

FIRST REGULAR SESSION

SENATE BILL NO. 171

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NODLER.

Pre-filed December 18, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0869S.011

AN ACT

To repeal section 621.045, RSMo, and to enact in lieu thereof one new section relating to the Missouri board for architects, professional engineers, professional land surveyors, and landscape architects.

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

Section A. Section 621.045, RSMo, is repealed and one new section enacted
2 in lieu thereof, to be known as section 621.045, to read as follows:

621.045. 1. The administrative hearing commission shall conduct
2 hearings and make findings of fact and conclusions of law in those cases when,
3 under the law, a license issued by any of the following agencies may be revoked
4 or suspended or when the licensee may be placed on probation or when an agency
5 refuses to permit an applicant to be examined upon his qualifications or refuses
6 to issue or renew a license of an applicant who has passed an examination for
7 licensure or who possesses the qualifications for licensure without examination:

8 Missouri State Board of Accountancy
9 Missouri Board [of Registration] for Architects, Professional Engineers
10 [and], **Professional Land Surveyors, and Landscape Architects**
11 Board of Barber Examiners
12 Board of Cosmetology
13 Board of Chiropody and Podiatry
14 Board of Chiropractic Examiners
15 Missouri Dental Board
16 Board of Embalmers and Funeral Directors
17 Board of Registration for the Healing Arts
18 Board of Nursing

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 Board of Optometry
20 Board of Pharmacy
21 Missouri Real Estate Commission
22 Missouri Veterinary Medical Board
23 Supervisor of Liquor Control
24 Department of Health and Senior Services
25 Department of Insurance
26 Department of Mental Health.

27 2. If in the future there are created by law any new or additional
28 administrative agencies which have the power to issue, revoke, suspend, or place
29 on probation any license, then those agencies are under the provisions of this law.

30 3. Notwithstanding any other provision of this section to the contrary,
31 after August 28, 1995, in order to encourage settlement of disputes between any
32 agency described in subsection 1 or 2 of this section and its licensees, any such
33 agency shall:

34 (1) Provide the licensee with a written description of the specific conduct
35 for which discipline is sought and a citation to the law and rules allegedly
36 violated, together with copies of any documents which are the basis thereof and
37 the agency's initial settlement offer, or file a contested case against the licensee;

38 (2) If no contested case has been filed against the licensee, allow the
39 licensee at least sixty days, from the date of mailing, to consider the agency's
40 initial settlement offer and to contact the agency to discuss the terms of such
41 settlement offer;

42 (3) If no contested case has been filed against the licensee, advise the
43 licensee that the licensee may, either at the time the settlement agreement is
44 signed by all parties, or within fifteen days thereafter, submit the agreement to
45 the administrative hearing commission for determination that the facts agreed
46 to by the parties to the settlement constitute grounds for denying or disciplining
47 the license of the licensee; and

48 (4) In any contact pursuant to this subsection by the agency or its counsel
49 with a licensee who is not represented by counsel, advise the licensee that the
50 licensee has the right to consult an attorney at the licensee's own expense.

51 4. If the licensee desires review by the administrative hearing commission
52 pursuant to subdivision (3) of subsection 3 of this section at any time prior to the
53 settlement becoming final, the licensee may rescind and withdraw from the
54 settlement and any admissions of fact or law in the agreement shall be deemed

55 withdrawn and not admissible for any purposes under the law against the
56 licensee. Any settlement submitted to the administrative hearing commission
57 shall not be effective and final unless and until findings of fact and conclusions
58 of law are entered by the administrative hearing commission that the facts agreed
59 to by the parties to the settlement constitute grounds for denying or disciplining
60 the license of the licensee.

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Unofficial

Bill

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