

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1563

AN ACT

To repeal sections 195.060, 195.080, 334.104, 334.747, 337.300, 337.305, 337.310, 337.315, 337.325, 337.345, 338.315, 338.333, and 660.315, RSMo, and to enact in lieu thereof fifteen new sections relating to healthcare services, with a penalty provision and an emergency clause for a certain section.

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

1           Section A. Sections 195.060, 195.080, 334.104, 334.747,  
2 337.300, 337.305, 337.310, 337.315, 337.325, 337.345, 338.315,  
3 338.333, and 660.315, RSMo, are repealed and fifteen new sections  
4 enacted in lieu thereof, to be known as sections 173.1400,  
5 195.060, 195.080, 334.104, 334.747, 337.300, 337.305, 337.310,  
6 337.315, 337.325, 337.347, 337.647, 338.315, 338.333, and  
7 660.315, to read as follows:

8           173.1400. 1. The state of Missouri hereby authorizes  
9 accredited Missouri colleges or universities to issue on behalf  
10 of the state a document of school social work program  
11 verification and acknowledgment of completion to any individual  
12 who has obtained a degree in social work from an accredited

1 college or university and:

2 (1) Holds a credential in school social work issued by a  
3 nationally-recognized credentialing organization in social work;  
4 or

5 (2) Demonstrates competency in school social work by  
6 successful passage of a school social worker exam approved by the  
7 state committee for social workers established in section 337.622  
8 and administered by the accredited college or university.

9 2. The department of higher education shall develop a form,  
10 available to Missouri colleges and universities upon request,  
11 containing the following information:

12 (1) The words "State of Missouri";

13 (2) The seal of the state of Missouri;

14 (3) A place for inclusion of the name of the issuing  
15 accredited Missouri college or university awarding the document;

16 (4) A statement of the criteria outlined in subsection 1 of  
17 this section;

18 (5) A place for inclusion of the name of the individual who  
19 has applied for the school social work program verification and  
20 acknowledgment of completion;

21 (6) A place for inclusion of the date of issuance;

22 (7) A place for the signatures of the college or university  
23 official and an official from the state department of higher  
24 education;

25 (8) A footnote stating "No person shall hold himself or  
26 herself out to be a social worker unless such person has met the  
27 requirements of section 337.604, RSMo."

28 3. Accredited Missouri colleges or universities may issue a

1 document on the state's behalf to any person making application  
2 as a credentialed school social worker provided he or she meets  
3 the qualifications contained in this section.

4 195.060. 1. Except as provided in subsection [3] 4 of this  
5 section, a pharmacist, in good faith, may sell and dispense  
6 controlled substances to any person only upon a prescription of a  
7 practitioner as authorized by statute, provided that the  
8 controlled substances listed in Schedule V may be sold without  
9 prescription in accordance with regulations of the department of  
10 health and senior services. All written prescriptions shall be  
11 signed by the person prescribing the same. All prescriptions  
12 shall be dated on the day when issued and bearing the full name  
13 and address of the patient for whom, or of the owner of the  
14 animal for which, the drug is prescribed, and the full name,  
15 address, and the registry number under the federal controlled  
16 substances laws of the person prescribing, if he is required by  
17 those laws to be so registered. If the prescription is for an  
18 animal, it shall state the species of the animal for which the  
19 drug is prescribed. The person filling the prescription shall  
20 either write the date of filling and his own signature on the  
21 prescription or retain the date of filling and the identity of  
22 the dispenser as electronic prescription information. The  
23 prescription or electronic prescription information shall be  
24 retained on file by the proprietor of the pharmacy in which it is  
25 filled for a period of two years, so as to be readily accessible  
26 for inspection by any public officer or employee engaged in the  
27 enforcement of this law. No prescription for a drug in Schedule  
28 I or II shall be filled more than six months after the date

1 prescribed; no prescription for a drug in schedule I or II shall  
2 be refilled; no prescription for a drug in Schedule III or IV  
3 shall be filled or refilled more than six months after the date  
4 of the original prescription or be refilled more than five times  
5 unless renewed by the practitioner.

6 2. A pharmacist, in good faith, may sell and dispense  
7 controlled substances to any person upon a prescription of a  
8 practitioner located in another state, provided that the:

9 (1) Prescription was issued according to and in compliance  
10 with the applicable laws of that state and the United States; and

11 (2) Quantity limitations in subsection 2 of section 195.080  
12 apply to prescriptions dispensed to patients located in this  
13 state.

14 3. The legal owner of any stock of controlled substances in  
15 a pharmacy, upon discontinuance of dealing in such drugs, may  
16 sell the stock to a manufacturer, wholesaler, or pharmacist, but  
17 only on an official written order.

18 [3.] 4. A pharmacist, in good faith, may sell and dispense  
19 any Schedule II drug or drugs to any person in emergency  
20 situations as defined by rule of the department of health and  
21 senior services upon an oral prescription by an authorized  
22 practitioner.

23 [4.] 5. Except where a bona fide  
24 physician-patient-pharmacist relationship exists, prescriptions  
25 for narcotics or hallucinogenic drugs shall not be delivered to  
26 or for an ultimate user or agent by mail or other common carrier.

27 195.080. 1. Except as otherwise in sections 195.005 to  
28 195.425 specifically provided, sections 195.005 to 195.425 shall

1 not apply to the following cases: prescribing, administering,  
2 dispensing or selling at retail of liniments, ointments, and  
3 other preparations that are susceptible of external use only and  
4 that contain controlled substances in such combinations of drugs  
5 as to prevent the drugs from being readily extracted from such  
6 liniments, ointments, or preparations, except that sections  
7 195.005 to 195.425 shall apply to all liniments, ointments, and  
8 other preparations that contain coca leaves in any quantity or  
9 combination.

10 2. The quantity of Schedule II controlled substances  
11 prescribed or dispensed at any one time shall be limited to a  
12 thirty-day supply. The quantity of Schedule III, IV or V  
13 controlled substances prescribed or dispensed at any one time  
14 shall be limited to a ninety-day supply and shall be prescribed  
15 and dispensed in compliance with the general provisions of  
16 sections 195.005 to 195.425. The supply limitations provided in  
17 this subsection may be increased up to three months if the  
18 physician describes on the prescription form or indicates via  
19 telephone, fax, or electronic communication to the pharmacy to be  
20 entered on or attached to the prescription form the medical  
21 reason for requiring the larger supply. The supply limitations  
22 provided in this subsection shall not apply if:

23 (1) The prescription is issued by a practitioner located in  
24 another state according to and in compliance with the applicable  
25 laws of that state and the United States and dispensed to a  
26 patient located in another state; or

27 (2) The prescription is dispensed directly to a member of  
28 the United States armed forces serving outside the United States.

1           3. The partial filling of a prescription for a Schedule II  
2 substance is permissible as defined by regulation by the  
3 department of health and senior services.

4           334.104. 1. A physician may enter into collaborative  
5 practice arrangements with registered professional nurses.  
6 Collaborative practice arrangements shall be in the form of  
7 written agreements, jointly agreed-upon protocols, or standing  
8 orders for the delivery of health care services. Collaborative  
9 practice arrangements, which shall be in writing, may delegate to  
10 a registered professional nurse the authority to administer or  
11 dispense drugs and provide treatment as long as the delivery of  
12 such health care services is within the scope of practice of the  
13 registered professional nurse and is consistent with that nurse's  
14 skill, training and competence.

15           2. Collaborative practice arrangements, which shall be in  
16 writing, may delegate to a registered professional nurse the  
17 authority to administer, dispense or prescribe drugs and provide  
18 treatment if the registered professional nurse is an advanced  
19 practice nurse as defined in subdivision (2) of section 335.016.  
20 Collaborative practice arrangements may delegate to an advanced  
21 practice registered nurse, as defined in section 335.016, the  
22 authority to administer, dispense, or prescribe controlled  
23 substances listed in Schedules III, IV, and V of section 195.017;  
24 except that, the collaborative practice arrangement shall not  
25 delegate the authority to administer any controlled substances  
26 listed in schedules III, IV, and V of section 195.017 for the  
27 purpose of inducing sedation or general anesthesia for  
28 therapeutic, diagnostic, or surgical procedures. Schedule III

1 narcotic controlled substance prescriptions shall be limited to a  
2 one hundred twenty-hour supply without refill. Such  
3 collaborative practice arrangements shall be in the form of  
4 written agreements, jointly agreed-upon protocols or standing  
5 orders for the delivery of health care services.

6 3. The written collaborative practice arrangement shall  
7 contain at least the following provisions:

8 (1) Complete names, home and business addresses, zip codes,  
9 and telephone numbers of the collaborating physician and the  
10 advanced practice registered nurse;

11 (2) A list of all other offices or locations besides those  
12 listed in subdivision (1) of this subsection where the  
13 collaborating physician authorized the advanced practice  
14 registered nurse to prescribe;

15 (3) A requirement that there shall be posted at every  
16 office where the advanced practice registered nurse is authorized  
17 to prescribe, in collaboration with a physician, a prominently  
18 displayed disclosure statement informing patients that they may  
19 be seen by an advanced practice registered nurse and have the  
20 right to see the collaborating physician;

21 (4) All specialty or board certifications of the  
22 collaborating physician and all certifications of the advanced  
23 practice registered nurse;

24 (5) The manner of collaboration between the collaborating  
25 physician and the advanced practice registered nurse, including  
26 how the collaborating physician and the advanced practice  
27 registered nurse will:

28 (a) Engage in collaborative practice consistent with each

1 professional's skill, training, education, and competence;

2 (b) Maintain geographic proximity; and

3 (c) Provide coverage during absence, incapacity, infirmity,  
4 or emergency by the collaborating physician;

5 (6) A description of the advanced practice registered  
6 nurse's controlled substance prescriptive authority in  
7 collaboration with the physician, including a list of the  
8 controlled substances the physician authorizes the nurse to  
9 prescribe and documentation that it is consistent with each  
10 professional's education, knowledge, skill, and competence;

11 (7) A list of all other written practice agreements of the  
12 collaborating physician and the advanced practice registered  
13 nurse;

14 (8) The duration of the written practice agreement between  
15 the collaborating physician and the advanced practice registered  
16 nurse;

17 (9) A description of the time and manner of the  
18 collaborating physician's review of the advanced practice  
19 registered nurse's delivery of health care services. The  
20 description shall include provisions that the advanced practice  
21 registered nurse shall submit a minimum of ten percent of the  
22 charts documenting the advanced practice registered nurse's  
23 delivery of health care services to the collaborating physician  
24 for review by the collaborating physician, or any other physician  
25 designated in the collaborative practice arrangement, every  
26 fourteen days; and

27 (10) The collaborating physician, or any other physician  
28 designated in the collaborative practice arrangement, shall



1 review every fourteen days a minimum of twenty percent of the  
2 charts in which the advanced practice registered nurse prescribes  
3 controlled substances. The charts reviewed under this  
4 subdivision may be counted in the number of charts required to be  
5 reviewed under subdivision (9) of this subsection.

6 4. The state board of registration for the healing arts  
7 pursuant to section 334.125 and the board of nursing pursuant to  
8 section 335.036 may jointly promulgate rules regulating the use  
9 of collaborative practice arrangements. Such rules shall be  
10 limited to specifying geographic areas to be covered, the methods  
11 of treatment that may be covered by collaborative practice  
12 arrangements and the requirements for review of services provided  
13 pursuant to collaborative practice arrangements including  
14 delegating authority to prescribe controlled substances. Any  
15 rules relating to dispensing or distribution of medications or  
16 devices by prescription or prescription drug orders under this  
17 section shall be subject to the approval of the state board of  
18 pharmacy. Any rules relating to dispensing or distribution of  
19 controlled substances by prescription or prescription drug orders  
20 under this section shall be subject to the approval of the  
21 department of health and senior services and the state board of  
22 pharmacy. In order to take effect, such rules shall be approved  
23 by a majority vote of a quorum of each board. Neither the state  
24 board of registration for the healing arts nor the board of  
25 nursing may separately promulgate rules relating to collaborative  
26 practice arrangements. Such jointly promulgated rules shall be  
27 consistent with guidelines for federally funded clinics. The  
28 rulemaking authority granted in this subsection shall not extend

1 to collaborative practice arrangements of hospital employees  
2 providing inpatient care within hospitals as defined pursuant to  
3 chapter 197 or population-based public health services as defined  
4 by 20 CSR 2150-5.100 as of April 30, 2008.

5 5. The state board of registration for the healing arts  
6 shall not deny, revoke, suspend or otherwise take disciplinary  
7 action against a physician for health care services delegated to  
8 a registered professional nurse provided the provisions of this  
9 section and the rules promulgated thereunder are satisfied. Upon  
10 the written request of a physician subject to a disciplinary  
11 action imposed as a result of an agreement between a physician  
12 and a registered professional nurse or registered physician  
13 assistant, whether written or not, prior to August 28, 1993, all  
14 records of such disciplinary licensure action and all records  
15 pertaining to the filing, investigation or review of an alleged  
16 violation of this chapter incurred as a result of such an  
17 agreement shall be removed from the records of the state board of  
18 registration for the healing arts and the division of  
19 professional registration and shall not be disclosed to any  
20 public or private entity seeking such information from the board  
21 or the division. The state board of registration for the healing  
22 arts shall take action to correct reports of alleged violations  
23 and disciplinary actions as described in this section which have  
24 been submitted to the National Practitioner Data Bank. In  
25 subsequent applications or representations relating to his  
26 medical practice, a physician completing forms or documents shall  
27 not be required to report any actions of the state board of  
28 registration for the healing arts for which the records are

1 subject to removal under this section.

2 6. Within thirty days of any change and on each renewal,  
3 the state board of registration for the healing arts shall  
4 require every physician to identify whether the physician is  
5 engaged in any collaborative practice agreement, including  
6 collaborative practice agreements delegating the authority to  
7 prescribe controlled substances, or physician assistant agreement  
8 and also report to the board the name of each licensed  
9 professional with whom the physician has entered into such  
10 agreement. The board may make this information available to the  
11 public. The board shall track the reported information and may  
12 routinely conduct random reviews of such agreements to ensure  
13 that agreements are carried out for compliance under this  
14 chapter.

15 7. Notwithstanding any law to the contrary, a certified  
16 registered nurse anesthetist as defined in subdivision (8) of  
17 section 335.016 shall be permitted to provide anesthesia services  
18 without a collaborative practice arrangement provided that he or  
19 she is under the supervision of an anesthesiologist or other  
20 physician, dentist, or podiatrist who is immediately available if  
21 needed. Nothing in this subsection shall be construed to  
22 prohibit or prevent a certified registered nurse anesthetist as  
23 defined in subdivision (8) of section 335.016 from entering into  
24 a collaborative practice arrangement under this section, except  
25 that the collaborative practice arrangement may not delegate the  
26 authority to prescribe any controlled substances listed in  
27 Schedules III, IV, and V of section 195.017.

28 8. A collaborating physician shall not enter into a

1 collaborative practice arrangement with more than three full-time  
2 equivalent advanced practice registered nurses. This limitation  
3 shall not apply to collaborative arrangements of hospital  
4 employees providing inpatient care service in hospitals as  
5 defined in chapter 197 or population-based public health services  
6 as defined by 20 CSR 2150-5.100 as of April 30, 2008.

7 9. It is the responsibility of the collaborating physician  
8 to determine and document the completion of at least a one-month  
9 period of time during which the advanced practice registered  
10 nurse shall practice with the collaborating physician  
11 continuously present before practicing in a setting where the  
12 collaborating physician is not continuously present. This  
13 limitation shall not apply to collaborative arrangements of  
14 providers of population-based public health services as defined  
15 by 20 CSR 2150-5.100 as of April 30, 2008.

16 10. No agreement made under this section shall supersede  
17 current hospital licensing regulations governing hospital  
18 medication orders under protocols or standing orders for the  
19 purpose of delivering inpatient or emergency care within a  
20 hospital as defined in section 197.020 if such protocols or  
21 standing orders have been approved by the hospital's medical  
22 staff and pharmaceutical therapeutics committee.

23 11. No contract or other agreement shall require a  
24 physician to act as a collaborating physician for an advanced  
25 practice registered nurse against the physician's will. A  
26 physician shall have the right to refuse to act as a  
27 collaborating physician, without penalty, for a particular  
28 advanced practice registered nurse. No contract or other

1 agreement shall limit the collaborating physician's ultimate  
2 authority over any protocols or standing orders or in the  
3 delegation of the physician's authority to any advanced practice  
4 registered nurse, but this requirement shall not authorize a  
5 physician in implementing such protocols, standing orders, or  
6 delegation to violate applicable standards for safe medical  
7 practice established by hospital's medical staff.

8 12. No contract or other agreement shall require any  
9 advanced practice registered nurse to serve as a collaborating  
10 advanced practice registered nurse for any collaborating  
11 physician against the advanced practice registered nurse's will.  
12 An advanced practice registered nurse shall have the right to  
13 refuse to collaborate, without penalty, with a particular  
14 physician.

15 334.747. 1. A physician assistant with a certificate of  
16 controlled substance prescriptive authority as provided in this  
17 section may prescribe any controlled substance listed in schedule  
18 III, IV, or V of section 195.017 when delegated the authority to  
19 prescribe controlled substances in a supervision agreement. Such  
20 authority shall be listed on the supervision verification form on  
21 file with the state board of healing arts. The supervising  
22 physician shall maintain the right to limit a specific scheduled  
23 drug or scheduled drug category that the physician assistant is  
24 permitted to prescribe. Any limitations shall be listed on the  
25 supervision form. Physician assistants shall not prescribe  
26 controlled substances for themselves or members of their  
27 families. Schedule III controlled substances shall be limited to  
28 a five-day supply without refill. Physician assistants who are

1 authorized to prescribe controlled substances under this section  
2 shall register with the federal Drug Enforcement Administration  
3 and the state bureau of narcotics and dangerous drugs, and shall  
4 include [such] the Drug Enforcement Administration registration  
5 [numbers] number on prescriptions for controlled substances.

6 2. The supervising physician shall be responsible to  
7 determine and document the completion of at least one hundred  
8 twenty hours in a four-month period by the physician assistant  
9 during which the physician assistant shall practice with the  
10 supervising physician on-site prior to prescribing controlled  
11 substances when the supervising physician is not on-site. Such  
12 limitation shall not apply to physician assistants of  
13 population-based public health services as defined in 20 CSR  
14 2150-5.100 as of April 30, 2009.

15 3. A physician assistant shall receive a certificate of  
16 controlled substance prescriptive authority from the board of  
17 healing arts upon verification of the completion of the following  
18 educational requirements:

19 (1) Successful completion of an advanced pharmacology  
20 course that includes clinical training in the prescription of  
21 drugs, medicines, and therapeutic devices. A course or courses  
22 with advanced pharmacological content in a physician assistant  
23 program accredited by the Accreditation Review Commission on  
24 Education for the Physician Assistant (ARC-PA) or its predecessor  
25 agency shall satisfy such requirement;

26 (2) Completion of a minimum of three hundred clock hours of  
27 clinical training by the supervising physician in the  
28 prescription of drugs, medicines, and therapeutic devices;

1 (3) Completion of a minimum of one year of supervised  
2 clinical practice or supervised clinical rotations. One year of  
3 clinical rotations in a program accredited by the Accreditation  
4 Review Commission on Education for the Physician Assistant  
5 (ARC-PA) or its predecessor agency, which includes  
6 pharmacotherapeutics as a component of its clinical training,  
7 shall satisfy such requirement. Proof of such training shall  
8 serve to document experience in the prescribing of drugs,  
9 medicines, and therapeutic devices;

10 (4) A physician assistant previously licensed in a  
11 jurisdiction where physician assistants are authorized to  
12 prescribe controlled substances may obtain a state bureau of  
13 narcotics and dangerous drugs registration if a supervising  
14 physician can attest that the physician assistant has met the  
15 requirements of subdivisions (1) to (3) of this subsection and  
16 provides documentation of existing federal Drug Enforcement  
17 Agency registration.

18 337.300. As used in sections 337.300 to 337.345, the  
19 following terms shall mean:

20 (1) "Applied behavior analysis", the design,  
21 implementation, and evaluation of environmental modifications,  
22 using behavioral stimuli and consequences, to produce socially  
23 significant improvement in human behavior, including the use of  
24 direct observation, measurement, and functional analysis of the  
25 relationships between environment and behavior. Applied behavior  
26 analysis does not include cognitive therapies or psychological  
27 testing, personality assessment, intellectual assessment,  
28 neuropsychological assessment, psychotherapy, cognitive therapy,

1 sex therapy, psychoanalysis, hypnotherapy, family therapy, and  
2 long-term counseling as treatment modalities;

3 (2) "Board", the behavior analyst advisory board within the  
4 state committee of psychologists;

5 (3) "Certifying entity", the nationally accredited Behavior  
6 Analyst Certification Board, or other equivalent nationally  
7 accredited nongovernmental agency approved by the committee which  
8 certifies individuals who have completed academic, examination,  
9 training, and supervision requirements in applied behavior  
10 analysis;

11 (4) "Committee", the state committee of psychologists;

12 (5) "Division", the division of professional registration  
13 within the department of insurance, financial institutions and  
14 professional registration;

15 (6) "Licensed assistant behavior analyst" or "LaBA", an  
16 individual who is certified by the certifying entity as a  
17 certified assistant behavior analyst and meets the criteria in  
18 section 337.315 and as established by committee rule;

19 (7) "Licensed behavior analyst" or "LBA", an individual who  
20 is certified by the certifying entity as a certified behavior  
21 analyst and meets the criteria in section 337.315 and as  
22 established by committee rule;

23 (8) "Practice of applied behavior analysis", the  
24 application of the principles, methods, and procedures of the  
25 experimental analysis of behavior and applied behavior analysis  
26 (including principles of operant and respondent learning) to  
27 assess and improve socially important human behaviors. It  
28 includes, but is not limited to, applications of those



1 principles, methods, and procedures to:

2 (a) The design, implementation, evaluation, and  
3 modification of treatment programs to change behavior of  
4 individuals;

5 (b) The design, implementation, evaluation, and  
6 modification of treatment programs to change behavior of groups;  
7 and

8 (c) Consultation to individuals and organizations[.  
9 Applied behavior analysis does not include cognitive therapies or  
10 psychological testing, personality assessment, intellectual  
11 assessment, neuropsychological assessment, psychotherapy,  
12 cognitive therapy, sex therapy, psychoanalysis, hypnotherapy,  
13 family therapy, and long-term counseling as treatment  
14 modalities];

15 (9) "Provisionally licensed assistant behavior analyst" or  
16 "PLABA", an individual who meets the criteria in subsection 5 of  
17 section 337.315 and as established by the committee by rule;

18 (10) "Provisionally licensed behavior analyst" or "PLBA",  
19 an individual who meets the criteria in subsection 5 of section  
20 337.315 and as established by the committee by rule;

21 (11) "Temporary licensed assistant behavior analyst" or  
22 "TLaBA", an individual who meets the criteria of subsection 4 of  
23 section 337.315 and as established by the committee by rule;

24 (12) "Temporary licensed behavior analyst" or "TLBA", an  
25 individual who meets the criteria in subsection 4 of section  
26 337.315 and as established by the committee by rule.

27 337.305. 1. There is hereby created under the state  
28 committee of psychologists within the division of professional

1 registration the "Behavior Analyst Advisory Board". The behavior  
2 analyst advisory board shall consist of the following seven  
3 members: three licensed behavior analysts, one licensed behavior  
4 analyst holding a doctoral degree, one licensed assistant  
5 behavior analyst, one professional member of the committee, and  
6 one public member.

7 2. Appointments to the board, except for the one  
8 professional member of the committee, shall be made by the  
9 governor upon the recommendations of the director of the  
10 division, upon the advice and consent of the senate. The  
11 division, prior to submitting nominations, shall solicit nominees  
12 from professional associations and licensed behavior analysts or  
13 licensed assistant behavior analysts in the state. Appointment  
14 to the board of the one professional member of the committee  
15 shall be made by nomination and majority vote of the committee.

16 3. The term of office for board members shall be five  
17 years. In making initial appointments to the board, the governor  
18 shall stagger the terms of the appointees so that one member  
19 serves an initial term of two years, three members shall serve an  
20 initial term of three years, and three members serve initial  
21 terms of four years. Each member of the board shall hold office  
22 until his or her successor has been qualified. A vacancy in the  
23 membership of the board shall be filled for the unexpired term in  
24 the manner provided for the original appointment. A member  
25 appointed for less than a full term may serve two full terms in  
26 addition to such part of a full term.

27 4. Each board member shall be a resident of this state for  
28 a period of one year and a registered voter, shall be a United

1 States citizen, and shall, other than the public member, have  
2 been a licensed behavior analyst or licensed assistant behavior  
3 analyst in this state for at least three years prior to  
4 appointment except for the original members of the board who  
5 shall have experience in the practice of applied behavior  
6 analysis.

7 5. The public member shall be a person who is not and never  
8 was a member of any profession licensed or regulated under  
9 sections 337.300 to 337.345 or the spouse of such person; and a  
10 person who does not have and never has had a material financial  
11 interest in either the providing of the professional services  
12 regulated by sections 337.300 to 337.345, or an activity or  
13 organization directly related to any profession licensed or  
14 regulated under sections 337.300 to 337.345.

15 6. The board shall meet at least quarterly. At one of its  
16 regular meetings, the board shall select from among its members a  
17 chairperson and a vice chairperson. A quorum of the committee  
18 shall consist of a majority of its members. In the absence of  
19 the chairperson, the vice chairperson shall conduct the office of  
20 the chairperson.

21 7. Each member of the board shall receive as compensation  
22 an amount set by the division not to exceed fifty dollars for  
23 each day devoted to the affairs of the board and shall be  
24 entitled to reimbursement for necessary and actual expenses  
25 incurred in the performance of the member's official duties.

26 8. Staff for the board shall be provided by the director of  
27 the division of professional registration.

28 9. The governor may remove any member of the board for

1 misconduct, inefficiency, incompetency, or neglect of office.  
2 All vacancies shall be filled by appointment of the governor with  
3 the advice and consent of the senate, and the member so appointed  
4 shall serve for the unexpired term.

5 337.310. 1. The behavior analyst advisory board is  
6 authorized to:

7 (1) Review all applications for licensure, provisional  
8 licensure, and temporary licensure for behavior analysts and  
9 assistant behavior analysts and any supporting documentation  
10 submitted with the application to the committee and make  
11 recommendations to the committee regarding the resolution of the  
12 application;

13 (2) Review all complaints made relating to the practice of  
14 behavior analysis and make recommendations to the committee  
15 regarding investigation of the complaint, referral for discipline  
16 or other resolution of the complaint; and

17 (3) Review any entities responsible for certifying behavior  
18 analysts and make recommendations to the committee as to approval  
19 or disapproval of the certifying entity based on qualifications  
20 established by the committee.

21 2. The board shall recommend to the committee rules to be  
22 promulgated pertaining to:

23 (1) The form and content of license applications required  
24 and the procedures for filing an application for an initial,  
25 provisional temporary or renewal license in this state;

26 (2) The establishment of fees;

27 (3) The educational and training requirements for licensed  
28 behavior analysts and licensed assistant behavior analysts;

1 (4) The roles, responsibilities, and duties of licensed  
2 behavior analysts [and], licensed assistant behavior analysts,  
3 provisionally licensed behavior analysts, provisionally licensed  
4 assistant behavior analysts, temporary licensed behavior  
5 analysts, and temporary licensed assistant behavior analysts;

6 (5) The characteristics of supervision and supervised  
7 clinical practicum experience for [the] licensed behavior analyst  
8 [and the], licensed assistant behavior analyst, provisionally  
9 licensed behavior analysts, provisionally licensed assistant  
10 behavior analysts, temporary licensed behavior analysts, and  
11 temporary licensed assistant behavior analysts;

12 (6) The supervision of licensed assistant behavior  
13 analysts, provisionally licensed behavior analysts, provisionally  
14 licensed assistant behavior analysts, temporary licensed behavior  
15 analysts, and temporary licensed assistant behavior analysts;

16 (7) The requirements for continuing education for licensed  
17 behavior analysts and licensed assistant behavior analysts;

18 (8) A code of conduct; and

19 (9) Any other policies or procedures necessary to the  
20 fulfillment of the requirements of sections 337.300 to 337.345.

21 3. Only after the board's recommendation and approval by  
22 majority vote may the committee make any final decisions related  
23 to licensing, rules and regulations, complaint resolution,  
24 approval of certifying entities or any actions bearing upon the  
25 practice of applied behavior analysis unless otherwise authorized  
26 by sections 337.300 to 337.345.

27 4. [Notwithstanding the provisions of subsection 3 of this  
28 section, until such time as the governor appoints the board and

1 the board has a quorum, the committee shall review and resolve  
2 all applications for licensure as a licensed behavior analyst or  
3 licensed assistant behavior analyst.

4 5.] Any rule or portion of a rule, as that term is defined  
5 in section 536.010, that is created under the authority delegated  
6 in this section shall become effective only if it complies with  
7 and is subject to all of the provisions of chapter 536 and, if  
8 applicable, section 536.028. This section and chapter 536 are  
9 nonseverable and if any of the powers vested with the general  
10 assembly pursuant to chapter 536 to review, to delay the  
11 effective date, or to disapprove and annul a rule are  
12 subsequently held unconstitutional, then the grant of rulemaking  
13 authority and any rule proposed or adopted after August 28, 2010,  
14 shall be invalid and void.

15 337.315. 1. An applied behavior analysis intervention  
16 shall produce socially significant improvements in human behavior  
17 through skill acquisition, increase or decrease in behaviors  
18 under specific environmental conditions and the reduction of  
19 problematic behavior. An applied behavior analysis intervention  
20 shall:

21 (1) Be based on empirical research and the identification  
22 of functional relations between behavior and environment,  
23 contextual factors, antecedent stimuli and reinforcement  
24 operations through the direct observation and measurement of  
25 behavior, arrangement of events and observation of effects on  
26 behavior, as well as other information gathering methods such as  
27 record review and interviews; and

28 (2) Utilize changes and arrangements of contextual factors,

1 antecedent stimuli, positive reinforcement, and other  
2 consequences to produce behavior change.

3 2. Each person wishing to practice as a licensed behavior  
4 analyst shall:

5 (1) Submit a complete application on a form approved by the  
6 committee;

7 (2) Pay all necessary fees as set by the committee;

8 (3) Submit a two-inch or three-inch photograph or passport  
9 photograph taken no more than six months prior to the application  
10 date;

11 (4) Provide two classified sets of fingerprints for  
12 processing by the Missouri state highway patrol under section  
13 43.543. One set of fingerprints shall be used by the highway  
14 patrol to search the criminal history repository and the second  
15 set shall be forwarded to the Federal Bureau of Investigation for  
16 searching the federal criminal history files;

17 (5) Have passed an examination and been certified as a  
18 board-certified behavior analyst by a certifying entity, as  
19 defined in section 337.300;

20 (6) Provide evidence of active status as a board-certified  
21 behavior analyst; and

22 (7) If the applicant holds a license as a behavior analyst  
23 in another state, a statement from all issuing states verifying  
24 licensure and identifying any disciplinary action taken against  
25 the license holder by that state.

26 3. Each person wishing to practice as a licensed assistant  
27 behavior analyst shall:

28 (1) Submit a complete application on a form approved by the

1 committee;

2 (2) Pay all necessary fees as set by the committee;

3 (3) Submit a two-inch or three-inch photograph or passport  
4 photograph taken no more than six months prior to the application  
5 date;

6 (4) Provide two classified sets of fingerprints for  
7 processing by the Missouri state highway patrol under section  
8 43.543. One set of fingerprints shall be used by the highway  
9 patrol to search the criminal history repository and the second  
10 set shall be forwarded to the Federal Bureau of Investigation for  
11 searching the federal criminal history files;

12 (5) Have passed an examination and been certified as a  
13 board-certified assistant behavior analyst by a certifying  
14 entity, as defined in section 337.300;

15 (6) Provide evidence of active status as a board-certified  
16 assistant behavior analyst;

17 (7) If the applicant holds a license as an assistant  
18 behavior analyst in another state, a statement from all issuing  
19 states verifying licensure and identifying any disciplinary  
20 action taken against the license holder by that state; and

21 (8) Submit documentation satisfactory to the committee that  
22 the applicant will be directly supervised by a licensed behavior  
23 analyst in a manner consistent with the certifying entity.

24 4. The committee shall be authorized to issue a temporary  
25 license to an applicant for a behavior analyst license or  
26 assistant behavior analyst license upon receipt of a complete  
27 application, submission of a fee as set by the committee by rule  
28 for behavior analyst or assistant behavior analyst [or], and a



1 showing of valid licensure as a behavior analyst or assistant  
2 behavior analyst in another state, only if the applicant has  
3 submitted fingerprints and no disqualifying criminal history  
4 appears on the family care safety registry. The temporary  
5 license shall expire upon issuance of a license or denial of the  
6 application but no later than ninety days from issuance of the  
7 temporary license. Upon written request to the committee, the  
8 holder of a temporary license shall be entitled to one extension  
9 of ninety days of the temporary license.

10 5. (1) The committee shall, in accordance with rules  
11 promulgated by the committee, issue a provisional behavior  
12 analyst license or a provisional assistant behavior analyst  
13 license upon receipt by the committee of a complete application,  
14 appropriate fee as set by the committee by rule, and proof of  
15 satisfaction of requirements under subsections 2 and 3 of this  
16 section, respectively, and other requirements established by the  
17 committee by rule, except that applicants for a provisional  
18 license as either a behavior analyst or assistant behavior  
19 analyst need not have passed an examination and been certified as  
20 a board-certified behavior analyst or a board-certified assistant  
21 behavior analyst to obtain a provisional behavior analyst or  
22 provisional assistant behavior analyst license.

23 (2) A provisional license issued under this subsection  
24 shall only authorize and permit the licensee to render behavior  
25 analysis under the supervision and the full professional  
26 responsibility and control of such licensee's licensed  
27 supervisor.

28 (3) A provisional license shall automatically terminate

1 upon issuance of a permanent license, upon a finding of cause to  
2 discipline after notice and hearing under section 337.330, upon  
3 termination of supervision by a licensed supervisor, or upon the  
4 expiration of one year from the date of issuance of the  
5 provisional license, whichever first occurs. The provisional  
6 license may be renewed after one year, with a maximum issuance of  
7 two years. Upon a showing of good cause, the committee by rule  
8 shall provide procedures for exceptions and variances from the  
9 requirement of a maximum issuance of two years.

10 6. No person shall hold himself or herself out to be  
11 licensed behavior analysts or LBA, provisionally licensed  
12 behavior analyst or PLBA, provisionally licensed assistant  
13 behavior analyst or PLABA, temporary licensed behavior analyst or  
14 TLBA, or temporary licensed assistant behavior analyst or TLaBA,  
15 licensed assistant behavior analysts or LaBA in the state of  
16 Missouri unless they meet the applicable requirements.

17 [6.] 7. No persons shall practice applied behavior  
18 analysis unless they are:

19 (1) Licensed behavior analysts;

20 (2) Licensed assistant behavior analysts working under the  
21 supervision of a licensed behavior analyst;

22 (3) An individual who has a bachelor's or graduate degree  
23 and completed course work for licensure as a behavior analyst and  
24 is obtaining supervised field experience under a licensed  
25 behavior analyst pursuant to required supervised work experience  
26 for licensure at the behavior analyst or assistant behavior  
27 analyst level; [or]

28 (4) Licensed psychologists practicing within the rules and

1 standards of practice for psychologists in the state of Missouri  
2 and whose practice is commensurate with their level of training  
3 and experience;

4 (5) Provisionally licensed behavior analysts;

5 (6) Provisionally licensed assistant behavior analysts;

6 (7) Temporary licensed behavior analysts; or

7 (8) Temporary licensed assistant behavior analysts.

8 [7.] 8. Notwithstanding the provisions in subsection 6 of  
9 this section, any licensed or certified professional may practice  
10 components of applied behavior analysis, as defined in section  
11 337.300 if he or she is acting within his or her applicable scope  
12 of practice and ethical guidelines.

13 [8.] 9. All licensed behavior analysts and licensed  
14 assistant behavior analysts shall be bound by the code of conduct  
15 adopted by the committee by rule.

16 [9.] 10. Licensed assistant behavior analysts shall work  
17 under the direct supervision of a licensed behavior analyst as  
18 established by committee rule.

19 [10.] 11. Persons who provide services under the  
20 Individuals with Disabilities Education Act (IDEA), 20 U.S.C.  
21 Section 1400, et seq., or Section 504 of the federal  
22 Rehabilitation Act of 1973, 29 U.S.C. Section 794, or are  
23 enrolled in a course of study at a recognized educational  
24 institution through which the person provides applied behavior  
25 analysis as part of supervised clinical experience shall be  
26 exempt from the requirements of this section.

27 [11.] 12. A violation of this section shall be punishable  
28 by probation, suspension, or loss of any license held by the

1 violator.

2 337.325. A licensed behavior analyst [and], licensed  
3 assistant behavior analyst, provisionally licensed behavior  
4 analyst, provisionally licensed assistant behavior analyst,  
5 temporary licensed behavior analyst and temporary licensed  
6 assistant behavior analyst shall limit his or her practice to  
7 demonstrated areas of competence as documented by relevant  
8 professional education, training, or experience. A licensed  
9 behavior analyst [and], licensed assistant behavior analyst,  
10 provisionally licensed behavior analyst, provisionally licensed  
11 assistant behavior analyst, temporary licensed behavior analyst  
12 and temporary licensed assistant behavior analyst trained in one  
13 area shall not practice in another area without obtaining  
14 additional relevant professional education, training, and  
15 experience.

16 337.347. For reimbursement and billing purposes of section  
17 376.1224, services provided by a provisionally licensed assistant  
18 behavior analyst, a provisionally licensed behavior analyst, or a  
19 temporary licensed behavior analyst shall be billed by the  
20 supervising board-certified behavior analyst.

21 337.647. 1. The committee shall develop a school social  
22 work program verification and acknowledgment of completion for  
23 individuals who have met the requirements set forth in this  
24 section.

25 2. The committee shall issue a document similar to the  
26 document described in subsection 2 of section 173.1400 to any  
27 individual who:

28 (1) Submits an application to the board;

1 (2) Holds a credential in school social work issued by a  
2 nationally recognized credentialing organization in social work,  
3 or demonstrates competency in school social work by successful  
4 passage of a school social worker exam approved by the committee;

5 (3) Holds a license issued by the committee; and

6 (4) Submits the fee as required by rule of the committee.

7 3. The committee shall promulgate rules and shall charge  
8 fees necessary to implement this section. Any rule or portion of  
9 a rule, as that term is defined in section 536.010, that is  
10 created under the authority delegated in this section shall  
11 become effective only if it complies with and is subject to all  
12 of the provisions of chapter 536 and, if applicable, section  
13 536.028. This section and chapter 536 are nonseverable and if  
14 any of the powers vested with the general assembly pursuant to  
15 chapter 536 to review, to delay the effective date, or to  
16 disapprove and annul a rule are subsequently held  
17 unconstitutional, then the grant of rulemaking authority and any  
18 rule proposed or adopted after August 28, 2012, shall be invalid  
19 and void.

20 4. Notwithstanding any provision of law to the contrary,  
21 any school social work program verification and acknowledgment of  
22 completion issued by the committee under subsection 2 of this  
23 section shall not be deemed a license, certificate, registration  
24 or permit for any purpose, and such documents convey no authority  
25 to practice social work in Missouri and convey no authority to  
26 use any social work title in Missouri. Each school social work  
27 program verification and acknowledgment of completion issued by  
28 the committee under subsection 2 of this section shall state on

1 its face that it:

2 (1) Is not a license, certificate, registration or permit;

3 (2) Conveys no authority to practice social work in  
4 Missouri; and

5 (3) Conveys no authority to use any social work title in  
6 Missouri.

7 5. Notwithstanding any provision of law to the contrary,  
8 school social work program verification and acknowledgment of  
9 completion issued by the committee under subsection 2 of this  
10 section shall not:

11 (1) Expire;

12 (2) Be subject to renewal;

13 (3) Be subject to denial or discipline under section  
14 337.630;

15 (4) Be subject to suspension under section 324.010; or

16 (5) Be subject to any other action to which professional  
17 licenses may be subjected.

18 338.315. 1. Except as otherwise provided by the board by  
19 rule, it shall be unlawful for any pharmacist, pharmacy owner or  
20 person employed by a pharmacy to knowingly purchase or receive  
21 any legend drugs under 21 U.S.C. Section 353 from other than a  
22 licensed or registered drug distributor or licensed pharmacy.  
23 Any person who violates the provisions of this section shall,  
24 upon conviction, be adjudged guilty of a class A misdemeanor.  
25 Any subsequent conviction shall constitute a class D felony.

26 2. Notwithstanding any other provision of law to the  
27 contrary, the sale, purchase, or trade of a prescription drug by  
28 a pharmacy to other pharmacies is permissible if the total dollar

1 volume of such sales, purchases, or trades are in compliance with  
2 the rules of the board and do not exceed five percent of the  
3 pharmacy's total annual prescription drug sales.

4 3. Pharmacies shall establish and maintain inventories and  
5 records of all transactions regarding the receipt and  
6 distribution or other disposition of legend drugs. Such records  
7 shall be maintained for two years and be readily available upon  
8 request by the board or its representatives.

9 4. The board shall promulgate rules to implement the  
10 provisions of this section. Any rule or portion of a rule, as  
11 that term is defined in section 536.010, that is created under  
12 the authority delegated in this section shall become effective  
13 only if it complies with and is subject to all of the provisions  
14 of chapter 536 and, if applicable, section 536.028. This section  
15 and chapter 536 are nonseverable and if any of the powers vested  
16 with the general assembly pursuant to chapter 536 to review, to  
17 delay the effective date, or to disapprove and annul a rule are  
18 subsequently held unconstitutional, then the grant of rulemaking  
19 authority and any rule proposed or adopted after August 28, 2012,  
20 shall be invalid and void.

21 338.333. 1. Except as otherwise provided by the board of  
22 pharmacy by rule in the event of an emergency or to alleviate a  
23 supply shortage, no person or distribution outlet shall act as a  
24 wholesale drug distributor or pharmacy distributor without first  
25 obtaining license to do so from the Missouri board of pharmacy  
26 and paying the required fee. The board may grant temporary  
27 licenses when the wholesale drug distributor or pharmacy  
28 distributor first applies for a license to operate within the

1 state. Temporary licenses shall remain valid until such time as  
2 the board shall find that the applicant meets or fails to meet  
3 the requirements for regular licensure. No license shall be  
4 issued or renewed for a wholesale drug distributor or pharmacy  
5 distributor to operate unless the same shall be operated in a  
6 manner prescribed by law and according to the rules and  
7 regulations promulgated by the board of pharmacy with respect  
8 thereto. Separate licenses shall be required for each  
9 distribution site owned or operated by a wholesale drug  
10 distributor or pharmacy distributor, unless such drug distributor  
11 or pharmacy distributor meets the requirements of section  
12 338.335.

13 2. An agent or employee of any licensed or registered  
14 wholesale drug distributor or pharmacy distributor need not seek  
15 licensure under this section and may lawfully possess  
16 pharmaceutical drugs, if he is acting in the usual course of his  
17 business or employment.

18 3. The board may permit out-of-state wholesale drug  
19 distributors or out-of-state pharmacy distributors to be licensed  
20 as required by sections 338.210 to 338.370 on the basis of  
21 reciprocity to the extent that an out-of-state wholesale drug  
22 distributor or out-of-state pharmacy distributor both:

23 (1) Possesses a valid license granted by another state  
24 pursuant to legal standards comparable to those which must be met  
25 by a wholesale drug distributor or pharmacy distributor of this  
26 state as prerequisites for obtaining a license under the laws of  
27 this state; and

28 (2) Distributes into Missouri from a state which would



1 extend reciprocal treatment under its own laws to a wholesale  
2 drug distributor or pharmacy distributor of this state.

3 660.315. 1. After an investigation and a determination has  
4 been made to place a person's name on the employee  
5 disqualification list, that person shall be notified in writing  
6 mailed to his or her last known address that:

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

10 (2) The person's name will be included in the employee  
11 disqualification list of the department;

12 (3) The consequences of being so listed including the  
13 length of time to be listed; and

14 (4) The person's rights and the procedure to challenge the  
15 allegation.

16 2. If no reply has been received within thirty days of  
17 mailing the notice, the department may include the name of such  
18 person on its list. The length of time the person's name shall  
19 appear on the employee disqualification list shall be determined  
20 by the director or the director's designee, based upon the  
21 criteria contained in subsection 9 of this section.

22 3. If the person so notified wishes to challenge the  
23 allegation, such person may file an application for a hearing  
24 with the department. The department shall grant the application  
25 within thirty days after receipt by the department and set the  
26 matter for hearing, or the department shall notify the applicant  
27 that, after review, the allegation has been held to be unfounded  
28 and the applicant's name will not be listed.

1           4. If a person's name is included on the employee  
2 disqualification list without the department providing notice as  
3 required under subsection 1 of this section, such person may file  
4 a request with the department for removal of the name or for a  
5 hearing. Within thirty days after receipt of the request, the  
6 department shall either remove the name from the list or grant a  
7 hearing and set a date therefor.

8           5. Any hearing shall be conducted in the county of the  
9 person's residence by the director of the department or the  
10 director's designee. The provisions of chapter 536 for a  
11 contested case except those provisions or amendments which are in  
12 conflict with this section shall apply to and govern the  
13 proceedings contained in this section and the rights and duties  
14 of the parties involved. The person appealing such an action  
15 shall be entitled to present evidence, pursuant to the provisions  
16 of chapter 536, relevant to the allegations.

17           6. Upon the record made at the hearing, the director of the  
18 department or the director's designee shall determine all  
19 questions presented and shall determine whether the person shall  
20 be listed on the employee disqualification list. The director of  
21 the department or the director's designee shall clearly state the  
22 reasons for his or her decision and shall include a statement of  
23 findings of fact and conclusions of law pertinent to the  
24 questions in issue.

25           7. A person aggrieved by the decision following the hearing  
26 shall be informed of his or her right to seek judicial review as  
27 provided under chapter 536. If the person fails to appeal the  
28 director's findings, those findings shall constitute a final

1 determination that the person shall be placed on the employee  
2 disqualification list.

3 8. A decision by the director shall be inadmissible in any  
4 civil action brought against a facility or the in-home services  
5 provider agency and arising out of the facts and circumstances  
6 which brought about the employment disqualification proceeding,  
7 unless the civil action is brought against the facility or the  
8 in-home services provider agency by the department of health and  
9 senior services or one of its divisions.

10 9. The length of time the person's name shall appear on the  
11 employee disqualification list shall be determined by the  
12 director of the department of health and senior services or the  
13 director's designee, based upon the following:

14 (1) Whether the person acted recklessly or knowingly, as  
15 defined in chapter 562;

16 (2) The degree of the physical, sexual, or emotional injury  
17 or harm; or the degree of the imminent danger to the health,  
18 safety or welfare of a resident or in-home services client;

19 (3) The degree of misappropriation of the property or  
20 funds, or falsification of any documents for service delivery of  
21 an in-home services client;

22 (4) Whether the person has previously been listed on the  
23 employee disqualification list;

24 (5) Any mitigating circumstances;

25 (6) Any aggravating circumstances; and

26 (7) Whether alternative sanctions resulting in conditions  
27 of continued employment are appropriate in lieu of placing a  
28 person's name on the employee disqualification list. Such

1 conditions of employment may include, but are not limited to,  
2 additional training and employee counseling. Conditional  
3 employment shall terminate upon the expiration of the designated  
4 length of time and the person's submitting documentation which  
5 fulfills the department of health and senior services'  
6 requirements.

7 10. The removal of any person's name from the list under  
8 this section shall not prevent the director from keeping records  
9 of all acts finally determined to have occurred under this  
10 section.

11 11. The department shall provide the list maintained  
12 pursuant to this section to other state departments upon request  
13 and to any person, corporation, organization, or association who:

14 (1) Is licensed as an operator under chapter 198;

15 (2) Provides in-home services under contract with the  
16 department;

17 (3) Employs nurses and nursing assistants for temporary or  
18 intermittent placement in health care facilities;

19 (4) Is approved by the department to issue certificates for  
20 nursing assistants training;

21 (5) Is an entity licensed under chapter 197; [or]

22 (6) Is a recognized school of nursing, medicine, or other  
23 health profession for the purpose of determining whether students  
24 scheduled to participate in clinical rotations with entities  
25 described in subdivision (1), (2), or (5) of this subsection are  
26 included in the employee disqualification list; or

27 (7) Is a consumer reporting agency regulated by the federal  
28 Fair Credit Reporting Act that conducts employee background

1 checks on behalf of entities listed in subdivisions (1), (2),  
2 (5), or (6) of this subsection. Such a consumer reporting agency  
3 shall conduct the employee disqualification list check only upon  
4 the initiative or request of an entity described in subdivisions  
5 (1), (2), (5), or (6) of this subsection when the entity is  
6 fulfilling its duties required under this section. The  
7 information shall be disclosed only to the requesting entity.

8  
9 The department shall inform any person listed above who inquires  
10 of the department whether or not a particular name is on the  
11 list. The department may require that the request be made in  
12 writing. No person, corporation, organization, or association  
13 who is entitled to access the employee disqualification list may  
14 disclose the information to any person, corporation,  
15 organization, or association who is not entitled to access the  
16 list. Any person, corporation, organization, or association who  
17 is entitled to access the employee disqualification list who  
18 discloses the information to any person, corporation,  
19 organization, or association who is not entitled to access the  
20 list shall be guilty of an infraction.

21 12. No person, corporation, organization, or association  
22 who received the employee disqualification list under  
23 subdivisions (1) to [(5)] (7) of subsection 11 of this section  
24 shall knowingly employ any person who is on the employee  
25 disqualification list. Any person, corporation, organization, or  
26 association who received the employee disqualification list under  
27 subdivisions (1) to [(5)] (7) of subsection 11 of this section,  
28 or any person responsible for providing health care service, who

1 declines to employ or terminates a person whose name is listed in  
2 this section shall be immune from suit by that person or anyone  
3 else acting for or in behalf of that person for the failure to  
4 employ or for the termination of the person whose name is listed  
5 on the employee disqualification list.

6 13. Any employer who is required to discharge an employee  
7 because the employee was placed on a disqualification list  
8 maintained by the department of health and senior services after  
9 the date of hire shall not be charged for unemployment insurance  
10 benefits based on wages paid to the employee for work prior to  
11 the date of discharge, pursuant to section 288.100.

12 14. Any person who has been listed on the employee  
13 disqualification list may request that the director remove his or  
14 her name from the employee disqualification list. The request  
15 shall be written and may not be made more than once every twelve  
16 months. The request will be granted by the director upon a clear  
17 showing, by written submission only, that the person will not  
18 commit additional acts of abuse, neglect, misappropriation of the  
19 property or funds, or the falsification of any documents of  
20 service delivery to an in-home services client. The director may  
21 make conditional the removal of a person's name from the list on  
22 any terms that the director deems appropriate, and failure to  
23 comply with such terms may result in the person's name being  
24 relisted. The director's determination of whether to remove the  
25 person's name from the list is not subject to appeal.

26 [337.345. 1. Prior to August 28, 2012, each  
27 person desiring to obtain a provisional license shall  
28 make application to the committee upon such forms and  
29 in such manner as may be prescribed by the committee  
30 and shall pay the required application fee. The  
31 application fee shall not be refundable. Each

1 application shall contain a statement that it is made  
2 under oath or affirmation and that its representations  
3 are true and correct to the best knowledge and belief  
4 of the person signing the application, subject to the  
5 penalties of making a false affidavit or declaration.

6 2. For a provisional behavior analyst license,  
7 the applicant shall:

8 (1) Submit a two-inch or three-inch photograph or  
9 passport photograph taken no more than six months prior  
10 to the application date, and only if the applicant has  
11 submitted fingerprints and no disqualifying criminal  
12 history appears on the family care safety registry;

13 (2) Have passed an examination and been certified  
14 as a board-certified behavior analyst by the Behavior  
15 Analyst Certification Board or a certifying entity  
16 listed in subdivision (3) of section 337.300; and

17 (3) Provide evidence of active status as a  
18 board-certified behavior analyst.

19 3. For a provisional assistant behavior analyst  
20 license, the applicant shall:

21 (1) Submit a two-inch or three-inch photograph or  
22 passport photograph taken no more than six months prior  
23 to the application date, and only if the applicant has  
24 submitted fingerprints and no disqualifying criminal  
25 history appears on the family care safety registry;

26 (2) Have passed an examination and been certified  
27 as a board-certified assistant behavior analyst by a  
28 certifying entity listed in subdivision (3) of section  
29 337.300;

30 (3) Provide evidence of active status as a  
31 board-certified assistant behavior analyst; and

32 (4) Submit documentation satisfactory to the  
33 board that the applicant will be directly supervised by  
34 a licensed behavior analyst in a manner consistent with  
35 the certifying entity.

36 4. Each applicant for provisional licensure shall  
37 meet the applicable requirements of section 337.315  
38 within three months of the date of issuance of the  
39 provisional license.

40 5. The provisional license shall be effective  
41 only until the later to occur of:

42 (1) Grant or rejection of a license pursuant to  
43 section 337.315; or

44 (2) August 28, 2012. The holder of a provisional  
45 license which has not expired, been suspended, or  
46 revoked shall be deemed to be the holder of a license  
47 issued under section 337.315 until such provisional  
48 license expires, is suspended, or revoked.]  
49

50 Section B. Because of the need to provide school social

1 work program verification and acknowledgment of completion before  
2 the start of the 2012-2013 school year, the enactment of section  
3 173.1400 of this act is deemed necessary for the immediate  
4 preservation of the public health, welfare, peace and safety, and  
5 is hereby declared to be an emergency act within the meaning of  
6 the constitution, and the enactment of section 173.1400 of this  
7 act shall be in full force and effect upon its passage and  
8 approval.

9