

SECOND REGULAR SESSION

SENATE BILL NO. 1099

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Read 1st time February 23, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4942S.02I

AN ACT

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

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

Section A. Chapter 324, RSMo, is amended by adding thereto eleven new sections, to be known as sections 324.1200, 324.1203, 324.1206, 324.1209, 324.1212, 324.1215, 324.1218, 324.1221, 324.1224, 324.1227, and 324.1230, to read as follows:

324.1200. Sections 324.1200 to 324.1230 shall be known and may be cited as the "Clinical Laboratory Science Practice Act".

324.1203. As used in sections 324.1200 to 324.1230, the following terms, unless otherwise indicated within the context, shall mean:

(1) "Approved certification examination", a competency based certification examination administered by an approved credentialing agency;

(2) "Approved credentialing agency", a national nonprofit credentialing agency approved by the board;

(3) "Board", the Missouri clinical laboratory science board;

(4) "Categorical clinical laboratory science supervisor", also known as a "categorical medical technologist", a person who supervises clinical laboratory science personnel in a specific category. A categorical clinical laboratory science supervisor shall also be licensed as a categorical clinical laboratory scientist in the same category as the personnel that he or she supervises;

(5) "Categorical clinical laboratory scientist", also known as a "categorical medical technologist", a person who is responsible for the performance, interpretation, and reporting of clinical laboratory

18 testing in one or more categories, such as microbiology, clinical
19 chemistry, immunology, hematology, immunohematology, molecular
20 diagnostics, or other areas specified by the board. The categorical
21 clinical laboratory scientist is responsible for the establishment and
22 implementation of protocols, quality assurance, method selection and
23 implementation, equipment selection and maintenance, and all
24 activities related to the pre-analytical, analytical and post-analytical
25 phases of testing in their specialty area. A categorical clinical
26 laboratory scientist may perform all levels of testing within their
27 categorical specialty, and may perform phlebotomy, if so qualified;

28 (6) "Clinical laboratory" or "laboratory", any site or location in
29 which clinical laboratory tests or examinations are performed;

30 (7) "Clinical laboratory director", also known as a "diplomat in
31 laboratory management", a person who is responsible for the technical
32 and scientific oversight and the overall management and
33 administration of the clinical laboratory, including the employment of
34 personnel who are competent to collect laboratory specimens, perform
35 test procedures, and record and report tests results promptly,
36 accurately, and proficiently. A clinical laboratory director shall also
37 be licensed as a clinical laboratory scientist;

38 (8) "Clinical laboratory science assistant", a person who is
39 responsible for performing level 1 testing with oversight of a clinical
40 laboratory scientist, categorical clinical laboratory scientist, clinical
41 laboratory science consultant, clinical laboratory science director,
42 medical laboratory director, or a state licensed physician;

43 (9) "Clinical laboratory science consultant", also known as a
44 "medical laboratory consultant", a person who is an expert in the
45 technical and scientific aspects of the laboratory and functions
46 independently in providing laboratory related guidance to health care
47 facilities. A clinical laboratory science consultant shall also be licensed
48 as a clinical laboratory scientist, or if providing consulting services in
49 only one specialty of clinical laboratory science, shall be licensed in
50 that specialty as a categorical clinical laboratory scientist;

51 (10) "Clinical laboratory science educator", a person who is a
52 faculty member of a college, university, or hospital-based educational
53 program and provides instruction in a clinical laboratory science
54 program approved by an accrediting agency as approved by rule by the

55 **board;**

56 (11) "Clinical laboratory science practitioner", a clinical
57 laboratory science director, clinical laboratory science consultant,
58 clinical laboratory science supervisor, clinical laboratory scientist,
59 categorical clinical laboratory science supervisor, categorical clinical
60 laboratory scientist, clinical laboratory science technician, or clinical
61 laboratory science assistant who performs or is responsible for clinical
62 laboratory test procedures. The term does not include trainees,
63 persons who perform donor screening for blood banks or
64 plasmapheresis centers, or other persons employed by a clinical
65 laboratory to perform clerical, personnel, or other administrative
66 duties;

67 (12) "Clinical laboratory science supervisor", also known as a
68 "medical technologist supervisor", a person who supervises clinical
69 laboratory science personnel. A clinical laboratory science supervisor
70 shall also be licensed as a clinical laboratory scientist;

71 (13) "Clinical laboratory science technician", also known as a
72 "medical laboratory technician", a person who is responsible for the
73 performance and reporting of clinical laboratory tests of all levels,
74 under established and approved protocols which require limited
75 exercise of independent judgment and that are performed with
76 oversight of a clinical laboratory science supervisor, categorical
77 clinical laboratory science supervisor in their specialty of license,
78 clinical laboratory science consultant, clinical laboratory science
79 director, medical laboratory director, or state licensed physician;

80 (14) "Clinical laboratory scientist", also known as a "medical
81 technologist", a person who is responsible for the performance,
82 interpretation, and reporting of clinical laboratory tests, including
83 those that require the exercise of independent judgment. In addition,
84 this person is responsible for the establishment and implementation of
85 protocols, quality assurance, method selection and implementation,
86 equipment selection and maintenance, and all activities related to the
87 pre-analytical, analytical, and post-analytical phases of testing. A
88 clinical laboratory scientist may perform all levels of testing and may
89 perform phlebotomy, if so qualified;

90 (15) "Clinical laboratory test" or "laboratory test", a
91 microbiological, serological, molecular, chemical, biological,

92 hematological, immunological, immuno-hematological, biophysical, or
93 any other test or procedure performed on material derived from or
94 present within a human body which provides information for the
95 diagnosis, treatment, health maintenance, or prevention of
96 disease. Clinical laboratory testing encompasses the pre-analytical,
97 analytical, and post-analytical phases of testing;

98 (16) "Department", the Missouri department of economic
99 development;

100 (17) "Director", the director of the division;

101 (18) "Division", the division of professional registration;

102 (19) "Levels of testing", clinical laboratory tests categorized by
103 rule by the board as:

104 (a) "Level 1 testing", low complexity testing as defined by the
105 board;

106 (b) "Level 2 testing", moderate complexity testing as defined by
107 the board; and

108 (c) "Level 3 testing", high complexity testing as defined by the
109 board;

110 (20) "Medical laboratory director", a physician licensed in this
111 state who is certified in clinical pathology by the American Board of
112 Pathology or the American Osteopathic Board of Pathology, or a person
113 possessing a doctorate degree in clinical laboratory science, who is
114 responsible for the medical oversight of the clinical laboratory, the
115 ongoing competence of clinical laboratory personnel, the quality of the
116 clinical laboratory testing, and the laboratory's compliance with
117 applicable regulations. Some of his or her duties may be delegated, but
118 the medical laboratory director retains the responsibility that all duties
119 are properly performed. The medical laboratory director serves as a
120 consultant for physicians and other health care professionals and may
121 provide diagnoses upon the examination of laboratory test results;

122 (21) "Phlebotomy technician", a person who is responsible for
123 obtaining blood specimens by venipuncture or capillary puncture
124 according to established and approved protocols and with the oversight
125 of a clinical laboratory scientist, categorical clinical laboratory
126 scientist, clinical laboratory science consultant, clinical laboratory
127 science director, medical laboratory director, or a physician licensed
128 in this state;

129 **(22) "Point of care testing/bedside testing", clinical laboratory**
130 **testing that is critical to patient care and must be performed**
131 **immediately at the patient's location. Tests which meet this definition**
132 **provide clinically relevant information which determines the patient's**
133 **therapy, are limited to procedures that produce accurate data within**
134 **a short period of time, meet the current standards of quality in clinical**
135 **laboratory science, and comply with all standards of accrediting**
136 **agencies and are approved by the board.**

324.1206. Sections 324.1200 to 324.1230 do not apply to:

2 **(1) Licensed health care professionals whose scope of practice**
3 **includes blood collection or the performance of level 1 testing. Level**
4 **2 clinical laboratory microscopy procedures shall be performed by**
5 **licensed practitioners of the healing arts;**

6 **(2) Cytologists, including those persons who perform steps in the**
7 **pre-analytical phase of testing;**

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

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

15 **(5) Students or trainees enrolled in an accredited clinical**
16 **laboratory science education program provided that their activities**
17 **constitute a part of a designed course in the program, that the**
18 **individuals are designated by title as intern, trainee, or student, and**
19 **the individuals work under the direct supervision of a clinical**
20 **laboratory scientist, categorical clinical laboratory scientist, or clinical**
21 **laboratory science technician who is responsible for reporting test**
22 **results.**

324.1209. 1. No person shall collect, process, perform, interpret,
2 **report, or consult regarding clinical laboratory tests unless licensed**
3 **under sections 324.1200 to 324.1230. The board may grant a temporary**
4 **license as specified in subsection 1 of section 324.1218.**

5 **2. All persons collecting blood specimens, processing laboratory**
6 **specimens, performing, interpreting, or reporting laboratory tests or**
7 **consulting regarding clinical laboratory tests, or defined as a clinical**

8 laboratory practitioner on August 28, 2006, who are certified by or
9 eligible for certification by an approved credentialing agency, and who
10 have applied to the board on or before December 31, 2006, and have
11 complied with all necessary requirements for such application may
12 continue to perform the duties until the expiration of twelve months
13 after the filing of such application, the denial of the application by the
14 board, or the withdrawal of the application, whichever occurs first.

15 3. Effective December 31, 2007, no initial license shall be issued
16 until an applicant meets all of the requirements under sections 324.1200
17 to 324.1230 and successfully passes an approved credentialing agency
18 certification examination specific for the professional level of licensure
19 sought as determined by the board.

20 4. Persons not meeting the requirements of an approved
21 credentialing agency for any license described in sections 324.1200 to
22 324.1230 prior to August 28, 2006, shall be considered to have met the
23 qualifications providing they have three years of acceptable experience
24 at the professional level for which licensure is sought during the five-
25 year period immediately prior to August 28, 2006, and submit to the
26 board documentation of experience as approved by rule of the board.

27 5. As pertaining to point of care/bedside testing: an individual
28 licensed as a clinical laboratory scientist, clinical laboratory science
29 consultant, clinical laboratory science director, or medical laboratory
30 director shall have the following responsibilities:

31 (1) Designing, conducting, or supervising the training programs
32 for the point of care/bedside testing personnel;

33 (2) Supervising and monitoring the test quality assurance and
34 quality control activities of the point of care/bedside testing program;

35 (3) Assisting in the selection of laboratory methodology and
36 instrumentation for the point of care/bedside testing program;

37 (4) Reviewing and evaluating results of proficiency testing and
38 recommending corrective action, if necessary, for the point of
39 care/bedside testing program; and

40 (5) Monitoring the continued competence of the point of
41 care/bedside testing personnel.

324.1212. 1. There is hereby created within the division of
2 professional registration, the "Clinical Laboratory Science Board". The
3 board shall assist the division in administering and enforcing the

4 provisions of sections 324.1200 to 324.1230, and shall adopt, publish, and
5 enforce such rules and regulations as may be considered necessary or
6 proper for the effective administration and interpretation of the
7 provisions of sections 324.1200 to 324.1230, and for the conduct of its
8 business and management of its internal affairs.

9 2. At least ninety days before the expiration of a term of a board
10 member, and as soon as feasible after the occurrence of a vacancy on
11 the board for reasons other than the expiration of a term, a list of three
12 licensed and qualified individuals shall be submitted to the director of
13 the division of professional registration. The governor may appoint a
14 board member to fill the vacancy from the list submitted, or may
15 appoint some other qualified, licensed clinical laboratorian.

16 3. The board shall approve by rule the types of certifications
17 required for each level of licensure.

18 4. The board shall consist of seven members, including one
19 public member, one practicing medical laboratory director, one
20 practicing clinical laboratory science director, two practicing clinical
21 laboratory scientists, one practicing clinical laboratory technician, and
22 one clinical laboratory assistant or phlebotomy technician the first of
23 which shall be a clinical laboratory assistant and followed by a
24 phlebotomy technician on an ongoing rotational basis from term to
25 term, appointed by the governor, with the advice and consent of the
26 senate. Within ninety days after August 28, 2006, the governor shall
27 appoint two members for a term of two years, two members for a term
28 of three years, and three members for a term of four years. As terms of
29 the initial members expire, the governor shall appoint successors for
30 terms of four years. A member whose term has expired shall continue
31 to serve on the board until such time as a replacement is
32 appointed. Whenever a vacancy shall occur on the board by reason
33 other than the expiration of a term of office, the governor shall appoint
34 a successor of like qualifications for the remainder of the unexpired
35 term. No member shall serve more than the remaining portion of a
36 previous member's unexpired term, plus two consecutive four-year
37 terms of the member's own thereafter. Each member of the board shall
38 be a citizen of the United States and of the state of Missouri and, except
39 for the first members appointed, shall be licensed under sections
40 324.1200 to 324.1230. In appointing members to the board,

41 consideration shall be given to race, gender, ethnic origin, and persons
42 from the various geographic regions of this state. No more than four
43 members shall be from the same political party.

44 5. Each member of the board shall receive as compensation an
45 amount set by the board and shall be reimbursed for necessary and
46 actual expenses incurred in the performance of the member's official
47 duties. The board may appoint, employ, and fix the compensation of a
48 legal counsel and board personnel. The division shall provide all staff
49 for the board.

50 6. The board shall hold an annual meeting at which it shall elect
51 for a one-year term from its membership a chairperson and a secretary
52 who shall also be treasurer. The board may hold such additional
53 meetings as may be required in the performance of its duties, provided
54 that notice of every meeting shall be given to each member at least
55 three days prior to the date of the meeting. A majority of the board,
56 including at least one officer, shall constitute a quorum for the
57 conducting of business.

58 7. The board shall adopt and revise such rules and regulations
59 as may be necessary to enable it to carry into effect the provisions of
60 sections 324.1200 to 324.1230. Any rule or portion of a rule, as that term
61 is defined in section 536.010, RSMo, that is created under the authority
62 delegated in this section shall become effective only if it complies with
63 and is subject to all of the provisions of chapter 536, RSMo, and, if
64 applicable, section 536.028, RSMo. This section and chapter 536, RSMo,
65 are nonseverable and if any of the powers vested with the general
66 assembly pursuant to chapter 536, RSMo, to review, to delay the
67 effective date, or to disapprove and annul a rule are subsequently held
68 unconstitutional, then the grant of rulemaking authority and any rule
69 proposed or adopted after August 28, 2006, shall be invalid and void.

70 8. The board shall prescribe by rule minimum standards for
71 organizations that provide continuing education programs for license
72 renewal for clinical laboratory personnel.

73 9. The board shall designate as "approved" such programs as
74 meet the requirements of the standards and the division shall annually
75 publish a list of such programs.

76 10. The board shall by rule designate the number of hours and
77 type of continuing education required for the renewal of each license

78 level, if the approved credentialing agency did not require continuing
79 education for certification renewal.

80 11. The board shall keep a record of all proceedings.

81 12. The governor may remove a board member for misconduct,
82 incompetence, neglect of the member's official duties, or for cause.

83 13. The public member shall be at the time of the person's
84 appointment, a resident of this state for a minimum of one year, and a
85 registered voter; a person who is not, and never has been, licensed
86 under sections 324.1200 to 324.1230, or the spouse of such a person; and
87 a person who does not have, and never has had, a material financial
88 interest in either the providing of the professional services regulated
89 under sections 324.1200 to 324.1230, or an activity or organization
90 directly related to any profession licensed or regulated under sections
91 324.1200 to 324.1230. The duties of the public member shall not include
92 the determination of approved credentialing agencies or the approval
93 of organizations that offer continuing education programs for clinical
94 laboratory personnel, or any other technical decision making.

95 14. Members of the board shall not be personally liable, either
96 jointly or separately, for any act or acts committed in the performance
97 of their official duties as board members.

324.1215. The board shall review the certification by the
2 approved credentialing agency and shall determine by rule the level of
3 license to issue and shall recommend, if applicable, to the department
4 the issuance of such a license. The following levels of licenses shall be
5 issued and a person may qualify for and be issued several licenses
6 dependent on the applicant's certifications and the board's
7 recommendation:

8 (1) Clinical laboratory science director: minimum educational
9 requirement shall be a baccalaureate degree;

10 (2) Clinical laboratory science consultant: minimum educational
11 requirement shall be a baccalaureate degree;

12 (3) Clinical laboratory science supervisor: minimum educational
13 requirement shall be a baccalaureate degree;

14 (4) Clinical laboratory scientist: minimum educational
15 requirement shall be a baccalaureate degree;

16 (5) Categorical clinical laboratory science supervisor: the
17 laboratory specialty shall be specified on the license; minimum

18 educational requirement shall be a baccalaureate degree;

19 (6) Categorical clinical laboratory scientist: the laboratory
20 specialty shall be specified on the license; minimum educational
21 requirement shall be a baccalaureate degree;

22 (7) Clinical laboratory science technician: minimum educational
23 requirement shall be an associates degree;

24 (8) Clinical laboratory science assistant: minimum educational
25 requirement shall be a high school diploma or a GED;

26 (9) Phlebotomy technician: minimal educational requirement
27 shall be a high school diploma or a GED.

324.1218. 1. Licensure applicants who qualify by education,
2 experience, or training but have not taken or passed an approved
3 credentialing agency's certification examination may be granted a
4 temporary license by the board, upon submission of proof to the board
5 from the credentialing agency of acceptance to sit for the certification
6 exam, that will allow that person to engage in the practice of clinical
7 laboratory science at the appropriate level. The temporary license will
8 be valid for twelve months and can be renewed once upon failure to
9 pass an approved certification examination.

10 2. Internationally trained licensure applicants must have their
11 transcripts evaluated by a transcript evaluation agency acceptable to
12 the board and submitted directly to a board-approved credentialing
13 agency. The evaluation must indicate that the applicant's education is
14 equivalent to that which is required for licensure of United States
15 graduates at the level of licensure sought. Upon submission of proof to
16 the board of acceptance to sit for the certification examination from
17 the credentialing agency, the person may apply for a temporary license
18 in the corresponding category.

324.1221. The board shall recognize a valid license issued by
2 another state, provided that the requirements under which that license
3 was issued are equivalent to, or exceed the standards required under
4 sections 324.1200 to 324.1230.

324.1224. 1. Applications for licensure in clinical laboratory
2 science shall be in writing, submitted to the board on forms provided
3 by the division, and furnished to the applicant. The application shall
4 contain the applicant's statements showing the applicant's education,
5 experience, copy of applicant's certification, and such other

6 information as the board may require. Each application shall contain
7 a statement that it is made under oath or affirmation and that the
8 information contained therein is true and correct to the best knowledge
9 and belief of the applicant, subject to the penalties provided for the
10 making of a false affidavit or declaration. Appropriate fees shall
11 accompany each application.

12 2. The board by rule shall establish fees to be paid for
13 application, licensing and renewal, reinstatement, and record making
14 and recordkeeping by the division. The board may also establish by
15 rule a delinquency fee. The board shall establish fees that are adequate
16 to ensure the continued operation of the board and to fund the
17 proportionate expenses incurred by the division in carrying out its
18 licensure and other related responsibilities under sections 324.1200 to
19 324.1230. Fees shall be based on departmental estimates of the revenue
20 required to implement sections 324.1200 to 324.1230 and the provisions
21 of law with respect to the regulation of clinical laboratory personnel.

22 3. Upon receipt of a nonrefundable, initial application fee and
23 payment of any license fees, the division shall issue a license for the
24 appropriate level as a clinical laboratory science director, clinical
25 laboratory science consultant, clinical laboratory science supervisor,
26 clinical laboratory scientist, categorical clinical laboratory science
27 supervisor, categorical clinical laboratory scientist, clinical laboratory
28 science technician, clinical laboratory science assistant, or phlebotomy
29 technician to a person who meets the qualifications specified under
30 sections 324.1200 to 324.1230 and the rules and regulations promulgated
31 thereunder.

32 4. Persons requesting certification in more than one level of
33 licensure shall receive one license, which shall list each level of
34 licensure granted, and in the case of categorical clinical laboratory
35 scientists, the laboratory specialty for which the license may be valid.

36 5. A license issued under sections 324.1200 to 324.1230 shall
37 expire in two years. The board by rule may permit renewal less
38 frequently than every two years and may set license fees
39 accordingly. The division shall mail a renewal notice to the last known
40 address of each licensee prior to the renewal date. The license of any
41 person who fails to pay the required fee, fails to provide documentation
42 of required certification or documentation of required continuing

43 education, or fails to provide the board with any information required
44 for renewal within sixty days after the expiration of such license shall
45 be automatically cancelled without notice or further proceedings unless
46 the person has made application for inactive status, or to pay the
47 renewal fee shall result in a nonvalid license. The license shall be
48 reinstated if, within two years of the renewal date, the applicant
49 submits the required documentation, including continuing education
50 requirements, and pays the applicable fees as approved by the board.

51 6. The board shall prescribe by rule the continuing education
52 requirements for renewal of each level of license, if a person licensed
53 under sections 324.1200 to 324.1230 asks to be placed on inactive status,
54 provided such person does not practice clinical laboratory science
55 during such a period that the person is on inactive status. If the person
56 desires to maintain such license on an inactive status and in order to
57 avoid lapsing of such license, the person shall pay the required fee as
58 established by the board for maintaining an inactive license. An
59 inactive license shall be renewed biennially, or less frequently if
60 specified by rule by the board. The board may reactivate an inactive
61 license. The board shall prescribe by rule the continuing education
62 requirements necessary as a condition of license reactivation and
63 demonstrated continuing competence.

64 7. Each person possessing a clinical laboratory personnel license
65 must display the license in a prominent location in the laboratory
66 workplace.

67 8. Duplicate licenses for persons practicing in more than one
68 location, or a duplicate license to replace any license lost, destroyed,
69 or mutilated may be issued subject to the rules of the board and upon
70 payment of a fee established by rule by the board.

71 9. There is hereby created in the state treasury the "Clinical
72 Laboratory Science Fund", which shall consist of money collected under
73 sections 324.1200 to 324.1230. The state treasurer shall be custodian of
74 the fund and shall approve disbursements from the fund in accordance
75 with sections 30.170 and 30.180, RSMo. Upon appropriation, money in
76 the fund shall be used solely for the administration of sections 324.1200
77 to 324.1230. Notwithstanding the provisions of section 33.080, RSMo, to
78 the contrary, any moneys remaining in the fund at the end of the
79 biennium shall not revert to the credit of the general revenue

80 fund. The state treasurer shall invest moneys in the fund in the same
81 manner as other funds are invested. Any interest and moneys earned
82 on such investments shall be credited to the fund.

324.1227. 1. The board may refuse to issue or renew any license
2 for one or any combination of reasons stated in this section. The board
3 shall notify the applicant in writing of the reasons for the refusal and
4 shall advise the applicant of the right to file a complaint with the
5 administrative hearing commission.

6 2. The board may cause a complaint to be filed with the
7 administrative hearing commission against the holder of any license or
8 any person who has failed to renew or has surrendered the person's
9 license that may include, but not be limited to, any one or any
10 combination of the following causes:

11 (1) Use of fraud, deception, misrepresentation, or bribery in
12 securing a license under sections 324.1200 to 324.1230;

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

15 (3) Disciplinary action against the holder of a license by another
16 state, territory, federal agency, or country upon grounds for which
17 revocation or suspension is authorized in this state;

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

19 (5) The person has been adjudicated and found guilty, or entered
20 a plea of guilty or nolo contendere, in a criminal prosecution pursuant
21 to the laws of any state, the United States, for any offense reasonably
22 related to the qualifications, functions, or duties of the person who is
23 regulated, for any offense involving an essential element of fraud,
24 dishonesty, or act of violence, or for any offense involving moral
25 turpitude, elderly abuse, or child abuse, regardless of whether or not
26 a sentence is imposed;

27 (6) Demonstrating professional incompetence, misconduct, gross
28 negligence, fraud, misrepresentation, or dishonesty in the performance
29 of specimen collection, processing or performance of clinical laboratory
30 testing, or erroneous reporting;

31 (7) Failing, within sixty days, to provide information in response
32 to a written request made by the board;

33 (8) Directly or indirectly giving to or receiving from any person,
34 firm, corporation, partnership, or association any fee, commission,

35 rebate, or other form of compensation for any professional services not
36 actually rendered;

37 (9) Finding by the board that the licensee, after having his or her
38 license placed on probationary status, has violated the terms of
39 probation;

40 (10) Willfully making or filing false records or reports in his
41 practice, including but not limited to, false records filed with state
42 agencies or departments;

43 (11) Violating any standard of professional conduct adopted by
44 the board;

45 (12) Engaging in dishonorable, unethical, or unprofessional
46 conduct of a character likely to deceive, defraud, or harm the public;

47 (13) Jeopardizing patient safety by providing professional
48 services while mentally incompetent or under the influence of alcohol,
49 a narcotic, or a controlled substance that is in excess of therapeutic
50 amounts or without valid medical indication;

51 (14) Directly or indirectly contracting to perform clinical
52 laboratory tests in a manner which offers or implies an offer of rebate,
53 fee-splitting inducements or arrangements, or other remuneration;

54 (15) Aiding or assisting another individual in violating any
55 provision of sections 324.1200 to 324.1230, or any rule adopted
56 thereunder;

57 (16) Violation of the drug laws or rules and regulations of this
58 state, any other state or the federal government.

59 3. After the filing of such a complaint, the proceedings shall be
60 conducted in accordance with the provisions of chapter 621,
61 RSMo. Upon a finding of the administrative hearing commission that
62 the grounds provided in subsection 2 of this section for disciplinary
63 action are met, the board may, singly or in combination, censure or
64 place the person named in the complaint on probation on such terms
65 and conditions as the board deems appropriate for a period not to
66 exceed five years, or may suspend, for a period not to exceed three
67 years, or revoke the license.

68 4. A person whose license has been revoked shall wait one year
69 from the date of revocation to apply for relicensure. Relicensure shall
70 be at the discretion of the board after compliance with all the
71 requirements of sections 324.1200 to 324.1230 relative to the licensing

72 of an applicant for the first time.

73 5. The board may notify the proper licensing authority of any
74 other state concerning the final disciplinary action determined by the
75 board against any person holding a license granted by another state.

76 6. Any person, organization, association, or corporation who
77 reports or provides information to the board of clinical laboratory
78 science under sections 324.1200 to 324.1230, and who does so in good
79 faith, shall not be subject to an action for civil damages as a result
80 thereof.

324.1230. Any person who violates the provisions of sections
2 324.1200 to 324.1230 is guilty of a class A misdemeanor and, upon
3 conviction, shall be punished as provided by law.

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Bill

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