrative entity of the
6 department of mental health recognized pursuant to the provisions
7 of subdivision (3) of subsection 1 of section 630.407, RSMo;

8 (4) Appointed by a board of trustees or chief executive
9 officer of:

10 (a) A licensed ambulance service;

11 (b) A licensed emergency medical response agency; or

12 (c) Any not-for-profit organization that provides or
13 contracts for ambulance services under authority granted to such
14 not-for-profit organization by a city, county, town, village, or
15 ambulance district and of which a majority of the governing body
16 of such not-for-profit organization consists of elected officials
17 or individuals appointed by a mayor, board of aldermen, city
18 council, county commission, county legislature, or ambulance
19 district;

20 (5) Any other organization formed pursuant to state or
21 federal law authorized to exercise the responsibilities of a peer
22 review committee and acting within the scope of such
23 authorization;

24 **[(5)]** (6) Appointed by the board of directors, chief
25 executive officer or the medical director of the licensed health
26 maintenance organization;

27 (7) Appointed by a mayor, city council, board of aldermen,
28 county commission, county legislature, or ambulance district.

1 3. Each member of a peer review committee and each person,
2 hospital governing board, ambulance service governing board,
3 emergency medical response agency governing board, health
4 maintenance organization board of directors, and chief executive
5 officer of a licensed hospital or other hospital operating under
6 constitutional or statutory authority, chief executive officer of
7 an ambulance service or emergency medical response agency, chief
8 executive officer or medical director of a licensed health
9 maintenance organization who testifies before, or provides
10 information to, acts upon the recommendation of, or otherwise
11 participates in the operation of, such a committee shall be
12 immune from civil liability for such acts so long as the acts are
13 performed in good faith, without malice and are reasonably
14 related to the scope of inquiry of the peer review committee.

15 4. Except as otherwise provided in this section, the
16 interviews, memoranda, proceedings, findings, deliberations,
17 reports, and minutes of peer review committees, or the existence
18 of the same, concerning the health care provided any patient are
19 privileged and shall not be subject to discovery, subpoena, or
20 other means of legal compulsion for their release to any person
21 or entity or be admissible into evidence in any judicial or
22 administrative action for failure to provide appropriate care.
23 Except as otherwise provided in this section, no person who was
24 in attendance at any peer review committee proceeding shall be
25 permitted or required to disclose any information acquired in
26 connection with or in the course of such proceeding, or to
27 disclose any opinion, recommendation, or evaluation of the
28 committee or board, or any member thereof; provided, however,

1 that information otherwise discoverable or admissible from
2 original sources is not to be construed as immune from discovery
3 or use in any proceeding merely because it was presented during
4 proceedings before a peer review committee nor is a member,
5 employee, or agent of such committee, or other person appearing
6 before it, to be prevented from testifying as to matters within
7 his personal knowledge and in accordance with the other
8 provisions of this section, but such witness cannot be questioned
9 about testimony or other proceedings before any health care
10 review committee or board or about opinions formed as a result of
11 such committee hearings. The disclosure of any interview,
12 memoranda, proceedings, findings, deliberations, reports, or
13 minutes to any person or entity, including but not limited to
14 governmental agencies, professional accrediting agencies, or
15 other health care providers, whether proper or improper, shall
16 not waive or have any effect upon its confidentiality,
17 nondiscoverability, or nonadmissibility.

18 5. The provisions of subsection 4 of this section limiting
19 discovery and admissibility of testimony as well as the
20 proceedings, findings, records, and minutes of peer review
21 committees do not apply in any judicial or administrative action
22 brought by a peer review committee or the legal entity which
23 formed or within which such committee operates to deny, restrict,
24 or revoke the hospital staff privileges or license to practice of
25 a physician or other health care providers; or when a member,
26 employee, or agent of the peer review committee or the legal
27 entity which formed such committee or within which such committee
28 operates is sued for actions taken by such committee which

1 operate to deny, restrict or revoke the hospital staff privileges
2 or license to practice of a physician or other health care
3 provider.

4 6. Nothing in this section shall limit authority otherwise
5 provided by law of a health care licensing board of the state of
6 Missouri to obtain information by subpoena or other authorized
7 process from peer review committees or to require disclosure of
8 otherwise confidential information relating to matters and
9 investigations within the jurisdiction of such health care
10 licensing boards.

11 621.045. 1. The administrative hearing commission shall
12 conduct hearings and make findings of fact and conclusions of law
13 in those cases when, under the law, a license issued by any of
14 the following agencies may be revoked or suspended or when the
15 licensee may be placed on probation or when an agency refuses to
16 permit an applicant to be examined upon his qualifications or
17 refuses to issue or renew a license of an applicant who has
18 passed an examination for licensure or who possesses the
19 qualifications for licensure without examination:

20 Missouri State Board of Accountancy

21 Missouri State Board [of Registration] for Architects,
22 Professional Engineers [and], Professional Land Surveyors and
23 Landscape Architects

24 Board of Barber Examiners

25 Board of Cosmetology

26 Board of Chiropody and Podiatry

27 Board of Chiropractic Examiners

28 Missouri Dental Board

1 Board of Embalmers and Funeral Directors
2 Board of Registration for the Healing Arts
3 Board of Nursing
4 Board of Optometry
5 Board of Pharmacy
6 Missouri Real Estate Commission
7 Missouri Veterinary Medical Board
8 Supervisor of Liquor Control
9 Department of Health and Senior Services
10 Department of Insurance
11 Department of Mental Health
12 Board of Private Investigator Examiners.

13 2. If in the future there are created by law any new or
14 additional administrative agencies which have the power to issue,
15 revoke, suspend, or place on probation any license, then those
16 agencies are under the provisions of this law.

17 3. The administrative hearing commission is authorized to
18 conduct hearings and make findings of fact and conclusions of law
19 in those cases brought by the Missouri state board for
20 architects, professional engineers, professional land surveyors
21 and landscape architects against unlicensed persons under section
22 327.076, RSMo.

23 4. Notwithstanding any other provision of this section to
24 the contrary, after August 28, 1995, in order to encourage
25 settlement of disputes between any agency described in subsection
26 1 or 2 of this section and its licensees, any such agency shall:

27 (1) Provide the licensee with a written description of the
28 specific conduct for which discipline is sought and a citation to

1 the law and rules allegedly violated, together with copies of any
2 documents which are the basis thereof and the agency's initial
3 settlement offer, or file a contested case against the licensee;

4 (2) If no contested case has been filed against the
5 licensee, allow the licensee at least sixty days, from the date
6 of mailing, to consider the agency's initial settlement offer and
7 to contact the agency to discuss the terms of such settlement
8 offer;

9 (3) If no contested case has been filed against the
10 licensee, advise the licensee that the licensee may, either at
11 the time the settlement agreement is signed by all parties, or
12 within fifteen days thereafter, submit the agreement to the
13 administrative hearing commission for determination that the
14 facts agreed to by the parties to the settlement constitute
15 grounds for denying or disciplining the license of the licensee;
16 and

17 (4) In any contact [pursuant to] under this subsection by
18 the agency or its counsel with a licensee who is not represented
19 by counsel, advise the licensee that the licensee has the right
20 to consult an attorney at the licensee's own expense.

21 [4.] 5. If the licensee desires review by the
22 administrative hearing commission [pursuant to] under subdivision
23 (3) of subsection [3] 4 of this section at any time prior to the
24 settlement becoming final, the licensee may rescind and withdraw
25 from the settlement and any admissions of fact or law in the
26 agreement shall be deemed withdrawn and not admissible for any
27 purposes under the law against the licensee. Any settlement
28 submitted to the administrative hearing commission shall not be

1 effective and final unless and until findings of fact and
2 conclusions of law are entered by the administrative hearing
3 commission that the facts agreed to by the parties to the
4 settlement constitute grounds for denying or disciplining the
5 license of the licensee.

6 [327.111. Any person who practices architecture
7 in Missouri as defined in section 327.091, who is not
8 exempt pursuant to the provisions of section 327.101,
9 or who is not the holder of a currently valid license
10 or certificate of authority to practice architecture in
11 Missouri, or who pretends or attempts to use as such
12 person's own the license or certificate of authority or
13 the seal of another architect or who affixes his or her
14 or another's architect's seal on any plans,
15 specifications, drawings, or reports which have not
16 been prepared by such person or under such person's
17 immediate personal supervision, is guilty of a class A
18 misdemeanor.]
19

20 [327.201. Any person who practices professional
21 engineering in Missouri as defined in section 327.181,
22 who is not exempt pursuant to the provisions of section
23 327.191 and who is not the holder of a currently valid
24 license or certificate of authority to practice
25 professional engineering in Missouri, or who pretends
26 or attempts to use as such person's own the license or
27 certificate of authority or the seal of another
28 professional engineer, or who affixes such person's or
29 another professional engineer's seal on any plans,
30 specifications, drawings or reports which have not been
31 prepared by such person or under such person's
32 immediate personal supervision is guilty of a class A
33 misdemeanor.]
34

35 [327.291. Any person who practices as a
36 professional land surveyor in Missouri as defined in
37 section 327.272, who is not a holder of a currently
38 valid license or certificate of authority to practice
39 professional land surveying in Missouri, or who
40 pretends or attempts to use as such person's own the
41 license or certificate of authority or the seal of
42 another professional land surveyor or who affixes such
43 person's or another professional land surveyor's seal
44 on any map, plat, survey or other document which has
45 not been prepared by such person or under such person's
46 immediate personal supervision is guilty of a class A

1 misdemeanor.]

2
3 [327.633. Any person violating any of the
4 provisions of sections 327.600 to 327.635 is deemed
5 guilty of a class A misdemeanor.]
6

7 [336.090. 1. Upon payment of a fee equivalent to
8 the examination and certificate fees, an applicant who
9 is an optometrist, registered or licensed under the
10 laws of another state or territory of the United
11 States, or of a foreign country or province shall,
12 without examination, be granted a certificate of
13 registration as a registered optometrist by the state
14 board of optometry upon the following conditions:

15 (1) That the applicant is at least twenty-one
16 years of age, of good moral character; and

17 (2) That the requirements for the registration or
18 licensing of optometrists in the particular state,
19 territory, country or province, were, at the date of
20 the license, substantially equal to the requirements
21 then in force in this state.

22 2. The board may by rule and regulation require
23 applicants under this section to satisfactorily
24 complete any practical examination or any examination
25 on Missouri laws required pursuant to section 336.050.]
26

27 [336.200. Any person, firm or corporation
28 employing a registered optometrist may advertise the
29 availability of optometric service, provided that the
30 names of the registered optometrists providing such
31 service are included in all printed advertisements.
32 The violation of any provision of this section shall
33 constitute an infraction, punishable upon conviction,
34 by a fine of not less than twenty-five dollars nor more
35 than two hundred dollars.]
36

37 [337.606. For a period of twenty-four months from
38 July 1, 1990, applicants for licensure shall be
39 exempted from the academic requirements of sections
40 337.600 to 337.639 if the committee is satisfied that
41 the applicant has acceptable educational
42 qualifications, or social work experience, or is
43 currently engaged in the practice of clinical social
44 work. After that time no person shall engage in
45 clinical social work practice for compensation or hold
46 himself or herself out as a licensed clinical social
47 worker unless the person is licensed in accordance with
48 the provisions of sections 337.600 to 337.639.]
49

50 [337.609. No provision of sections 337.600 to

1 337.639 shall be construed to require any agency,
2 corporation, or organization, not otherwise required by
3 law, to employ licensed clinical social workers.】
4

5 [337.624. 1. No part of this section or of
6 chapter 354 or 375, RSMo, shall be construed to mandate
7 benefits or third-party reimbursement for services of
8 social workers in the policies or contracts of any
9 insurance company, health services corporation, or
10 other third-party payer.

11 2. This section shall not be construed to effect
12 procedures for billing for social work services
13 provided by agencies, corporations, or organizations
14 which employ licensed social workers.】
15

16 [337.639. Nothing in sections 337.600 to 337.639
17 shall be construed to prohibit any person licensed
18 under the provisions of sections 337.600 to 337.639
19 from testifying in court hearings concerning matters of
20 adoption, adult abuse, child abuse, child neglect, or
21 other matters pertaining to the welfare of children or
22 any dependent person, or from seeking collaboration or
23 consultation with professional colleagues or
24 administrative supervisors on behalf of the client.】
25

26 [337.650. As used in sections 337.650 to 337.689,
27 the following terms mean:

28 (1) "Committee", the state committee for social
29 work established in section 337.622;

30 (2) "Department", the Missouri department of
31 economic development;

32 (3) "Director", the director of the division of
33 professional registration in the department of economic
34 development;

35 (4) "Division", the division of professional
36 registration;

37 (5) "Licensed baccalaureate social worker", any
38 person who offers to render services to individuals,
39 groups, organizations, institutions, corporations,
40 government agencies or the general public for a fee,
41 monetary or otherwise, implying that the person is
42 trained, experienced and licensed as a baccalaureate
43 social worker, and who holds a current valid license to
44 practice as a baccalaureate social worker;

45 (6) "Practice of baccalaureate social work",
46 rendering, offering to render or supervising those who
47 render to individuals, families, groups, organizations,
48 institutions, corporations or the general public any
49 service involving the application of methods,
50 principles, and techniques of baccalaureate social

1 work;

2 (7) "Provisional licensed baccalaureate social
3 worker", any person who is a graduate of an accredited
4 school of social work and meets all requirements of a
5 licensed baccalaureate social worker, other than the
6 supervised baccalaureate social work experience
7 prescribed by subdivision (3) of subsection 1 of
8 section 337.665, and who is supervised by a licensed
9 clinical social worker or a licensed baccalaureate
10 social worker, as defined by rule.]

11
12 [337.659. No provision of sections 337.650 to
13 337.689 shall be construed to require any agency,
14 corporation or organization, not otherwise required by
15 law, to employ licensed baccalaureate social workers.]

16
17 [337.668. The term of each license issued
18 pursuant to the provisions of sections 337.650 to
19 337.689 shall be no less than twenty-four and no more
20 than forty-eight consecutive calendar months. All
21 licensees shall annually complete fifteen hours of
22 continuing education units. The committee shall renew
23 any license, other than a provisional license, upon
24 application for a renewal, submission of documentation
25 of the completion of the required annual hours of
26 continuing education and payment of the fee established
27 by the committee pursuant to the provisions of section
28 337.662.]

29
30 [337.674. No part of this section or of chapter
31 354 or 375, RSMo, shall be construed to mandate
32 benefits or third-party reimbursement for services of
33 social workers in the policies or contracts of any
34 insurance company, health services corporation, or
35 other third-party payer.]

36
37 [337.677. 1. The committee shall promulgate
38 rules and regulations pertaining to:

39 (1) The form and content of license applications
40 required by the provisions of sections 337.650 to
41 337.689 and the procedures for filing an application
42 for an initial or renewal license in this state;

43 (2) Fees required by the provisions of sections
44 337.650 to 337.689;

45 (3) The characteristics of "supervised
46 baccalaureate experience" as that term is used in
47 section 337.665;

48 (4) The standards and methods to be used in
49 assessing competency as a licensed baccalaureate social
50 worker, including the requirement for annual continuing

1 education units;

2 (5) Establishment and promulgation of procedures
3 for investigating, hearing and determining grievances
4 and violations occurring pursuant to the provisions of
5 sections 337.650 to 337.689;

6 (6) Development of an appeal procedure for the
7 review of decisions and rules of administrative
8 agencies existing pursuant to the constitution or laws
9 of this state;

10 (7) Establishment of a policy and procedure for
11 reciprocity with other states, including states which
12 do not have baccalaureate or clinical social worker
13 licensing laws or states whose licensing laws are not
14 substantially the same as those of this state; and

15 (8) Any other policies or procedures necessary to
16 the fulfillment of the requirements of sections 337.650
17 to 337.689.

18 2. Any rule or portion of a rule, as that term is
19 defined in section 536.010, RSMo, that is created under
20 the authority delegated in sections 337.650 to 337.689
21 shall become effective only if it complies with and is
22 subject to all of the provisions of chapter 536, RSMo,
23 and, if applicable, section 536.028, RSMo. This
24 section and chapter 536, RSMo, are nonseverable and if
25 any of the powers vested with the general assembly
26 pursuant to chapter 536, RSMo, to review, to delay the
27 effective date or to disapprove and annul a rule are
28 subsequently held unconstitutional, then the grant of
29 rulemaking authority and any rule proposed or adopted
30 after August 28, 2001, shall be invalid and void.]

31
32 [337.680. 1. The committee may refuse to issue
33 or renew any license required by the provisions of
34 sections 337.650 to 337.689 for one or any combination
35 of causes stated in subsection 2 of this section. The
36 committee shall notify the applicant in writing of the
37 reasons for the refusal and shall advise the applicant
38 of the applicant's right to file a complaint with the
39 administrative hearing commission as provided by
40 chapter 621, RSMo.

41 2. The committee may cause a complaint to be
42 filed with the administrative hearing commission as
43 provided by chapter 621, RSMo, against any holder of
44 any license required by sections 337.650 to 337.689 or
45 any person who has failed to renew or has surrendered
46 the person's license for any one or any combination of
47 the following causes:

48 (1) Use of any controlled substance, as defined
49 in chapter 195, RSMo, or alcoholic beverage to an
50 extent that such use impairs a person's ability to
51 engage in the occupation of baccalaureate social work;

1 except that the fact that a person has undergone
2 treatment for past substance or alcohol abuse and/or
3 has participated in a recovery program shall not by
4 itself be cause for refusal to issue or renew a
5 license;

6 (2) The person has been finally adjudicated and
7 found guilty, or entered a plea of guilty or nolo
8 contendere, in a criminal prosecution pursuant to the
9 laws of any state or of the United States, for any
10 offense reasonably related to the qualifications,
11 functions or duties of a baccalaureate social worker;
12 for any offense an essential element of which is fraud,
13 dishonesty or an act of violence; or for any offense
14 involving moral turpitude, whether or not sentence is
15 imposed;

16 (3) Use of fraud, deception, misrepresentation or
17 bribery in securing any license issued pursuant to the
18 provisions of sections 337.650 to 337.689 or in
19 obtaining permission to take any examination given or
20 required pursuant to the provisions of sections 337.650
21 to 337.689;

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

25 (5) Incompetency, misconduct, fraud,
26 misrepresentation or dishonesty in the performance of
27 the functions or duties of a baccalaureate social
28 worker;

29 (6) Violation of, or assisting or enabling any
30 person to violate, any provision of sections 337.650 to
31 337.689, or of any lawful rule or regulation adopted
32 pursuant to sections 337.650 to 337.689;

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

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

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

43 (10) Assisting or enabling any person to practice
44 or offer to practice baccalaureate social work who is
45 not licensed and currently eligible to practice
46 pursuant to the provisions of sections 337.650 to
47 337.689;

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

50 (12) Failure to display a valid license if so
51 required by sections 337.650 to 337.689 or any rule

1 promulgated hereunder;

2 (13) Violation of any professional trust or
3 confidence;

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

8 (15) Being guilty of unethical conduct based on
9 the code of ethics of the National Association of
10 Social Workers.

11 3. Any person, organization, association or
12 corporation who reports or provides information to the
13 committee pursuant to the provisions of sections
14 337.650 to 337.689 and who does so in good faith shall
15 not be subject to an action for civil damages as a
16 result thereof.

17 4. After the filing of such complaint, the
18 proceedings shall be conducted in accordance with the
19 provisions of chapter 621, RSMo. Upon a finding by the
20 administrative hearing commission that the grounds,
21 provided in subsection 2 of this section, for
22 disciplinary action are met, the committee may censure
23 or place the person named in the complaint on probation
24 on such terms and conditions as the committee deems
25 appropriate for a period not to exceed five years, or
26 may suspend, for a period not to exceed three years, or
27 revoke the license.]

28
29 [337.686. Persons licensed pursuant to the
30 provisions of sections 337.650 to 337.689 may not
31 disclose any information acquired from persons
32 consulting them in their professional capacity, or be
33 compelled to disclose such information except:

34 (1) With the written consent of the client, or in
35 the case of the client's death or disability, the
36 client's personal representative or other person
37 authorized to sue, or the beneficiary of an insurance
38 policy on the client's life, health or physical
39 condition;

40 (2) When such information pertains to a criminal
41 act;

42 (3) When the person is a child under the age of
43 eighteen years and the information acquired by the
44 licensee indicated that the child was the victim of a
45 crime;

46 (4) When the person waives the privilege by
47 bringing charges against the licensee;

48 (5) When the licensee is called upon to testify
49 in any court or administrative hearings concerning
50 matters of adoption, adult abuse, child abuse, child
51 neglect, or other matters pertaining to the welfare of

1 clients of the licensee; or
2 (6) When the licensee is collaborating or
3 consulting with professional colleagues or an
4 administrative superior on behalf of the client.]

5 Section B. The repeal and reenactment of sections 317.001,
6 317.006, 317.011, 317.013, 317.015, and 317.018, and the
7 enactment of section 317.019 of section A of this act shall
8 become effective on July 1, 2008.

9 ✓

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12
13
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15 _____
16 Jason Crowell
