

FIRST REGULAR SESSION

HOUSE BILL NO. 922

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NICHOLS.

2177L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 324, RSMo, by adding thereto sixteen new sections relating to the licensing of clinical laboratory science personnel, with penalty provisions.

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

Section A. Chapter 324, RSMo, is amended by adding thereto sixteen new sections, to
2 be known as sections 324.1300, 324.1303, 324.1306, 324.1309, 324.1312, 324.1315, 324.1318,
3 324.1321, 324.1324, 324.1326, 324.1328, 324.1332, 324.1334, 324.1336, 324.1338, and
4 324.1340, to read as follows:

324.1300. Sections 324.1300 to 324.1340 shall be known and may be cited as the
2 **"Clinical Laboratory Science Practice Act".**

324.1303. As used in sections 324.1300 to 324.1340, the following terms, unless
2 **otherwise indicated within the context, shall mean:**

3 **(1) "Approved national certification examination", a competency based**
4 **certification examination that is administered by a national nonprofit credentialing agency**
5 **and is approved by the board;**

6 **(2) "Board", the Missouri clinical laboratory science board appointed by the**
7 **governor;**

8 **(3) "Categorical laboratory scientist", an individual eligible under sections**
9 **324.1300 to 324.1340 to perform the functions of a medical laboratory scientist limited**
10 **under the individual's license to one or more categories of laboratory testing, such as**
11 **microbiology, virology, clinical chemistry, immunology, hematology, immunoematology,**
12 **molecular diagnostics, cytogenetics, stem cell processing, electron microscopy,**
13 **histocompatibility, cellular immunology, flow cytometry, or other areas specified by the**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 board, under the supervision, control responsibility, and direction of the laboratory
15 director;

16 (4) "CLIA", refers to the final regulations promulgated by the United States
17 Department of Health and Human Services implementing the Clinical Laboratory
18 Improvement Amendments of 1988, P.L. 100-578 and 42 CFR 493;

19 (5) "Clinical laboratory" or "laboratory", any site or location in which clinical
20 laboratory tests or examinations are performed;

21 (6) "Clinical laboratory test", a microbiological, serological, molecular, chemical,
22 biological, hematological, immunological, immunohematological, cytogenetics, stem cell
23 processing, electron microscopy, histocompatibility, cellular immunology, flow cytometry,
24 or any other test or procedure performed on material derived from or present within a
25 human body which provides information for diagnosing, preventing, or monitoring
26 treatment of a clinical condition. Clinical laboratory testing encompasses the pre-
27 analytical, analytical, and post-analytical phases of testing;

28 (7) "Department", the department of insurance, financial institutions and
29 professional registration;

30 (8) "Director", the director of the division of professional registration;

31 (9) "Independent technical judgment", the performance or conduct of clinical
32 laboratory tests and assumption of responsibility for determination of the validity of
33 clinical laboratory test results without intervention by, or the supervision of, another
34 health care provider authorized by law to assume responsibility for the conduct and
35 validity of clinical laboratory tests. The authorized exercise of independent technical
36 judgment, as it pertains to clinical laboratory personnel, shall not be deemed to include or
37 permit the exercise of independent medical judgment in diagnosing or treating patients,
38 except as authorized in accordance with CLIA;

39 (10) "Laboratory director", an individual eligible under CLIA to direct a clinical
40 laboratory;

41 (11) "Medical laboratory scientist", an individual eligible under sections 324.1300
42 to 324.1340, to perform any clinical laboratory test, including those that require the
43 exercise of independent technical judgment, subject to the supervision, control,
44 responsibility, and direction of the laboratory director. In addition, this individual is
45 responsible for, with oversight by the laboratory director, the establishment and
46 implementation of protocols, quality assessment, method development and selection,
47 equipment selection and maintenance, and all activities related to the preanalytic, analytic,
48 and post-analytic phases of testing. The medical laboratory scientist may also direct,
49 supervise, consult, educate, and perform research functions;

50 (12) "Medical laboratory technician", an individual eligible under sections
51 324.1300 to 324.1340, who is qualified to perform clinical laboratory tests in accordance
52 with established and approved protocols with oversight from a medical laboratory
53 scientist, and under the supervision, control, responsibility, and direction of the laboratory
54 director;

55 (13) "Phlebotomist", an individual responsible for obtaining a blood specimen by
56 venipuncture or capillary puncture according to established and approved protocols and
57 also qualified to perform waived or point-of-care testing under the direction of a medical
58 laboratory scientist, clinical laboratory technician, laboratory supervisor, or laboratory
59 director;

60 (14) "Point-of-care testing", clinical laboratory testing that is critical to patient care
61 and must be performed immediately at the patient's location. Tests which meet this
62 definition provide clinically relevant information which determines the patient's therapy,
63 are limited to procedures that produce accurate data within a short period of time, meet
64 the current standards of quality in clinical laboratory science, and comply with all
65 standards of accrediting agencies. Point-of-care testing shall be under the direction,
66 authority, jurisdiction, and responsibility of a person licensed under sections 324.1300 to
67 324.1340;

68 (15) "Temporary license", a license issued to an applicant eligible to sit for, and
69 registered to take, an approved national certification examination, or who has taken the
70 examination and is awaiting the results, or an applicant who meets the educational
71 requirements for the license and is seeking to qualify for the certification examination by
72 completing the supervised clinical laboratory experience requirements;

73 (16) "Trainee", an individual who is working towards, but has not fulfilled the
74 educational or training requirements under sections 324.1300 to 324.1340, or necessary to
75 qualify to take an approved nationally recognized certification examination, if such
76 examination is required;

77 (17) "Waived", "provider performed microscopy", "moderate complexity", and
78 "high complexity", the categories of clinical laboratory test complexity as defined by
79 CLIA.

324.1306. Sections 324.1300 to 324.1340 do not apply to:

2 (1) Licensed health care professionals whose scope of practice includes blood
3 collection or the performance of waived or provider performed microscopy testing as
4 defined by CLIA;

5 (2) Individuals holding a doctorate in chemical, physical, or biological sciences or
6 medicine and board certified as defined by CLIA;

7 **(3) Clinical laboratory practitioners employed by the United States government or**
8 **any bureau, division, or agency thereof, while in the discharge of the employee's official**
9 **duties;**

10 **(4) Clinical laboratory science professionals engaged in teaching or research,**
11 **provided that the results of any examination performed are not used in health**
12 **maintenance, diagnosis, or treatment of disease;**

13 **(5) Students or trainees enrolled in an accredited clinical laboratory science**
14 **education program, provided that their activities constitute a part of a planned course in**
15 **the program, that the individuals are designated by title as trainee or student, and that the**
16 **individuals work under the direct supervision of a duly licensed clinical laboratory**
17 **practitioner who is responsible for reporting test results;**

18 **(6) Individuals performing only waived testing in an institution meeting current**
19 **CLIA regulations;**

20 **(7) A licensed physician or laboratory director; and**

21 **(8) Pathologist assistants, histotechnologists, histotechnicians, and cytotechnologists**
22 **that are qualified or otherwise allowed to perform these functions in accordance with**
23 **CLIA, provided that nothing in sections 324.1300 to 324.1340 shall be construed as a**
24 **limitation on the scope of work permitted under CLIA for qualified cytotechnologists.**

324.1309. 1. Any person who holds a license under sections 324.1300 to 324.1340
2 **may use the titles medical laboratory scientist, categorical laboratory scientist, medical**
3 **laboratory technician, or phlebotomist. No other person may use such titles or shall**
4 **assume any title or use any abbreviation or any other words, letters, signs, or devices to**
5 **indicate that the person using the same is a medical laboratory scientist, categorical**
6 **laboratory scientist, medical laboratory technician, or a phlebotomist.**

7 **2. No person shall practice or offer to practice within the scope of practice of**
8 **licensees under sections 324.1300 to 324.1340 for compensation or use any title, sign,**
9 **abbreviation, card, or device to indicate that such person is practicing unless he or she has**
10 **been duly licensed under the provisions of sections 324.1300 to 324.1340.**

324.1312. 1. There is hereby created within the division of professional
2 **registration, the "Clinical Laboratory Science Board" which shall guide, advise, and make**
3 **recommendations to the division and fulfill other responsibilities designated by sections**
4 **324.1300 to 324.1340. The board shall approve the examinations required by, and shall**
5 **assist the division in carrying out the provisions of, sections 324.1300 to 324.1340.**

6 **2. The board shall consist of nine members, including one public member,**
7 **appointed by the governor with the advice and consent of the senate. Each member of the**
8 **board shall be a citizen of the United States, a resident of this state for at least one year,**

9 and a registered voter. Except for the public member, board membership shall consist of
10 two physicians who are laboratory directors, one nonphysician laboratory director, three
11 medical laboratory scientists, and two medical laboratory technicians. Members shall
12 serve on the board until a successor is appointed by the governor. The membership of the
13 board shall reflect the differences in work experience and levels of education with
14 consideration being given to race, gender, and ethnic origins.

15 3. Beginning with the appointments made after August 28, 2013, three members
16 shall be appointed for four years, three members shall be appointed for three years, and
17 three members shall be appointed for two years. Thereafter, all members shall be
18 appointed to serve four-year terms.

19 4. A vacancy in the office of a member shall be filled by appointment by the
20 governor for the remainder of the unexpired term.

21 5. The board shall hold an annual meeting at which it shall elect from its
22 membership a chairperson and vice chairperson. The board may hold such additional
23 meetings as may be required in the performance of its duties. A quorum of the board shall
24 consist of a majority of its members.

25 6. The governor may remove a board member for misconduct, incompetence, or
26 neglect of official duties after giving the board member written notice of the charges and
27 allowing the board member an opportunity to be heard. Members can also be terminated
28 for the following reasons: change of legal residence by moving out of the state; missing
29 three consecutive meetings; or having their professional license revoked or suspended.

30 7. The public member shall at the time of appointment, not have been a member
31 of any profession licensed or regulated under sections 324.1300 to 324.1340 or an
32 immediate family member of such a person; and may not have had a material financial
33 interest in either the providing of any service governed by sections 324.1300 to 324.1340
34 or in an activity or organization directly related to any profession licensed or regulated by
35 sections 324.1300 to 324.1340. The duties of the public member shall not include any
36 determination of the technical requirements to be met for licensure, whether a candidate
37 for licensure meets such technical requirements, or of the technical competence or technical
38 judgment of a licensee or a candidate for licensure.

39 8. Notwithstanding any other provision of law to the contrary, any appointed
40 member of the board shall receive as compensation an amount established by the director
41 of the division of professional registration not to exceed seventy dollars per day for
42 commission business plus actual and necessary expenses.

43 **9. The board shall keep records of its official acts, and certified copies of any such**
44 **records attested by a designee of the board shall be received as evidence in all courts to the**
45 **same extent as the board's original records would be received.**

46 **10. All funds received by the board under the provisions of sections 324.1300 to**
47 **324.1340 shall be collected by the director who shall transmit the funds to the department**
48 **of revenue for deposit in the state treasury to the credit of the "Clinical Laboratory Science**
49 **Fund" which is hereby created. The state treasurer shall be custodian of the fund and may**
50 **approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
51 **appropriation, money in the fund shall be used solely for the administration of sections**
52 **324.1300 to 324.1340. Notwithstanding the provisions of section 33.080 to the contrary,**
53 **money in this fund shall not be transferred and placed to the credit of general revenue until**
54 **the amount in the fund at the end of the biennium exceeds three times the amount of the**
55 **appropriation from the fund for the preceding fiscal year. The state treasurer shall invest**
56 **moneys in the fund in the same manner as other funds are invested. Any interest and**
57 **moneys earned on such investments shall be credited to the fund.**

324.1315. 1. The board is authorized to promulgate rules and regulations
2 **regarding:**

3 **(1) The content of license applications and the procedures for filing an application**
4 **for an initial or renewal license in this state;**

5 **(2) The content, conduct, and administration of the licensing examinations required**
6 **by sections 324.1300 to 324.1340;**

7 **(3) Educational or experience requirements for licensure only to the extent that**
8 **sections 324.1300 to 324.1340 expressly provides for board adoption of such requirements;**

9 **(4) The standards and methods to be used in assessing competency as a medical**
10 **laboratory scientist, categorical laboratory scientist, medical laboratory technician, or a**
11 **phlebotomist only to the extent that sections 324.1300 to 324.1340 expressly provides for**
12 **board adoption of such standards and methods;**

13 **(5) All applicable fees, set at a level to produce revenue which shall not exceed the**
14 **cost and expense of administering the provisions of sections 324.1300 to 324.1340;**

15 **(6) Establishment of procedures for granting reciprocity with other states.**

16 **2. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
17 **created under the authority delegated in this section shall become effective only if it**
18 **complies with and is subject to all of the provisions of chapter 536, and, if applicable,**
19 **section 536.028. This section and chapter 536, are nonseverable and if any of the powers**
20 **vested with the general assembly under chapter 536 to review, to delay the effective date,**
21 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**

22 of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be
23 invalid and void.

324.1318. The division shall:

2 (1) Employ, within the funds appropriated, any such employees, as defined in
3 section 620.010 that are necessary to carry out the provisions of sections 324.1300 to
4 324.1340; and

5 (2) Exercise all budgeting, purchasing, reporting, and other related management
6 functions.

324.1321. 1. Any applicant for a license under sections 324.1300 to 324.1340 shall
2 authorize the board to conduct a criminal background check.

3 2. The cost of such background check shall be paid by the applicant.

324.1324. 1. Applications for licensure as a medical laboratory scientist, categorical
2 laboratory scientist, medical laboratory technician, and phlebotomist shall be in writing,
3 submitted on forms prescribed by the board and furnished to the applicant. Each
4 application shall contain a statement that it is made under oath or affirmation and that the
5 information contained therein is true and correct to the best knowledge and belief of the
6 applicant, subject to the penalties provided for the making of a false affidavit or
7 declaration. Each application shall be accompanied by the fees required by the board.

8 2. An applicant for licensure under subsection 1 of this section shall be at least
9 eighteen years of age.

10 3. Each applicant shall furnish evidence to the board of the applicant's education,
11 experience, and such other information as the board may require.

12 4. Licenses shall be awarded to applicants as follows:

13 (1) The board shall issue a medical laboratory scientist's license to an individual
14 who possesses a baccalaureate degree from a regionally accredited college or university,
15 has acceptable clinical laboratory experience or training, and passes a nationally
16 recognized certification examination authorized by the board;

17 (2) The board shall issue a categorical laboratory scientist's license to an individual
18 who possesses a baccalaureate degree from a regionally accredited college or university,
19 has acceptable clinical laboratory experience or training, and passes a nationally
20 recognized certification examination in a recognized discipline of laboratory science
21 authorized by the board, if such a certification examination exists for that discipline. The
22 laboratory discipline will be specified on the license;

23 (3) The board shall issue a medical laboratory technician's license to an individual
24 who possesses an associate degree from a regionally accredited college or university, has
25 acceptable laboratory experience or training or equivalent training and experience in the

26 **United States Armed Forces, and passes a nationally recognized certification examination**
27 **authorized by the board;**

28 **(4) The board shall issue a phlebotomist's license to an individual who possesses a**
29 **high school diploma or equivalent, has acceptable experience or training, and passes a**
30 **nationally recognized certification examination authorized by the board.**

31 **5. The board shall issue a temporary license to practice without examination to an**
32 **applicant who has duly become licensed in any profession to practice within the scope of**
33 **practice of licensees under sections 324.1300 to 324.1340 pursuant to the laws of another**
34 **state, territory, or foreign country, if the applicant meets the qualifications required of**
35 **such licensee in this state at the time the applicant was originally licensed in the other state,**
36 **territory, or foreign country. Temporary licenses may be issued to an applicant who is**
37 **eligible to sit for and registered to take the next scheduled certification examination, who**
38 **has taken the examination and is awaiting the results, or who is seeking to qualify for the**
39 **certification examination by completing the supervised clinical laboratory experience**
40 **required if the applicant meets the education requirements for licensure.**

324.1326. 1. All persons collecting blood specimens, processing laboratory
2 **specimens, performing, or reporting laboratory tests or consulting regarding clinical**
3 **laboratory tests, or currently practicing as clinical laboratory practitioners on December**
4 **26, 2012, who are certified by or eligible for certification by an agency acceptable to the**
5 **board, and who have applied to the board on or before December 26, 2012, and have**
6 **complied with all necessary requirements for such application may continue to perform**
7 **the duties until the expiration of twelve months after the filing of such application, the**
8 **denial of the application by the board, or the withdrawal of the application, whichever**
9 **occurs first.**

10 **2. Persons not meeting the education, training, and experience qualifications for**
11 **any license described in sections 324.1300 to 324.1332 prior to August 28, 2015, shall be**
12 **considered to have met the qualifications provided they have three years of acceptable**
13 **experience at the professional level for which licensure is sought during the five-year**
14 **period immediately prior to August 28, 2013, and submit to the board the job description**
15 **of the position which the applicant has most recently performed, attested to by his or her**
16 **employer. The board shall determine the type of license for which the applicant is eligible.**

17 **3. Effective August 28, 2015, no initial license shall be issued until an applicant**
18 **meets all of the requirements under sections 324.1300 to 324.1340 and successfully passes**
19 **a board approved certification examination. This section does not apply to temporary**
20 **licenses.**

324.1328. 1. The division shall mail a renewal notice to the last known address of each licensee prior to the renewal date. Failure to receive this notice does not relieve the licensee of the obligation to renew the license to practice.

2. A new license to replace any license lost, destroyed, or mutilated may be issued subject to the rules of the board upon payment of a fee.

324.1332. 1. A licensee may ask to be put on inactive status, provided such person does not practice during such period that the practitioner is on inactive status. If the person desires to maintain such license on an inactive status and in order to avoid lapsing of such license, the person shall pay the required fee as established by the board for maintaining an inactive license. An inactive license shall be renewed biennially. An inactive license may be reactivated by the board as provided by rule.

2. Any person who practices as a medical laboratory scientist, categorical laboratory scientist, medical laboratory technician, or a phlebotomist during the time his or her license is inactive or lapsed shall be considered an illegal practitioner and shall be subject to the penalties for violation of sections 324.1300 to 324.1340.

324.1334. 1. The board may refuse to issue any license or renew any license required by the provisions of sections 324.1300 to 324.1340 for one or any combination of reasons stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission as provided in chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided in chapter 621 against the holder of any license required by sections 324.1300 to 324.1340 or any person who has failed to renew or has surrendered the person's license for anyone or any combination of the following causes:

(1) Use of fraud, deception, misrepresentation, or bribery in securing a license issued under the provisions of sections 324.1300 to 324.1340;

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

(3) Disciplinary action against the holder of a license or other right to practice any profession within the scope of practice of licensees under sections 324.1300 to 324.1340 by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

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

(5) The person has committed any criminal offense, whether or not a criminal charge has been filed:

(a) For any offense committed during the course of the practice of the profession;

22 **(b) For any offense reasonably related to the qualifications, functions, or duties of**
23 **the profession;**

24 **(c) For any offense an essential element of which is fraud, dishonesty, or act of**
25 **violence; or**

26 **(d) For any offense involving moral turpitude;**

27 **(6) Incompetence, misconduct, fraud, misrepresentation, or dishonesty in the**
28 **performance of the functions or duties of the profession that is regulated by sections**
29 **324.1300 to 324.1340;**

30 **(7) Violation of, or assisting or enabling any person to violate, any provision of**
31 **sections 324.1300 to 324.1340, or any lawful rule or regulation adopted under such**
32 **sections;**

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

35 **(9) Use of any advertisement or solicitation that is false, misleading, or deceptive**
36 **to the general public or persons to whom the advertisement or solicitation is primarily**
37 **directed;**

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

40 **(11) Unlawful use or unlawful possession of any controlled substance, as defined**
41 **in chapter 195, or use of alcoholic beverages to an extent that such use impairs a person's**
42 **ability to perform the work of any profession that is licensed or regulated by sections**
43 **324.1300 to 324.1340;**

44 **(12) Violation of any professional trust or confidence;**

45 **(13) Failing, within sixty days, to provide information in response to a written**
46 **request made by the board;**

47 **(14) Directly or indirectly, giving to or receiving from, any person, firm,**
48 **corporation, partnership, or association any fee, commission, rebate, or other form of**
49 **compensation for any professional services not actually rendered;**

50 **(15) Willfully making or filing false records or reports in his or her practice,**
51 **including but not limited to, false records filed with state agencies or departments;**

52 **(16) Engaging in dishonorable, unethical, or unprofessional conduct of a character**
53 **likely to deceive, defraud, or harm the public;**

54 **(17) Directly or indirectly contracting to perform clinical laboratory tests in a**
55 **manner which offers or implies an offer of rebate or fee-splitting inducements or**
56 **arrangements.**

57 **3. Any person, organization, association, or corporation who reports or provides**
58 **information to the board in compliance with the provisions of sections 324.1300 to 324.1340**
59 **and who does so in good faith shall not be subject to an action for civil damages as a result**
60 **thereof.**

61 **4. After the filing of a complaint under subsection 2 of this section, the proceedings**
62 **shall be conducted in accordance with the provisions of chapter 621. Upon a finding by**
63 **the administrative hearing commission that the grounds, provided in subsection 2 of this**
64 **section, for disciplinary action are met, the board may, singly or in combination, censure**
65 **or place the person named in the complaint on probation on such terms and conditions as**
66 **the board deems appropriate for a period not to exceed five years, or may suspend, for a**
67 **period not to exceed three years, or revoke the license of the person. An individual whose**
68 **license has been revoked shall wait three years from the date of revocation to apply for**
69 **relicensure. Relicensure shall be at the discretion of the board after compliance with all**
70 **requirements of sections 324.1300 to 324.1340 relative to the licensing of an applicant for**
71 **the first time.**

72 **5. The board shall maintain an information file containing each complaint filed**
73 **with the board relating to a holder of a license.**

74 **6. The board shall recommend for prosecution violations of sections 324.1300 to**
75 **324.1340 to an appropriate prosecuting or circuit attorney.**

324.1336. 1. Upon proper application by the board, a court of competent
2 **jurisdiction may grant an injunction, restraining order, or other order as may be**
3 **appropriate to enjoin a person from:**

4 **(1) Offering to engage or engaging in the performance of any acts or practices for**
5 **which a certificate of registration or authority, permit or license is required by sections**
6 **324.1300 to 324.1340 upon a showing that such acts or practices were performed or offered**
7 **to be performed without a certificate of registration or authority, permit, or license; or**

8 **(2) Engaging in any practice or business authorized by a certificate of registration**
9 **or authority, permit, or license issued under sections 324.1300 to 324.1340 upon a showing**
10 **that the holder presents a probability of serious danger to the health, safety, or welfare of**
11 **any resident of the state or client or patient.**

12 **2. Any such actions shall be commenced either in the county in which such conduct**
13 **occurred or in the county in which defendant resides.**

14 **3. Any action brought under this section shall be in addition and not in lieu of any**
15 **penalty provided by law and may be brought concurrently with other actions to enforce**
16 **sections 324.1300 to 324.1340.**

2 **324.1338. Any person who violates any provision of sections 324.1300 to 324.1340**
3 **shall be guilty of a class A misdemeanor.**

4 **324.1340. 1. The chairperson of the board may administer oaths, issue subpoenas**
5 **duces tecum, and require production of documents and records. Subpoenas duces tecum**
6 **shall be served by a person authorized to serve subpoenas of courts of record. In lieu of**
7 **requiring attendance of a person to produce original documents in response to a subpoena**
8 **duces tecum, the board may require sworn copies of such documents to be filed with it or**
9 **delivered to its designated representative.**

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

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