

FIRST REGULAR SESSION

HOUSE BILL NO. 1319

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MESSENGER.

1748H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 334, RSMo, by adding thereto fifteen new sections relating to the orthotics, prosthetics, and pedorthics practice act, with penalty provisions.

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

Section A. Chapter 334, RSMo, is amended by adding thereto fifteen new sections, to
2 be known as sections 334.1600, 334.1603, 334.1606, 334.1609, 334.1612, 334.1615, 334.1618,
3 334.1621, 334.1624, 334.1627, 334.1630, 334.1633, 334.1636, 334.1639, and 334.1642, to read
4 as follows:

334.1600. Sections 334.1600 to 334.1642 shall be known and may be cited as the
2 **“Orthotics, Prosthetics, and Pedorthics Practice Act”.**

334.1603. As used in sections 334.1600 to 334.1642, the following terms shall mean:

2 (1) **“Board”, the board of healing arts;**

3 (2) **“Custom fabricated and fitted device”, an orthosis, prosthesis, or pedorthic**
4 **device that is fabricated to original measurements, a mold, or both for use by a patient in**
5 **accordance with a prescription from a health care practitioner or provider authorized by**
6 **law to write such a prescription and that requires substantial clinical and technical**
7 **judgment in its design and fitting;**

8 (3) **“Custom fitted device”, a prefabricated prosthesis or pedorthic device sized,**
9 **modified, or both for use by a patient in accordance with a prescription from a health care**
10 **practitioner or provider authorized by law to write such a prescription and that requires**
11 **substantial clinical judgment and substantive alteration for appropriate use;**

12 (4) **“Facility”, the business location where orthotic, prosthetic, or pedorthic care**
13 **is provided. The facility shall have the appropriate clinical and laboratory space and**

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 equipment to provide comprehensive orthotic, prosthetic, or pedorthic care. Licensed
15 orthotists, prosthetists, and pedorthists shall be available to either provide care or
16 supervise the provision of care by orthotic fitters or nonlicensed staff;

17 (5) “Licensed orthotic fitter”, a person who is licensed under sections 334.1600 to
18 334.1642 to fit the following noncustom orthotic devices:

19 (a) Cervical orthosis, except those requiring more than minor modification or those
20 used to treat an unstable cervical condition;

21 (b) Pressure gradient hose; and

22 (c) Trusses;

23 (6) “Licensed orthotist”, a person licensed under sections 334.1600 to 334.1642 to
24 practice orthotics and who represents himself or herself to the public by title and
25 description of services that includes the term orthotic, orthotist, brace, or a similar title or
26 description of services;

27 (7) “Licensed pedorthist”, a person who is licensed under sections 334.1600 to
28 334.1642 to practice pedorthics and who represents himself or herself to the public by title
29 and description of services that includes the term pedorthic, pedorthist, or a similar title
30 or description of services;

31 (8) “Licensed prosthetist”, a person licensed under sections 334.1600 to 334.1642
32 to practice prosthetics and who represents himself or herself to the public by title and
33 description of services that includes the term prosthetic, prosthetist, artificial limb, or a
34 similar title or description of services;

35 (9) “Licensed prosthetist orthotist”, a person who is licensed in both disciplines of
36 prosthetics and orthotics and who represents himself or herself to the public by title and
37 description of services that includes the term prosthetic, prosthetist, artificial limb,
38 orthotic, orthotist, brace, or a similar title or description of services;

39 (10) “Off-the-shelf device”, a prefabricated, mass-produced device that is
40 prepackaged and requires no professional advice or judgment in either size selection or use
41 and, for the purposes of sections 334.1600 to 334.1642, includes fabric or elastic supports,
42 corsets, generic arch supports, and elastic hoses;

43 (11) “Orthosis”, a custom designed, fabricated, fitted, modified, or fitted and
44 modified device to correct, support, or compensate for a neuromusculoskeletal disorder or
45 acquired condition. For the purpose of sections 334.1600 to 334.1642, orthosis does not
46 include fabric or elastic supports, corsets, arch supports, low temperature plastic splints,
47 trusses, elastic hoses, canes, crutches, soft cervical collars, dental appliances, or other
48 similar devices that are carried in stock and sold as over-the-counter items by a drug store,
49 department store, corset shop, or surgical supply facility;

50 (12) “Orthotics”, the science and practice of evaluating, measuring, designing,
51 fabricating, assembling, fitting, adjusting, or servicing an orthosis under an order from a
52 licensed health care practitioner or provider authorized by law to issue such an order for
53 the correction or alleviation of neuromuscular or musculoskeletal dysfunction, disease,
54 injury, or deformity;

55 (13) “Orthotist”, a person who is specially trained and educated to provide or
56 manage the provision of a custom-designed, fabricated, modified, and fitted external
57 orthosis to an orthotic patient, based on a clinical assessment and prescription from a
58 physician or podiatrist authorized by law to write such prescriptions to restore
59 physiological function, cosmesis, or both, and represents himself or herself to the public
60 by such title as providing orthotic services;

61 (14) “Pedorthic device”, therapeutic footwear, foot orthoses, or orthotics for use at
62 the ankle or below, below the ankle partial foot prosthesis, and modified footwear made
63 for therapeutic purposes as prescribed by a licensed health care practitioner or provider
64 authorized by law to issue such a prescription. Pedorthic device does not include
65 nontherapeutic accommodative inlays or nontherapeutic accommodative footwear,
66 regardless of method of manufacture; shoe modifications made for nontherapeutic
67 purposes; unmodified over-the-counter shoes; or prefabricated foot care products;

68 (15) “Pedorthics”, the science and practice of evaluating, measuring, designing,
69 fabricating, assembling, fitting, adjusting, or servicing a pedorthic device under an order
70 from a licensed health care practitioner or provider authorized by law to issue such an
71 order for the correction or alleviation of neuromuscular or musculoskeletal dysfunction,
72 disease, injury, or deformity. The profession of pedorthics is the provision of patient care
73 and services by or under the direction and supervision of a licensed pedorthist to provide
74 the application of a pedorthic device for the prevention or amelioration of painful or
75 disabling conditions of the foot and ankle;

76 (16) “Prosthesis”, a custom-designed, fabricated, fitted, modified, or fitted and
77 modified device to replace an absent external limb for purposes of restoring physiological
78 function, cosmesis, or both. For the purpose of sections 334.1600 to 334.1642, prosthesis
79 does not include artificial eyes, ears, dental appliances, cosmetic devices such as eyelashes
80 or wigs, or other devices that do not have a significant impact on the musculoskeletal
81 functions of the body;

82 (17) “Prosthetics”, the science and practice of evaluating, measuring, designing,
83 fabricating, assembling, fitting, adjusting, or servicing a prosthesis under an order from
84 a licensed health care practitioner or provider authorized by law to issue such an order;

85 **(18) “Prosthetist”, a person who is specially trained and educated to provide or**
86 **manage the provision of a custom-designed, fabricated, modified, and fitted external limb**
87 **prosthesis to a prosthetic patient, ordered by a licensed practitioner or provider authorized**
88 **by law to issue such an order to restore physiological function, cosmesis, or both, and**
89 **represents himself or herself to the public by such title as providing prosthetic service;**

90 **(19) “Prosthetist orthotist”, a person who practices both disciplines of prosthetics**
91 **and orthotics who is specifically trained and educated to provide or manage the provision**
92 **of a custom-designed, fabricated, modified, and fitted prosthetic or orthotic device to a**
93 **patient, ordered by a licensed practitioner or provider authorized by law to issue such an**
94 **order to restore physiological function, cosmesis, or both, and represents himself or herself**
95 **to the public by such title as providing prosthetic and orthotic service;**

96 **(20) “Resident”, a person who has completed an education program in either**
97 **orthotics or prosthetics and is continuing his or her clinical education in a facility**
98 **accredited by the National Commission on Orthotic and Prosthetic Education or its**
99 **successor organization;**

100 **(21) “Supervision”, the direct or indirect oversight of nonlicensed persons by**
101 **licensed professionals during the provision of orthotic, prosthetic, or pedorthic care. There**
102 **shall be an employer-employee or coworker relationship between the supervisor and the**
103 **nonlicensed individual; and**

104 **(22) “Technician”, a person who assists an orthotist, prosthetist, or prosthetist**
105 **orthotist with fabrication of orthoses or prostheses but does not provide direct patient care.**

334.1606. Sections 334.1600 to 334.1642 shall not be construed to prohibit:

2 **(1) A licensed physician from engaging in the practice for which he or she is**
3 **licensed;**

4 **(2) A person licensed in this state under any other law from engaging in the practice**
5 **for which he or she is licensed;**

6 **(3) The practice of orthotics, prosthetics, or pedorthics by a person who is employed**
7 **by the federal government, or any bureau, division, or agency of the federal government**
8 **while in the discharge of the employee’s official duties;**

9 **(4) The practice of orthotics, prosthetics, or pedorthics by:**

10 **(a) A student enrolled in a school of orthotics, prosthetics, or pedorthics; or**

11 **(b) A resident continuing his or her clinical education in a residency;**

12 **(5) The practice of orthotics, prosthetics, or pedorthics by a person who is an**
13 **orthotist, prosthetist, pedorthist, or orthotic fitter licensed under the laws of another state,**
14 **territory of the United States, or another country and has applied in writing to the board**

15 in a form satisfactory to the board for a license as an orthotist, prosthetist, pedorthist, or
16 orthotic fitter and who is qualified to receive the license until:

17 (a) The expiration of six months after the filing of the written application;

18 (b) The withdrawal of the application; or

19 (c) The denial of the application by the board;

20 (6) A person licensed by this state as a physical therapist or occupational therapist
21 from engaging in his or her profession in the design, modification, fabrication, and
22 application of upper extremity adaptive equipment, finger splints, and hand splints. The
23 provision by a licensed physical therapist or occupational therapist of any lower extremity,
24 low temperature splint, or ankle foot orthotic if such bracing is for the evaluation or
25 treatment of an adult patient for less than three months or a pediatric patient for less than
26 one year and if the braces do not become the patient's property;

27 (7) A licensed podiatrist from engaging in his or her profession;

28 (8) A licensed athletic trainer from engaging in his or her profession;

29 (9) A registered pharmacist from engaging in the practice for which he or she is
30 registered; and

31 (10) A licensed pharmacist from engaging in the practice for which he or she is
32 licensed.

334.1609. An application for an original license shall be made to the board on a
2 form prescribed thereby and shall be accompanied by the required fee, which shall not be
3 refundable. An application shall require information that, in the judgment of the board,
4 will enable it to determine the qualifications of the applicant for a license.

334.1612. 1. To qualify for a license to practice orthotics, prosthetics, pedorthics,
2 or orthotic fitter, a person shall:

3 (1) Complete an education program accredited by the Commission on Accreditation
4 of Allied Health Education Programs (CAAHEP) or its successor organization;

5 (2) Complete a residency approved by the National Commission on Orthotic and
6 Prosthetic Education (NCOPE) or its successor organization;

7 (3) Hold a certification for the discipline for which the license is being sought from
8 the American Board of Certification in Orthotics, Prosthetics, and Pedorthics, Inc. (ABC)
9 or by the Board of Certification/Accreditation, International (BOC);

10 (4) Be qualified to practice in accordance with internationally accepted standards
11 of orthotic and prosthetic care as established by the International Society of Prosthetics
12 and Orthotics and the World Health Organization; and

13 (5) Have met such other requirements as may be prescribed by the board. The
14 standards and requirements for licensure established by the board shall be substantially

15 equal to or in excess of standards commonly accepted in the profession of orthotics,
16 prosthetics, or pedorthics. The board shall adopt rules as necessary to set the standards
17 and requirements. A person may be licensed in more than one discipline.

18 **2. To qualify for a license to practice pedorthics, a person shall successfully**
19 **complete a pedorthic education program accredited by the National Commission on**
20 **Orthotic and Prosthetic Education or its successor organization and:**

21 **(1) Have a minimum of one thousand hours of supervised, documented pedorthic**
22 **patient care; or**

23 **(2) Hold current certification as a pedorthist from an approved certifying agency.**

24 **3. To qualify for a license to practice as an orthotic fitter, a person shall successfully**
25 **complete an education program approved by a national certifying board with a National**
26 **Commission of Certifying Agencies (NCCA)-accredited certification program and:**

27 **(1) Complete a minimum of one thousand hours of documented custom fitted and**
28 **off-the-shelf orthotic patient care; or**

29 **(2) Hold current certification as an orthotic fitter from an approved certifying**
30 **agency.**

31 **4. To qualify for a license to operate an orthotic, prosthetic, or pedorthic facility,**
32 **a person shall:**

33 **(1) Follow established requirements for the accreditation and renewal of an**
34 **accreditation from a CMS-deemed accrediting organization in orthotics, prosthetics, or**
35 **pedorthics for each facility owned and employ an orthotist, prosthetist, or pedorthist**
36 **licensed by the board in the discipline for which a facility license is sought;**

37 **(2) Submit applications for licensure of all of the person's facilities if a person owns**
38 **more than one facility. Each orthotic, prosthetic, and pedorthic facility shall meet**
39 **requirements established by the board; and**

40 **(3) Employ an orthotist, prosthetist, or pedorthist licensed by the board in the**
41 **discipline for which a facility license is sought.**

334.1615. The board shall have the power and responsibility to:

2 **(1) Determine the qualifications and fitness of applicants for licensure and renewal**
3 **of licensure;**

4 **(2) Adopt and revise rules consistent with the laws of this state that are necessary**
5 **to conduct its business, carry out its duties, and administer sections 334.1600 to 334.1642;**

6 **(3) Examine, approve, issue, deny, revoke, suspend, sanction, and renew the**
7 **licenses of applicants for licensure as licensed orthotists, prosthetists, pedorthists, and**
8 **orthotic fitters and provisionally licensed orthotists, prosthetists, pedorthists, and orthotic**

9 fitters under sections 334.1600 to 334.1642 and conduct hearings in connection with these
10 actions;

11 (4) Conduct hearings on complaints concerning violations of sections 334.1600 to
12 334.1642 and the rules adopted under sections 334.1600 to 334.1642 and cause the
13 prosecution and enjoinder of the violations;

14 (5) Establish application and licensure fees;

15 (6) Request and receive the assistance of state educational institutions or other state
16 agencies and prepare information of consumer interest describing the regulatory functions
17 of the board and the procedures by which consumer complaints are filed with and resolved
18 by the board. The board shall make the information available to the public and
19 appropriate state agencies;

20 (7) Establish the reporting of continuing education requirements as identified by
21 the certifying agency of the American Board for Certification of Orthotics, Prosthetics, and
22 Pedorthics, Inc. (ABC) or its successor, or the Board of Certification/Accreditation,
23 International (BOC), or its successor;

24 (8) Establish rules for the supervision of nonlicensed individuals providing orthotic,
25 prosthetic, or pedorthic devices; and

26 (9) Establish a classification system for custom fabricated and fitted, custom fitted,
27 off-the-shelf, and over-the-counter orthotic, prosthetic, and pedorthic devices.

334.1618. 1. No person shall work as a technician unless the work is performed
2 under the supervision of a person licensed under sections 334.1600 to 334.1642.

3 2. No person shall work as an orthotic fitter unless the provision of low-complexity
4 custom fitted or off-the-shelf orthoses is performed under the supervision of a person
5 licensed under sections 334.1600 to 334.1642 or a person licensed under chapter 334 or 338.

334.1621. 1. Beginning August 28, 2016, a person certified as an orthotist,
2 prosthetist, prosthetist orthotist, pedorthist, or orthotic fitter by the American Board for
3 Certification in Orthotics, Prosthetics, and Pedorthics, Incorporated, (ABC) or its
4 successor, the Board of Certification/Accreditation, International, Inc. (BOC), or its
5 successor, may apply for and may be granted licensure under sections 334.1600 to 334.1642
6 upon payment of the required fee.

7 2. Beginning August 28, 2016, no person shall practice orthotics, prosthetics, or
8 pedorthics in this state and hold himself or herself out as being able to practice such
9 professions unless he or she is licensed in accordance with sections 334.1600 to 334.1642
10 or is exempt from such licensing. A person who violates this subsection shall, upon
11 conviction thereof, be guilty of a class C misdemeanor and shall pay any fines established
12 by the board.

13 **3. Beginning November 30, 2015, a person who has practiced full time for a**
14 **minimum of the past three years in a prosthetic, orthotic, or pedorthic facility as an**
15 **orthotist, prosthetist, pedorthist, or orthotic fitter may file with the board an application**
16 **and the license fee determined by the board in order to continue to practice orthotics,**
17 **prosthetics, or pedorthics without education requirements.**

18 **4. The board shall investigate the work history, qualifications, and fitness of the**
19 **applicant. The investigation may include, but not be limited to, completion by the**
20 **applicant of a questionnaire regarding the applicant's work history and scope of practice.**

21 **5. The board shall complete its investigation for purposes of this section within six**
22 **months of receipt of a fully-completed application.**

23 **6. If, after receipt of the application fee, a fully completed application, and the**
24 **completion of the investigation, the board determines that the applicant has satisfied the**
25 **work history requirements of this section and met all other qualifications for licensure,**
26 **except the education requirements, the board shall issue a license to practice orthotics,**
27 **prosthetics, or pedorthics or as an orthotic fitter.**

28 **7. A license issued to a person under subsection 6 shall not be renewed without**
29 **valid certification from the American Board for Certification in Orthotics, Prosthetics, and**
30 **Pedorthics, Incorporated (ABC) or its successor, or the Board of**
31 **Certification/Accreditation, International, Inc. (BOC) or its successor.**

334.1624. 1. A licensed orthotist, prosthetist, pedorthist, or orthotic fitter may
2 **provide care or services only if the care or services are provided pursuant to an order from**
3 **a licensed physician or licensed podiatrist.**

4 **2. A licensed orthotist, prosthetist, pedorthist, or orthotic fitter shall disclose to a**
5 **patient all costs and the amount of any co-pay due prior to providing any services and shall**
6 **charge no more than a level four office visit and associated co-pays as set out in insurance**
7 **policy fee schedules when providing services. Medical records prepared by a licensed**
8 **orthotist, prosthetist, pedorthist, or orthotic fitter may be sufficient for private insurance**
9 **purposes.**

334.1627. 1. The expiration date and renewal period for each license issued under
2 **sections 334.1600 to 334.1642 shall be set by the board. A license shall be valid for a period**
3 **of up to two years and shall be renewed biennially as provided by rule of the board.**

4 **2. A person who has permitted his or her license to expire or who has had his or her**
5 **license on inactive status may have his or her license restored by:**

6 **(1) Making application to the board;**

7 (2) Filing proof acceptable to the board of his or her fitness to have his or her
8 license restored including, but not limited to, sworn evidence certifying to active practice
9 in another jurisdiction satisfactory to the board; and

10 (3) Paying the required restoration fee.

11
12 If the person has not maintained an active practice in another jurisdiction satisfactory to
13 the board, the board shall determine, by an evaluation program established by rule, such
14 person's fitness to resume active status and may require the person to complete a period
15 of evaluated clinical experience and successful completion of an examination.

16 3. A person whose license expired while he or she was:

17 (1) In federal service on active duty within the armed forces of the United States
18 or with the state militia and called into service or training; or

19 (2) In training or education under the supervision of the United States preliminary
20 to induction into military service

21
22 may have his or her license renewed or restored without paying a lapsed renewal fee if,
23 within two years after termination from the service, training, or education except under
24 conditions other than honorable, he or she furnished the board with satisfactory evidence
25 that he or she has been so engaged and that his or her service, training, or education has
26 been terminated.

334.1630. A person who notifies the board on forms prescribed thereby may elect
2 to place his or her license on an inactive status and shall, subject to rules of the board, be
3 excused from payment of renewal fees until he or she notifies the board of his or her desire
4 to resume active status. A person requesting restoration from inactive status shall be
5 required to pay the current renewal fee and shall be required to restore his or her license
6 as provided in section 334.1627. An orthotist, prosthetist, pedorthist, or orthotic fitter
7 whose license is on inactive status shall not practice orthotics or prosthetics in this state.

334.1633. The board may, at its discretion, license as an orthotist, prosthetist,
2 pedorthist, or orthotic fitter upon payment of the required fee if an applicant is:

3 (1) Licensed under the laws of another state, territory, or country, if the
4 requirements for licensure in that state, territory, or country in which the applicant is
5 licensed were, at the date of his or her licensure, equal to or more stringent than the
6 requirements in force in this state on that date;

7 (2) Living in a state with licensure but is not licensed; or

8 **(3) Is certified for two years as an orthotist, prosthetist, pedorthist, or orthotic fitter**
9 **by a national certifying agency with the associated certification program accredited by the**
10 **National Commission for Certifying Agencies.**

334.1636. 1. The board may:

- 2 **(1) Refuse to grant or renew a license to an applicant;**
3 **(2) Administer a public or private reprimand, but a private reprimand shall not be**
4 **disclosed to any person except the licensee;**
5 **(3) Suspend any license for a definite period or for an indefinite period in**
6 **connection with any condition that may be attached to the restoration of such license;**
7 **(4) Limit or restrict any license as the board deems necessary for the protection of**
8 **the public;**
9 **(5) Revoke any license;**
10 **(6) Levy a fine; and**
11 **(7) Condition any penalty or withhold formal disposition of any matter pending the**
12 **applicant's or licensee's submission to such care, counseling, or treatment as the board may**
13 **direct.**

14 **2. The board may take any action specified in subsection 1 of this section upon a**
15 **finding by the board that the licensee or applicant has:**

- 16 **(1) Failed to demonstrate the qualifications or standards for licensure contained**
17 **in sections 334.1600 to 334.1642, or under the laws, rules, or regulations under which**
18 **licensure is sought or held; it shall be incumbent upon the applicant to demonstrate to the**
19 **satisfaction of the board that he or she meets all the requirements for issuance of a license,**
20 **and, if the board is not satisfied as to the applicant's qualifications, it may deny a license**
21 **without a prior hearing; provided, however, that the applicant shall be allowed to appear**
22 **before the board if he or she so desires;**
23 **(2) Knowingly made misleading, deceptive, untrue, or fraudulent representations**
24 **in the practice of a business or profession licensed under sections 334.1600 to 334.1642, or**
25 **on any document connected therewith, practiced fraud or deceit or intentionally made any**
26 **false statement in obtaining certification to practice a licensed business or profession, or**
27 **made a false statement or deceptive registration with the board;**
28 **(3) Been convicted of any felony or of any crime involving moral turpitude in the**
29 **courts of this state or any other state, territory, or country, or in the courts of the United**
30 **States. As used in this section, the term felony shall include any offense which, if committed**
31 **in this state, would be deemed a felony, without regard to its designation elsewhere; and,**
32 **as used in this section, the term conviction shall include a finding or verdict of guilty or a**
33 **plea of guilty, regardless of whether an appeal of the conviction has been sought;**

34 **(4) Been arrested, charged, and sentenced for the commission of any felony or any**
35 **crime involving moral turpitude if:**

36 **(a) A plea of nolo contendere was entered to the charge;**

37 **(b) First offender treatment without adjudication of guilt pursuant to the charge**
38 **was granted; or**

39 **(c) An adjudication or sentence was otherwise withheld or not entered on the**
40 **charge, or other first-offender treatment shall be conclusive evidence of arrest and**
41 **sentencing for such crime;**

42 **(5) Had his or her license under sections 334.1600 to 334.1642 revoked, suspended,**
43 **or annulled by any lawful authority other than the board; or had other disciplinary action**
44 **taken against him or her by any such lawful authority other than the board; or was refused**
45 **the renewal of a license by any such lawful authority other than the board, pursuant to**
46 **disciplinary proceedings;**

47 **(6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious**
48 **conduct or practice harmful to the public, which conduct or practice materially affects the**
49 **fitness of the licensee or applicant to practice a business or profession licensed under**
50 **sections 334.1600 to 334.1642, or of a nature likely to jeopardize the interest of the public,**
51 **which conduct or practice need not have resulted in actual injury to any person or be**
52 **directly related to the practice of the licensed business or profession, but shows that the**
53 **licensee or applicant has committed any act or omission that is indicative of bad moral**
54 **character or untrustworthiness. Unprofessional conduct shall include any departure from,**
55 **or the failure to conform to, the minimal standards of acceptable and prevailing practice**
56 **of the business or profession licensed under sections 334.1600 to 334.1642;**

57 **(7) Knowingly performed any act that in any way aids, assists, procures, advises,**
58 **or encourages any unlicensed person or any licensee whose license has been suspended or**
59 **revoked by the board to engage in any practice outside the scope of any disciplinary**
60 **limitation placed upon the licensee by the board;**

61 **(8) Violated, without regard to whether the violation is criminally punishable, a**
62 **statute, law, or any rule or regulation of this state, any other state, the professional**
63 **licensing board regulating the business or profession licensed under sections 334.1600 to**
64 **334.1642, the United States, or any other lawful authority, which statute, law, rule, or**
65 **regulation relates to or in part regulates the practice of a business or profession licensed**
66 **under sections 334.1600 to 334.1642, if the licensee or applicant knows or should know that**
67 **such action violates such statute, law, rule, or regulation; or violated a lawful order of the**
68 **board previously entered by the board in a disciplinary hearing, consent decree, or license**
69 **reinstatement;**

70 **(9) Been adjudged mentally incompetent by a court of competent jurisdiction inside**
71 **or outside this state. Any such adjudication shall automatically suspend the license of any**
72 **such person and shall prevent the reissuance of renewal of any license so suspended for as**
73 **long as the adjudication of incompetence is in effect; or**

74 **(10) Displayed any inability to practice a business or profession licensed under**
75 **sections 334.1600 to 334.1642 with reasonable skill and safety to the public or has become**
76 **unable to practice the licensed business or profession with reasonable skill and safety to**
77 **the public by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other**
78 **type of material.**

79 **3. The board has the authority and power to investigate any and all unlicensed**
80 **activity.**

334.1639. The board of healing arts may promulgate rules and regulations for the
2 **administration of sections 334.1612 and 334.1621. Any rule or portion of a rule, as that**
3 **term is defined in section 536.010, that is created under the authority delegated in this**
4 **section shall become effective only if it complies with and is subject to all of the provisions**
5 **of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**
6 **nonseverable, and if any of the powers vested with the general assembly pursuant to**
7 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
8 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
9 **proposed or adopted after August 28, 2015, shall be invalid and void.**

334.1642. The enforcement of sections 334.1612 and 334.1621 shall begin on August
2 **28, 2016.**

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