

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 308**  
94TH GENERAL ASSEMBLY  
2007

1150S.08T

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**AN ACT**

To repeal sections 317.001, 317.006, 317.011, 317.013, 317.015, 317.018, 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 331.010, 334.120, 335.016, 335.036, 335.066, 335.068, 335.076, 335.096, 335.097, 335.212, 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.090, 336.140, 336.160, 336.200, 336.220, 336.225, 337.600, 337.603, 337.604, 337.606, 337.609, 337.612, 337.615, 337.618, 337.622, 337.624, 337.627, 337.630, 337.636, 337.639, 337.650, 337.653, 337.659, 337.665, 337.668, 337.674, 337.677, 337.680, 337.686, 337.689, 337.700, 337.715, 337.718, 339.100, 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 383.130, 383.133, and 621.045, RSMo, and to enact in lieu thereof ninety-nine new sections relating to the practice of certain licensed professionals, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 317.001, 317.006, 317.011, 317.013, 317.015, 317.018,  
2 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 331.010, 334.120,  
3 335.016, 335.036, 335.066, 335.068, 335.076, 335.096, 335.097, 335.212, 336.010,  
4 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.090, 336.140,

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

5 336.160, 336.200, 336.220, 336.225, 337.600, 337.603, 337.604, 337.606, 337.609,  
6 337.612, 337.615, 337.618, 337.622, 337.624, 337.627, 337.630, 337.636, 337.639,  
7 337.650, 337.653, 337.659, 337.665, 337.668, 337.674, 337.677, 337.680, 337.686,  
8 337.689, 337.700, 337.715, 337.718, 339.100, 345.015, 345.030, 345.045, 345.055,  
9 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 383.130, 383.133, and  
10 621.045, RSMo, are repealed and ninety-nine new sections enacted in lieu thereof,  
11 to be known as sections 37.800, 192.632, 317.001, 317.006, 317.011, 317.013,  
12 317.015, 317.018, 317.019, 324.1100, 324.1102, 324.1104, 324.1106, 324.1108,  
13 324.1110, 324.1112, 324.1114, 324.1116, 324.1118, 324.1120, 324.1122, 324.1124,  
14 324.1126, 324.1128, 324.1130, 324.1132, 324.1134, 324.1136, 324.1138, 324.1140,  
15 324.1142, 324.1144, 324.1146, 324.1148, 327.011, 327.076, 327.077, 327.181,  
16 327.441, 331.010, 334.120, 335.016, 335.036, 335.066, 335.067, 335.068, 335.076,  
17 335.096, 335.097, 335.212, 336.010, 336.020, 336.030, 336.040, 336.050, 336.060,  
18 336.070, 336.080, 336.140, 336.160, 336.220, 336.225, 337.600, 337.603, 337.604,  
19 337.612, 337.615, 337.618, 337.622, 337.627, 337.630, 337.636, 337.643, 337.644,  
20 337.645, 337.646, 337.653, 337.665, 337.689, 337.700, 337.715, 337.718, 339.100,  
21 339.200, 339.205, 345.015, 345.030, 345.033, 345.045, 345.055, 346.015, 346.030,  
22 346.035, 346.055, 346.060, 346.110, 383.130, 383.133, and 621.045, to read as  
23 follows:

**37.800. 1. This section shall be known and may be cited as the**  
**2 "The Human Voice Contact Act".**

**3 2. A state agency that uses automated telephone answering**  
**4 equipment to answer incoming telephone calls shall, during normal**  
**5 business hours of the agency, provide the caller with the option of**  
**6 speaking to a live operator. This section shall not apply to field offices,**  
**7 telephone lines dedicated as hotlines for emergency services, telephone**  
**8 lines dedicated to providing general information, and any system that**  
**9 is designed to permit an individual to conduct a complete transaction**  
**10 with the state agency over the telephone solely by pressing one or more**  
**11 touch tone telephone keys in response to automated prompts. As used**  
**12 in this section, "state agency" refers to each board, commission,**  
**13 department, officer or other administrative office or unit of the state**  
**14 other than the general assembly, the courts, the governor, or a political**  
**15 subdivision of the state, existing under the constitution or statute.**

**192.632. 1. There is hereby created a "Chronic Kidney Disease**  
**2 Task Force". Unless otherwise stated, members shall be appointed by**

3 the director of the department of health and senior services and shall  
4 include, but not be limited to, the following members:

5 (1) Two physicians appointed from lists submitted by the  
6 Missouri State Medical Association;

7 (2) Two nephrologists;

8 (3) Two family physicians;

9 (4) Two pathologists;

10 (5) One member who represents owners or operators of clinical  
11 laboratories in the state;

12 (6) One member who represents a private renal care provider;

13 (7) One member who has a chronic kidney disease;

14 (8) One member who represents the state affiliate of the National  
15 Kidney Foundation;

16 (9) One member who represents the Missouri Kidney Program;

17 (10) Two members of the house of representatives appointed by  
18 the speaker of the house of representatives;

19 (11) Two members of the senate appointed by the president pro  
20 tempore of the senate;

21 (12) Additional members may be chosen to represent public  
22 health clinics, community health centers, and private health insurers.

23 2. A chairperson and a vice-chairperson shall be elected by the  
24 members of the task force.

25 3. The chronic kidney task force shall:

26 (1) Develop a plan to educate the public and health care  
27 professionals about the advantages and methods of early screening,  
28 diagnosis, and treatment of chronic kidney disease and its  
29 complications based on kidney disease outcomes, quality initiative  
30 clinical practice guidelines for chronic kidney disease, or other  
31 medically recognized clinical practice guidelines;

32 (2) Make recommendations on the implementation of a cost-  
33 effective plan for early screening, diagnosis, and treatment of chronic  
34 kidney disease for the state's population;

35 (3) Identify barriers to adoption of best practices and potential  
36 public policy options to address such barriers;

37 (4) Submit a report of its findings and recommendations to the  
38 general assembly within one year of its first meeting.

39 4. The department of health and senior services shall provide all

40 **necessary staff, research, and meeting facilities for the chronic kidney**  
41 **disease task force.**

317.001. As used in sections 317.001 to 317.021, the following words and  
2 terms mean:

3 (1) **"Amateur", a person who competes in a boxing, wrestling,**  
4 **kickboxing, or full-contact karate event who has not competed as a**  
5 **contestant for valuable consideration in any event in which similar**  
6 **boxing, wrestling, kickboxing, or full-contact karate skills were used or**  
7 **allowed;**

8 (2) **"Bout", one match involving [either] professional boxing, sparring,**  
9 **professional wrestling, professional kickboxing, or professional full-contact karate,**  
10 **including professional mixed martial arts;**

11 (3) **"Boxing", the sport of attack and defense where contestants**  
12 **are allowed to only use the fist to attack or strike in competition;**

13 [(2)] (4) **"Combative fighting", [also known as "toughman fighting",**  
14 **"toughwoman fighting", "badman fighting", "ultimate fighting", "U.F.C." and**  
15 **"extreme fighting", any boxing or wrestling match, contest or exhibition, between**  
16 **two or more contestants, with or without protective headgear, who use their**  
17 **hands, with or without gloves, or their feet, or both, and who compete for a**  
18 **financial prize or any item of pecuniary value, and which match, contest,**  
19 **tournament championship or exhibition is not recognized by and not sanctioned**  
20 **by any officially recognized state, regional or national boxing or athletic**  
21 **sanctioning authority, or any promoter duly licensed by the division of**  
22 **professional registration] a bout or contest, with or without gloves or**  
23 **protective headgear, whereby any part of the contestant's body may be**  
24 **used as a weapon or any other means of fighting may be used with the**  
25 **specific purpose of intentionally injuring the other contestants in such**  
26 **a manner that they may not defend themselves and in which there is no**  
27 **referee;**

28 [(3)] (5) **"Contest", a bout or a group of bouts involving licensed**  
29 **contestants competing in professional boxing, sparring, professional wrestling,**  
30 **professional kickboxing, or professional full-contact karate;**

31 [(4)] (6) **"Contestant", a person who competes in any [activity covered by**  
32 **sections 317.001 to 317.021] boxing, wrestling, kickboxing, or full-contact**  
33 **karate event;**

34 [(5)] (7) **"Division", the division of professional registration;**

35           [(6)] (8) "Director", the director of the division of professional  
36 registration;

37           (9) **"Exhibition", a boxing, wrestling, kickboxing, or full-contact**  
38 **karate engagement in which persons are participating to show or**  
39 **display their boxing, wrestling, kickboxing, or full-contact karate skill**  
40 **and in which no decision is rendered;**

41           [(7)] (10) "Fund", the athletic fund established pursuant to sections  
42 317.001 to 317.021;

43           [(8) "Mandatory count of eight", a required count of eight that is given by  
44 a referee to a contestant who has been knocked down;

45           (9) "Noncompetitive boxing", boxing or sparring where a decision is not  
46 rendered;

47           (10)] (11) **"Full-contact karate", any form of full-contact martial**  
48 **arts including, but not limited to, full-contact kungfu, full-contact tae**  
49 **kwon do, or any form of martial arts, mixed martial arts, combat or**  
50 **self-defense conducted on a full-contact basis in a match where**  
51 **contestants are allowed to deliver blows or strikes;**

52           (12) **"Kickboxing", any match in which contestants are allowed to**  
53 **use any form of boxing and are also allowed to use any part of the fist,**  
54 **foot, or leg, with or without shin guards or protective gear, or any**  
55 **combination thereof to deliver strikes above the waist and which does**  
56 **not constitute mixed martial arts as defined by this section;**

57           (13) **"Mixed martial arts", any match in which any form of martial**  
58 **arts or self-defense is conducted on a full-contact basis and where other**  
59 **combative techniques or tactics are allowed in competition including,**  
60 **but not limited to, kicking, striking, chokeholds, boxing, wrestling,**  
61 **kickboxing, grappling, or joint manipulation. Professional mixed**  
62 **martial arts is a form of full-contact karate;**

63           (14) "Office", the division of professional registration, office of athletics;

64           [(11) "Professional boxing", the sport of attack and defense which uses the  
65 fist and where contestants compete for valuable consideration;

66           (12) "Professional full-contact karate", any form of full-contact martial  
67 arts including but not limited to full-contact kungfu, full-contact taw kwon-do, or  
68 any form of martial arts or self-defense conducted on a full-contact basis in a bout  
69 or contest where weapons are not used and where contestants compete for  
70 valuable consideration. Such contests take place in a rope-enclosed ring and are

71 fought in timed rounds;

72 (13) "Professional kickboxing", any form of boxing in which blows are  
73 delivered with any part of the arm below the shoulder, including the hand, and  
74 any part of the leg below the hip, including the foot, and where contestants  
75 compete for valuable consideration. Such contests take place in a rope-enclosed  
76 ring and are fought in timed rounds;

77 (14) "Professional wrestling", any performance of wrestling skills and  
78 techniques by two or more professional wrestlers, to which any admission is  
79 charged. Participating wrestlers may not be required to use their best efforts in  
80 order to win, the winner may have been selected before the performance  
81 commences and contestants compete for valuable consideration. Such contests  
82 take place in a rope-enclosed ring and are fought in timed rounds;]

83 (15) **"Professional", a wrestling, boxing, kickboxing, or full-contact**  
84 **karate bout or contest where the participants compete for any valuable**  
85 **consideration or a person who competes in any wrestling, boxing,**  
86 **kickboxing, or full-contact karate bout or contest for any such**  
87 **consideration;**

88 (16) "Sparring", [boxing for practice or as an exhibition] **any boxing,**  
89 **wrestling, kickboxing, or full-contact karate conducted for practice and**  
90 **for which admission or other similar consideration, in any form, is**  
91 **charged to any member of the public;**

92 [(16) "Standing mandatory eight count", the count of eight that is given  
93 at the discretion of a referee to a contestant who has been dazed by a blow and  
94 is unable to defend himself or herself. The standing mandatory eight count may  
95 be waived in a bout only with special permission of the office.]

96 (17) **"Wrestling", any performance of wrestling skills and**  
97 **techniques by two or more individuals. Participating wrestlers may**  
98 **perform without being required to use their best efforts in order to win**  
99 **and the winner may have been selected before the performance**  
100 **commences.**

317.006. 1. The division [of professional registration] shall have general  
2 charge and supervision of all professional boxing, sparring, professional wrestling,  
3 professional kickboxing and professional full-contact karate contests held in the  
4 state of Missouri, and it shall have the power, and it shall be its duty:

5 (1) To make and publish rules governing in every particular professional  
6 boxing, sparring, professional wrestling, professional kickboxing and professional

7 full-contact karate contests;

8 (2) **To make and publish rules governing the approval of amateur**  
9 **sanctioning bodies;**

10 (3) To accept applications for and issue licenses to contestants in  
11 professional boxing, sparring, professional wrestling, professional kickboxing and  
12 professional full-contact karate contests held in the state of Missouri, and  
13 referees, judges, matchmakers, managers, promoters, seconds, announcers,  
14 timekeepers and physicians involved in professional boxing, sparring, professional  
15 wrestling, professional kickboxing and professional full-contact karate contests  
16 held in the state of Missouri, as authorized herein. Such licenses shall be issued  
17 in accordance with rules duly adopted by the division;

18 [(3)] (4) To charge fees to be determined by the director and established  
19 by rule for every license issued and to assess a tax of five percent of the gross  
20 receipts of any person, organization, corporation, partnership, limited liability  
21 company, or association holding a promoter's license and permit under sections  
22 317.001 to 317.021, derived from admission charges connected with or as an  
23 incident to the holding of any professional boxing, sparring, professional  
24 wrestling, professional kickboxing or professional full-contact karate contest in  
25 [this state] **the state of Missouri**. Such funds shall be paid to the division of  
26 professional registration which shall pay said funds into the **Missouri** state  
27 treasury to be set apart into a fund to be known as the "Athletic Fund" which is  
28 hereby established;

29 [(4)] (5) To assess a tax of five percent of the gross receipts of any  
30 person, organization, corporation, partnership, limited liability company or  
31 association holding a promoter's license [and permit] under sections 317.001 to  
32 317.021, derived from the sale, lease or other exploitation in this state of  
33 broadcasting, television, **pay-per-view**, closed-circuit telecast, and motion  
34 picture rights for any professional boxing, sparring, professional wrestling,  
35 professional kickboxing or professional full-contact karate contest. Such funds  
36 shall be paid to the division [of professional registration] which shall pay said  
37 funds into the **Missouri** state treasury to be set apart into a fund to be known  
38 as the "Athletic Fund";

39 [(5)] (5) To assess a tax of twenty-five percent of the gross receipts of any  
40 person, organization, corporation, partnership, limited liability company or  
41 association derived from the sale, lease or other exploitation in this state of  
42 broadcasting, television, closed-circuit telecast, and motion picture rights for any

43 combative fighting contest. Such funds shall be paid to the division of  
44 professional registration, which shall pay said funds into the state treasury to be  
45 set apart into a fund to be known as the athletic fund;]

46 (6) Each cable television system operator whose pay-per-view **or closed-**  
47 **circuit** facilities are utilized to telecast a bout or contest shall, within thirty  
48 calendar days following the date of the telecast, file a report with the office  
49 stating the number of orders sold and the price per order.

50 2. All fees established pursuant to sections 317.001 to 317.021 shall be  
51 determined by the director by rule in such amount as to produce sufficient  
52 revenue to fund the necessary expenses and operating costs incurred in the  
53 administration of the provisions of sections 317.001 to 317.021. All expenses  
54 shall be paid as otherwise provided by law.

317.011. 1. The division [of professional registration] shall have the  
2 power, and it shall be its duty, to accept application for and issue permits to hold  
3 professional boxing, sparring, professional wrestling, professional kickboxing or  
4 professional full-contact karate contests in the state of Missouri, and to charge  
5 a fee for the issuance of same in an amount established by rule; such funds to be  
6 paid to the division [of professional registration] which shall pay such funds into  
7 the **Missouri** state treasury to be set apart into the athletic fund.

8 2. The provisions of section 33.080, RSMo, to the contrary  
9 notwithstanding, money in this fund shall not be transferred and placed to the  
10 credit of general revenue until the amount in the fund at the end of the biennium  
11 exceeds two times the amount of the appropriation from the fund for the  
12 preceding fiscal year or, if the division requires by rule renewal less frequently  
13 than yearly then three times the appropriation from the fund for the preceding  
14 fiscal year. The amount, if any, in the fund which shall lapse is that amount in  
15 the fund which exceeds the appropriate multiple of the appropriations from the  
16 fund for the preceding fiscal year.

17 3. The division [of professional registration] shall not grant any permit  
18 to hold professional boxing, sparring, professional wrestling, professional  
19 kickboxing or professional full-contact karate contests in the state of Missouri  
20 except:

21 (1) Where such professional boxing, sparring, professional wrestling,  
22 professional kickboxing or professional full-contact karate contest is to be held  
23 under the auspices of a promoter duly licensed by the division;

24 [(2) Where such contest shall be of not more than fifteen rounds of three



25 minutes each duration per bout;] and

26 [(3)] (2) Where a fee has been paid for such permit, in an amount  
27 established by rule.

28 4. In such contests a decision shall be rendered by three judges licensed  
29 by the division.

30 5. Specifically exempted from the provisions of this chapter are contests  
31 or exhibitions for amateur boxing, amateur kickboxing, amateur wrestling and  
32 amateur full-contact karate. However, all amateur boxing, amateur kickboxing,  
33 amateur wrestling and amateur full-contact karate must be sanctioned by a  
34 nationally recognized amateur sanctioning body approved by the office.

317.013. 1. In order to protect the health and welfare of the contestants,  
2 there shall be a mandatory medical suspension of any contestant, not to exceed  
3 one hundred [twenty] **eighty** days, who loses consciousness or who has been  
4 injured as a result of blows received to the head or body during a [boxing bout or  
5 semiprofessional elimination contest] **professional boxing, professional**  
6 **wrestling, professional kickboxing, or professional full-contact karate**  
7 **contest**. The determination of consciousness is to be made only by a physician  
8 licensed by the board of healing arts and the division. Medical suspensions  
9 issued in accordance with this section shall not be reviewable by any tribunal.

10 2. No license shall be issued to any person who has been injured in such  
11 a manner that they may not continue **to participate in boxing, wrestling,**  
12 **kickboxing, or full-contact karate contests** in the future. Such a person  
13 shall be deemed medically retired. No person with a status of medically retired  
14 shall compete in any events governed by this chapter. Medical retirements issued  
15 in accordance with this section shall not be reviewable by any tribunal.

317.015. 1. Any person wishing to make a complaint against a licensee  
2 under sections 317.001 to 317.014 shall file the written complaint with the  
3 division setting forth supporting details. If the division determines that the  
4 charges warrant a hearing to ascertain whether the licensee shall be disciplined,  
5 it shall file a complaint with the administrative hearing commission as provided  
6 in chapter 621, RSMo. Any person holding more than one license issued by the  
7 division and disciplined under one license will automatically be disciplined under  
8 all licenses.

9 2. (1) The division may refuse to issue any permit or license pursuant to  
10 this chapter for one or any combination of reasons stated in paragraphs (a)  
11 through (m) of subdivision (2) of this subsection. The division shall notify the

12 applicant in writing of the reasons for the refusal and shall advise the applicant  
13 of their rights to file a complaint or an appeal with the administrative hearing  
14 commission as provided in chapter 621, RSMo.

15 (2) The division may file a complaint with the administrative hearing  
16 commission, as provided in chapter 621, RSMo, against any holder of any permit  
17 or license issued pursuant to this chapter, or against any person who has failed  
18 to renew or has surrendered their permit or license, for any one or more of the  
19 following reasons:

20 (a) Use of an alcoholic beverage or any controlled substance, as defined  
21 in chapter 195, RSMo, before or during a bout;

22 (b) The person has been found guilty or has entered a plea of guilty or  
23 nolo contendere in a criminal prosecution under any state or federal law for any  
24 offense reasonably related to the qualifications, functions or duties of any  
25 profession licensed or regulated under this chapter, for any offense an essential  
26 element of which is fraud, dishonesty or an act of violence, or for any offense  
27 involving moral turpitude, whether or not a sentence is imposed;

28 (c) Use of fraud, deception, misrepresentation or bribery in securing any  
29 permit or license issued pursuant to this chapter;

30 (d) Providing false information on applications or medical forms;

31 (e) Incompetency, misconduct, gross negligence, fraud, misrepresentation  
32 or dishonesty in the performing of the functions or duties of any profession  
33 licensed or regulated by this chapter;

34 (f) Violating or enabling any person to violate any provision of this  
35 chapter or any rule adopted pursuant to this chapter;

36 (g) Impersonating any permit or license holder or allowing any person to  
37 use their permit or license;

38 (h) Contestants failing to put forth their best effort during a bout;

39 (i) Disciplinary action against the holder of a license or other right to  
40 practice any profession regulated by this chapter and issued by another state,  
41 territory, federal agency or country upon grounds for which revocation or  
42 suspension is authorized in this state;

43 (j) A person adjudged mentally incompetent by a court of competent  
44 jurisdiction;

45 (k) Use of any advertisement or solicitation which is false, misleading or  
46 deceptive to the general public or persons to whom the advertisement or  
47 solicitation is primarily directed;

48 (l) Use of foul or abusive language or mannerisms or threats of physical  
49 harm by any person associated with any bout or contest licensed pursuant to this  
50 chapter; or

51 (m) Issuance of a permit or license based upon a mistake of fact.

52 (3) After the complaint is filed, the proceeding shall be conducted in  
53 accordance with the provisions of chapter 621, RSMo. If the administrative  
54 hearing commission finds that a person has violated one or more of the grounds  
55 as provided in paragraphs (a) through (m) of subdivision (2) of this subsection,  
56 the division may censure or place the person named in the complaint on probation  
57 on appropriate terms and conditions for a period not to exceed five years, may  
58 suspend the person's license for a period not to exceed three years, or may revoke  
59 the person's license.

60 **3. Upon a finding that the grounds provided in subsection 2 of**  
61 **this section for disciplinary action are met, the office may, singly or in**  
62 **combination, censure or place on probation on such terms and**  
63 **conditions as the office deems appropriate for a period not to exceed**  
64 **five years, or may suspend for a period not to exceed three years or**  
65 **revoke the certificate, license, or permit. In any order of revocation,**  
66 **the office may provide that the person shall not apply for a new license**  
67 **for a maximum of three years and one day following the date of the**  
68 **order of revocation. All stay orders shall toll the disciplinary time**  
69 **periods allotted herein. In lieu of or in addition to any remedy**  
70 **specifically provided in subsection 1 of this section, the office may**  
71 **require of a licensee:**

72 (1) Satisfactory completion of medical testing and/or  
73 rehabilitation programs as the office may specify; and/or

74 (2) A review conducted as the office may specify and satisfactory  
75 completion of medical testing and/or rehabilitation programs as the  
76 office may specify.

317.018. 1. Combative fighting is prohibited in the state of Missouri.

2 2. Anyone who promotes or participates in combative fighting, or anyone  
3 who serves as an agent, principal partner, publicist, vendor, producer, referee, or  
4 contractor of or for combative fighting is guilty of a class D felony.

5 3. Any medical personnel who administers to, treats or assists any  
6 participants of combative fighting shall not be subject to the provisions of this  
7 section.

8           4. [Nothing in section 317.001 or this section shall be construed to give  
9 authority to the Missouri state athletic commission to regulate boxing, sparring,  
10 wrestling or contact karate conducted by entities which are not regulated on July  
11 10, 1996, including but not limited to events conducted by the:

- 12           (1) Military;
- 13           (2) Private schools;
- 14           (3) Church schools;
- 15           (4) Home schools;
- 16           (5) Martial arts academies;
- 17           (6) Private gyms;
- 18           (7) YWCAs and YMCAs;
- 19           (8) Elementary and secondary schools;
- 20           (9) College and university inter- and intra-mural;
- 21           (10) Fraternal organizations;
- 22           (11) Camps, conducted by church or not for profit organizations;
- 23           (12) Olympic committees; or
- 24           (13) Correctional facilities.

25           5.] Nothing in section 317.001 or this section is intended to regulate, or  
26 interfere with or make illegal, traditional, sanctioned **amateur or scholastic**  
27 boxing, [including professional,] amateur[,] **or** scholastic[, championship boxing,  
28 amateur] wrestling [or scholastic wrestling] **amateur or scholastic**  
29 **kickboxing, or amateur or scholastic full-contact karate or amateur or**  
30 **scholastic mixed martial arts.**

**317.019. 1. The promoter of a professional boxing, professional**  
2 **kickboxing, and professional full-contact karate contest shall sign**  
3 **written bout contracts with each professional contestant. Original bout**  
4 **contracts shall be filed with the division prior to the event as required**  
5 **by the rules of the office. The bout contract shall be on a form supplied**  
6 **by the division and contain at least the following:**

- 7           **(1) The weight required of the contestant at weigh-in;**
- 8           **(2) The amount of the purse to be paid for the contest;**
- 9           **(3) The date and location of the contest;**
- 10          **(4) The glove size allotted for each contestant;**
- 11          **(5) Any other payment or consideration provided to the**  
12 **contestant;**
- 13          **(6) List of all fees, charges, and expenses including training**

14 expenses that will be assessed to the contestant or deducted from the  
15 contestant's purse;

16 (7) Any advances paid to the contestant before the bout;

17 (8) The amount of any compensation or consideration that a  
18 promoter has contracted to receive in connection with the bout or  
19 contest;

20 (9) The signature of the promoter and contestant;

21 (10) The date signed by both the promoter and the contestant;  
22 and

23 (11) Any information required by the office.

24 2. If the bout contract between a contestant and promoter is  
25 changed, the promoter shall provide the division with the amended  
26 contract containing all contract changes at least two hours prior to the  
27 event's scheduled start time. The amended contract shall comply with  
28 all requirements for original bout contracts and shall contain the  
29 signature of the promoter and contestant.

30 3. A promoter of an event shall not be a manager for a contestant  
31 who is contracted for ten rounds or more at the event.

32 4. The promoter of an event shall provide payments for the event  
33 official's fees to the office prior to the start of the event. The form of  
34 payment shall be at the discretion of the office provided that payments  
35 remitted by check or money order shall be made payable directly to the  
36 applicable official.

324.1100. As used in sections 324.1100 to 324.1148, the following  
2 terms mean:

3 (1) "Board", the board of private investigator examiners  
4 established in section 324.1102;

5 (2) "Client", any person who engages the services of a private  
6 investigator;

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

9 (4) "Law enforcement officer", a law enforcement officer as  
10 defined in section 556.061, RSMo;

11 (5) "Organization", a corporation, trust, estate, partnership,  
12 cooperative, or association;

13 (6) "Person", an individual or organization;

14 (7) "Private investigator", any person who receives any

15 consideration, either directly or indirectly, for engaging in the private  
16 investigator business;

17 (8) "Private investigator agency", a person who regularly employs  
18 any other person, other than an organization, to engage in the private  
19 investigator business;

20 (9) "Private investigator business", the furnishing of, making of,  
21 or agreeing to make, any investigation for the purpose of obtaining  
22 information pertaining to:

23 (a) Crimes or wrongs done or threatened against the United  
24 States or any state or territory of the United States;

25 (b) The identity, habits, conduct, business, occupation, honesty,  
26 integrity, credibility, knowledge, trustworthiness, efficiency, loyalty,  
27 activity, movement, whereabouts, affiliations, associations,  
28 transactions, acts, reputation, or character of any person;

29 (c) The location, disposition, or recovery of lost or stolen  
30 property;

31 (d) Securing evidence to be used before any court, board, officer,  
32 or investigating committee;

33 (e) Sale of personal identification information to the public; or

34 (f) The cause of responsibility for libel, losses, accident, or  
35 damage or injury to persons or property or protection of life or  
36 property.

324.1102. 1. The "Board of Private Investigator Examiners" is  
2 hereby created within the division of professional registration. The  
3 board shall be a body corporate and may sue and be sued.

4 2. The board shall be composed of five members, including two  
5 public members, appointed by the governor with the advice and  
6 consent of the senate. Except for the public members, each member of  
7 the board shall be a citizen of the United States, a resident of Missouri,  
8 at least thirty years of age, and shall have been actively engaged in the  
9 private investigator business for the previous five years. No more than  
10 one private investigator board member may be employed by, or  
11 affiliated with, the same private investigator agency. The initial  
12 private investigator board members shall not be required to be licensed  
13 but shall obtain a license within one hundred eighty days after the  
14 effective date of the rules promulgated under sections 324.1100 to  
15 324.1148 regarding licensure. The public members shall each be a

16 registered voter and a person who is not and never was a member of  
17 any profession licensed or regulated under sections 324.1100 to 324.1148  
18 or the spouse of such person; and a person who does not have and  
19 never has had a material, financial interest in either the providing of  
20 the professional services regulated by sections 324.1100 to 324.1148, or  
21 an activity or organization directly related to any profession licensed  
22 or regulated under sections 324.1100 to 324.1148. The duties of the  
23 public members shall not include the determination of the technical  
24 requirements to be met for licensure or whether any person meets such  
25 technical requirements or of the technical competence or technical  
26 judgment of a licensee or a candidate for licensure.

27 3. The members shall be appointed for terms of two years, except  
28 those first appointed, in which case two members, who shall be private  
29 investigators, shall be appointed for terms of four years, two members  
30 shall be appointed for terms of three years, and one member shall be  
31 appointed for a one-year term. Any vacancy on the board shall be filled  
32 for the unexpired term of the member and in the manner as the first  
33 appointment. No member may serve consecutive terms.

34 4. The members of the board may receive compensation, as  
35 determined by the director for their services, if appropriate, and shall  
36 be reimbursed for actual and necessary expenses incurred in  
37 performing their official duties on the board.

38 5. There is hereby created in the state treasury the "Board of  
39 Private Investigator Examiners Fund", which shall consist of money  
40 collected under sections 324.1100 to 324.1148. The state treasurer shall  
41 be custodian of the fund and shall approve disbursements from the  
42 fund in accordance with the provisions of sections 30.170 and 30.180,  
43 RSMo. Upon appropriation, money in the fund shall be used solely for  
44 the administration of sections 324.1100 to 324.1148. Notwithstanding  
45 the provisions of section 33.080, RSMo, to the contrary, any moneys  
46 remaining in the fund at the end of the biennium shall not revert to the  
47 credit of the general revenue fund. The state treasurer shall invest  
48 moneys in the fund in the same manner as other funds are  
49 invested. Any interest and moneys earned on such investments shall be  
50 credited to the fund.

324.1104. Unless expressly exempted from the provisions of  
2 sections 324.1100 to 324.1148:

3           (1) It shall be unlawful for any person to engage in the private  
4 investigator business in this state unless such person is licensed as a  
5 private investigator under sections 324.1100 to 324.1148;

6           (2) It shall be unlawful for any person to engage in business in  
7 this state as a private investigator agency unless such person is  
8 licensed under sections 324.1100 to 324.1148.

          324.1106. The following persons shall not be deemed to be  
2 engaging in the private investigator business:

3           (1) A person employed exclusively and regularly by one employer  
4 in connection only with the affairs of such employer and where there  
5 exists an employer-employee relationship;

6           (2) Any officer or employee of the United States, or of this state  
7 or a political subdivision thereof while engaged in the performance of  
8 the officer's or employee's official duties;

9           (3) Any employee, agent, or independent contractor employed by  
10 any government agency, division, or department of the state whose  
11 work relationship is established by a written contract while working  
12 within the scope of employment established under such contract;

13           (4) An attorney performing duties as an attorney, or an  
14 attorney's paralegal or employee retained by such attorney assisting in  
15 the performance of such duties or investigation on behalf of such  
16 attorney;

17           (5) A collection agency or an employee thereof while acting  
18 within the scope of employment, while making an investigation  
19 incidental to the business of the agency, including an investigation of  
20 the location of a debtor or a debtor's property where the contract with  
21 an assignor creditor is for the collection of claims owed or due, or  
22 asserted to be owed or due, or the equivalent thereof;

23           (6) Insurers and insurance producers licensed by the state,  
24 performing duties in connection with insurance transacted by them;

25           (7) Any bank subject to the jurisdiction of the director of the  
26 division of finance of the state of Missouri or the comptroller of  
27 currency of the United States;

28           (8) An insurance adjuster. For the purposes of sections 324.1100  
29 to 324.1148, an "insurance adjuster" means any person who receives any  
30 consideration, either directly or indirectly, for adjusting in the disposal  
31 of any claim under or in connection with a policy of insurance or



32 engaging in soliciting insurance adjustment business;

33 (9) Any private fire investigator whose primary purpose of  
34 employment is the determination of the origin, nature, cause, or  
35 calculation of losses relevant to a fire;

36 (10) Employees of a not-for-profit organization or its affiliate or  
37 subsidiary who makes and processes requests on behalf of health care  
38 providers and facilities for employee criminal and other background  
39 information under section 660.317, RSMo;

40 (11) Any real estate broker, real estate salesperson, or real estate  
41 appraiser acting within the scope of his or her license;

42 (12) Expert witnesses who have been certified or accredited by  
43 a national or state association associated with the expert's scope of  
44 expertise;

45 (13) Any person who does not hold themselves out to the public  
46 as a private investigator but is under contract with a state agency or  
47 political subdivision; or

48 (14) Any person performing duties or conducting investigations  
49 relating to serving legal process when such person's investigation is  
50 incidental to the serving of legal process;

51 (15) A consumer reporting agency as defined in 15 U.S.C. Section  
52 1681(a) and its contract and salaried employees.

324.1108. 1. Every person desiring to be licensed in this state as  
2 a private investigator or private investigator agency shall make  
3 application therefor to the board of private investigator examiners. An  
4 application for a license under the provisions of sections 324.1100 to  
5 324.1148 shall be on a form prescribed by the board of private  
6 investigator examiners and accompanied by the required application  
7 fee. An application shall be verified and shall include:

8 (1) The full name and business address of the applicant;

9 (2) The name under which the applicant intends to conduct  
10 business;

11 (3) A statement as to the general nature of the business in which  
12 the applicant intends to engage;

13 (4) A statement as to the classification or classifications under  
14 which the applicant desires to be qualified;

15 (5) Two recent photographs of the applicant, of a type prescribed  
16 by the board of private investigator examiners, and two classifiable sets

17 of the applicant's fingerprints processed in a manner approved by the  
18 Missouri state highway patrol, criminal records and identification  
19 division, under section 43.543, RSMo;

20 (6) A verified statement of the applicant's experience  
21 qualifications; and

22 (7) Such other information, evidence, statements, or documents  
23 as may be required by the board of private investigator examiners.

24 2. Before an application for a license may be granted, the  
25 applicant shall:

26 (1) Be at least twenty-one years of age;

27 (2) Be a citizen of the United States;

28 (3) Provide proof of liability insurance with amount to be no less  
29 than two hundred fifty thousand dollars in coverage and proof of  
30 workers' compensation insurance if required under chapter 287,  
31 RSMo. The board shall have the authority to raise the requirements as  
32 deemed necessary; and

33 (4) Comply with such other qualifications as the board adopts by  
34 rules and regulations.

324.1110. 1. The board of private investigator examiners shall  
2 require as a condition of licensure as a private investigator that the  
3 applicant pass a written examination as evidence of knowledge of  
4 investigator rules and regulations.

5 2. The department shall conduct a complete investigation of the  
6 background of each applicant for licensure as a private investigator to  
7 determine whether the applicant is qualified for licensure under  
8 sections 324.1100 to 324.1148. The board shall outline basic  
9 qualification requirements for licensing as a private investigator and  
10 agency.

11 3. In the event requirements have been met so that testing has  
12 been waived, qualification shall be dependent on a showing of, for the  
13 two previous years:

14 (1) Registration and good standing as a business in this state;  
15 and

16 (2) Two hundred fifty thousand dollars in business general  
17 liability insurance.

18 4. The board may review applicants seeking reciprocity. An  
19 applicant seeking reciprocity shall have undergone a licensing

20 procedure similar to that required by this state and shall meet this  
21 state's minimum insurance requirements.

324.1112. The board of private investigator examiners may deny  
2 a request for a license if the applicant:

3 (1) Has committed any act which, if committed by a licensee,  
4 would be grounds for the suspension or revocation of a license under  
5 the provisions of sections 324.1100 to 324.1148;

6 (2) Within two years prior to the application date:

7 (a) Has been convicted of or entered a plea of guilty or nolo  
8 contendere to a felony offense, including the receiving of a suspended  
9 imposition of sentence following a plea or finding of guilty to a felony  
10 offense;

11 (b) Has been convicted of or entered a plea of guilty or nolo  
12 contendere to a misdemeanor offense involving moral turpitude;

13 (c) Has falsified or willfully misrepresented information in an  
14 employment application, records of evidence, or in testimony under  
15 oath;

16 (d) Has been dependent on or abused alcohol or drugs; or

17 (e) Has used, possessed, or trafficked in any illegal substance;

18 (3) Has been refused a license under the provisions of sections  
19 324.1100 to 324.1148 or had a license revoked in this state or in any  
20 other state;

21 (4) While unlicensed, committed or aided and abetted the  
22 commission of any act for which a license is required by sections  
23 324.1100 to 324.1148 after the effective date of this section; or

24 (5) Knowingly made any false statement in the application.

324.1114. 1. Every application submitted under the provisions of  
2 sections 324.1100 to 324.1148 shall be accompanied by a fee as  
3 determined by the board as follows:

4 (1) For an individual license, agency license and employees being  
5 licensed to work under an agency license; or

6 (2) If a license is issued for a period of less than one year, the fee  
7 shall be prorated for the months, or fraction thereof, for which the  
8 license is issued.

9 2. The board shall set fees as authorized by sections 324.1100 to  
10 324.1148 at a level to produce revenue which will not substantially  
11 exceed the cost and expense of administering sections 324.1100 to

12 324.1148.

13 3. The fees prescribed by sections 324.1100 to 324.1148 shall be  
14 exclusive and notwithstanding any other provision of law. No  
15 municipality may require any person licensed under sections 324.1100  
16 to 324.1148 to furnish any bond, pass any examination, or pay any  
17 license fee or occupational tax relative to practicing the person's  
18 profession.

19 4. A private investigator license shall allow only the individual  
20 licensed by the state to conduct investigations. An agency license shall  
21 be applied for separately and held by an individual who is licensed as  
22 a private investigator. The agency may hire individuals to work for the  
23 agency conducting investigations for the agency only. Persons hired  
24 shall make application as determined by the board and meet all  
25 requirements set forth by the board except that they shall not be  
26 required to meet any experience requirements and shall be allowed to  
27 begin working immediately upon the agency submitting their  
28 applications.

324.1116. A private investigator agency shall not hire any  
2 individual as an employee unless the individual:

- 3 (1) Is at least twenty-one years of age;
- 4 (2) Provides two recent photographs of themselves, of a type  
5 prescribed by the board of private investigator examiners;
- 6 (3) Has been fingerprinted in a manner approved by the Missouri  
7 state highway patrol, criminal records and identification division,  
8 under section 43.543, RSMo; and
- 9 (4) Complies with any other qualifications and requirements the  
10 board adopts by rule.

324.1118. A private investigator agency shall not hire an  
2 individual, who is not licensed as a private investigator, as an employee  
3 if the individual:

- 4 (1) Has committed any act which, if committed by a licensee,  
5 would be grounds for the suspension or revocation of a license under  
6 the provisions of sections 324.1100 to 324.1148;
- 7 (2) Within two years prior to the application date:
- 8 (a) Has been convicted of or entered a plea of guilty or nolo  
9 contendere to a felony offense, including the receiving of a suspended  
10 imposition of sentence following a plea or finding of guilty to a felony

11 offense;

12 (b) Has been convicted of or entered a plea of guilty or nolo  
13 contendere to a misdemeanor offense involving moral turpitude;

14 (c) Has falsified or willfully misrepresented information in an  
15 employment application, records of evidence, or in testimony under  
16 oath;

17 (d) Has been dependent on or abused alcohol or drugs; or

18 (e) Has used, possessed, or trafficked in any illegal substance;

19 (3) Has been refused a license under the provisions of sections  
20 324.1100 to 324.1148 or had a license revoked in this state or in any  
21 other state;

22 (4) While unlicensed, committed or aided and abetted the  
23 commission of any act for which a license is required by sections  
24 324.1100 to 324.1148 after the effective date of this section; or

25 (5) Knowingly made any false statement in the application.

324.1120. An individual, who is not licensed as a private  
2 investigator, hired as an employee by a private investigator agency  
3 shall work only under the direct supervision of the agency whose  
4 identification number appears on their application and shall work only  
5 for one agency at any one time.

324.1122. A licensee shall successfully complete sixteen hours of  
2 continuing education units biennially. An individual not licensed as a  
3 private investigator who is hired as an employee by a private  
4 investigator agency shall successfully complete eight hours of  
5 continuing education units biennially. Such continuing education shall  
6 be relevant to the private investigator business and shall be approved  
7 by the board as such.

324.1124. 1. The board of private investigator examiners shall  
2 determine the form of the license which shall include the:

3 (1) Name of the licensee;

4 (2) Name under which the licensee is to operate; and

5 (3) Number and date of the license.

6 2. The license shall be posted at all times in a conspicuous place  
7 in the principal place of business of the licensee. Upon the issuance of  
8 a license, a pocket card of such size, design, and content as determined  
9 by the division shall be issued without charge to each licensee. Such  
10 card shall be evidence that the licensee is licensed under sections

11 324.1100 to 324.1148. When any person to whom a card is issued  
12 terminates such person's position, office, or association with the  
13 licensee, the card shall be surrendered to the licensee and within five  
14 days thereafter shall be mailed or delivered by the licensee to the  
15 board of private investigator examiners for cancellation. Within thirty  
16 days after any change of address, a licensee shall notify the board of  
17 the address change. The principal place of business may be at a  
18 residence or at a business address, but it shall be the place at which  
19 the licensee maintains a permanent office.

324.1126. 1. Any license issued under sections 324.1100 to  
2 324.1148 shall expire two years after the date of its issuance. Renewal  
3 of any such license shall be made in the manner prescribed for  
4 obtaining an original license, including payment of the appropriate fee,  
5 except that:

6 (1) The application upon renewal need only provide information  
7 required of original applicants if the information shown on the original  
8 application or any renewal thereof on file with the board is no longer  
9 accurate;

10 (2) A new photograph shall be submitted with the application for  
11 renewal only if the photograph on file with the board has been on file  
12 more than two years; and

13 (3) The applicant does not have to be tested again but must  
14 instead provide proof that the applicant successfully completed sixteen  
15 hours of continuing education credits; and

16 (4) Additional information may be required by rules and  
17 regulations adopted by the board of private investigator examiners.

18 2. A licensee shall at all times be legally responsible for the good  
19 conduct of each of the licensee's employees or agents while engaged in  
20 the business of the licensee and the licensee is legally responsible for  
21 any acts committed by such licensee's employees or agents which are  
22 in violation of sections 324.1100 to 324.1148. A person receiving an  
23 agency license shall directly manage the agency and employees.

24 3. A license issued under sections 324.1100 to 324.1148 shall not  
25 be assignable.

324.1128. 1. Any licensee may divulge to the board, any law  
2 enforcement officer, prosecuting attorney, or such person's  
3 representative any information such person may acquire about any

4 criminal offense. The licensee may instruct his or her client to divulge  
5 such information if the client is the victim, but such person shall not  
6 divulge to any other person, except as he or she may be required by  
7 law, any information acquired by such person at the direction of the  
8 employer or client for whom the information was obtained.

9 2. No licensee officer, director, partner, associate, or employee  
10 thereof shall:

11 (1) Knowingly make any false report to his or her employer or  
12 client for whom information was being obtained;

13 (2) Cause any written report to be submitted to a client except  
14 by the licensee, and the person submitting the report shall exercise  
15 diligence in ascertaining whether or not the facts and information in  
16 such report are true and correct;

17 (3) Use a title, wear a uniform, use an insignia or an  
18 identification card, or make any statement with the intent to give an  
19 impression that such person is connected in any way with the federal  
20 government, a state government, or any political subdivision of a state  
21 government;

22 (4) Appear as an assignee party in any proceeding involving  
23 claim and delivery, replevin or other possessory action, action to  
24 foreclose a chattel mortgage, mechanic's lien, materialman's lien, or any  
25 other lien;

26 (5) Manufacture false evidence; or

27 (6) Create any video recording of an individual in their domicile  
28 without the individual's permission. Furthermore, if such video  
29 recording is made, it shall not be admissible as evidence in any civil  
30 proceeding.

324.1130. Each licensee shall maintain a record containing such  
2 information relative to the licensee's employees as may be prescribed  
3 by the board of private investigator examiners. Such licensee shall file  
4 with the board the complete address of the location of the licensee's  
5 principal place of business. The board may require the filing of other  
6 information for the purpose of identifying such principal place of  
7 business.

324.1132. Every advertisement by a licensee soliciting or  
2 advertising business shall contain the licensee's name, city, and state  
3 as it appears in the records of the board of private investigator

4 examiners. No individual or business can advertise as a private  
5 investigator, private detective, or private investigator agency without  
6 including their state private investigator or private investigator agency  
7 license number in the advertisement. A licensee shall not advertise or  
8 conduct business from any Missouri address other than that shown on  
9 the records of the board as the licensee's principal place of business  
10 unless the licensee has received an additional agency license for such  
11 location after compliance with the provisions of sections 324.1100 to  
12 324.1148 and such additional requirements necessary for the protection  
13 of the public as the board may prescribe by regulation. A licensee shall  
14 notify the board in writing within ten days after closing or changing  
15 the location of a branch office. The fee for the additional license shall  
16 be one-half the cost of the fee for the agency's original license.

324.1134. 1. The board may suspend or refuse to renew any  
2 certificate of registration or authority, permit or license required  
3 under sections 324.1100 to 324.1148 for one or any combination of  
4 causes stated in subsection 2 of this section. The board shall notify the  
5 applicant in writing of the reasons for the suspension or refusal and  
6 shall advise the applicant of the applicant's right to file a complaint  
7 with the administrative hearing commission as provided by chapter  
8 621, RSMo. As an alternative to a refusal to issue or renew any  
9 certificate, registration or authority, the board may, at its discretion,  
10 issue a license which is subject to probation, restriction or limitation  
11 to an applicant for licensure for any one or any combination of causes  
12 stated in subsection 2 of this section. The board's order of probation,  
13 limitation or restriction shall contain a statement of the discipline  
14 imposed, the basis therefor, the date such action shall become effective,  
15 and a statement that the applicant has thirty days to request in writing  
16 a hearing before the administrative hearing commission. If the board  
17 issues a probationary, limited or restricted license to an applicant for  
18 licensure, either party may file a written petition with the  
19 administrative hearing commission within thirty days of the effective  
20 date of the probationary, limited or restricted license seeking review  
21 of the board's determination. If no written request for a hearing is  
22 received by the administrative hearing commission within the  
23 thirty-day period, the right to seek review of the board's decision shall  
24 be considered as waived.



25           2. The board may cause a complaint to be filed with the  
26 administrative hearing commission as provided by chapter 621, RSMo,  
27 against any holder of any certificate of registration or authority,  
28 permit or license required by this chapter or any person who has failed  
29 to renew or has surrendered the person's certificate of registration or  
30 authority, permit or license for any one or any combination of the  
31 following causes:

32           (1) Making any false statement or giving any false information  
33 in connection with an application for a license or a renewal or  
34 reinstatement thereof;

35           (2) Violating any provision of sections 324.1100 to 324.1148;

36           (3) Violating any rule of the board of private investigator  
37 examiners adopted under the authority contained in sections 324.1100  
38 to 324.1148;

39           (4) Impersonating, or permitting or aiding and abetting an  
40 employee to impersonate, a law enforcement officer or employee of the  
41 United States of America, or of any state or political subdivision  
42 thereof;

43           (5) Committing, or permitting any employee to commit any act,  
44 while the license was expired, which would be cause for the suspension  
45 or revocation of a license, or grounds for the denial of an application  
46 for a license;

47           (6) Knowingly violating, or advising, encouraging, or assisting  
48 the violation of, any court order or injunction in the course of business  
49 as a licensee;

50           (7) Using any letterhead, advertisement, or other printed matter,  
51 or in any manner whatever represented that such person is an  
52 instrumentality of the federal government, a state, or any political  
53 subdivision thereof;

54           (8) Using a name different from that under which such person is  
55 currently licensed in any advertisement, solicitation, or contract for  
56 business; or

57           (9) Committing any act which is grounds for denial of an  
58 application for a license under section 324.1112.

59           3. The record of conviction, or a certified copy thereof, shall be  
60 conclusive evidence of such conviction, and a plea or verdict of guilty  
61 is deemed to be a conviction within the meaning thereof.

62           4. The agency may continue under the direction of another  
63 employee if the licensee's license is suspended or revoked by the  
64 board. The board shall establish a time frame in which the agency shall  
65 identify an acceptable person who is qualified to assume control of the  
66 agency, as required by the board.

67           5. After the filing of a complaint before the administrative  
68 hearing commission, the proceedings shall be conducted in accordance  
69 with the provisions of chapter 621, RSMo. Upon a finding by the  
70 administrative hearing commission that the grounds in subsection 1 of  
71 this section for disciplinary action are met, the board may singly or in  
72 combination censure or place the person named in the complaint on  
73 probation under such terms and conditions as the board deems  
74 appropriate for a period not to exceed five years, may suspend for a  
75 period not to exceed three years, or revoke the license.

          324.1136. 1. Each private investigator or investigator agency  
2 operating under the provisions of sections 324.1100 to 324.1148 shall be  
3 required to keep a complete record of the business transactions of such  
4 investigator or investigator agency for a period of seven years. Upon  
5 the service of a court order issued by a court of competent jurisdiction  
6 or upon the service of a subpoena issued by the board that is based on  
7 a complaint supported by oath or affirmation, which particularly  
8 describes the records and reports, any licensed private investigator  
9 who is the owner, partner, director, corporate officer, or custodian of  
10 business records shall provide an opportunity for the inspection of the  
11 same and to inspect reports made. Any information obtained by the  
12 board shall be kept confidential, except as may be necessary to  
13 commence and prosecute any legal proceedings. The board shall not  
14 personally enter a licensee's place of business to inspect records, but  
15 shall utilize an employee of the division of professional registration to  
16 act as a gatherer of information and facts to present to the board  
17 regarding any complaint or inspection under investigation.

18           2. For the purpose of enforcing the provisions of sections  
19 324.1100 to 324.1148, and in making investigations relating to any  
20 violation thereof, the board shall have the power to subpoena and bring  
21 before the board any person in this state and require the production of  
22 any books, records, or papers which the board deems relevant to the  
23 inquiry. The board also may administer an oath to and take the

24 testimony of any person, or cause such person's deposition to be taken,  
25 except that any applicant or licensee or officer, director, partner, or  
26 associate thereof shall not be entitled to any fees or mileage. A  
27 subpoena issued under this section shall be governed by the Missouri  
28 rules of civil procedure and shall comply with any confidentiality  
29 standards or legal limitations imposed by privacy or open records acts,  
30 fair credit reporting acts, polygraph acts, driver privacy protection  
31 acts, judicially recognized privileged communications, and the bill of  
32 rights of both the United States and Missouri Constitutions. Any  
33 person duly subpoenaed who fails to obey such subpoena without  
34 reasonable cause, or without such cause refuses to be examined or to  
35 answer any legal or pertinent question as to the character or  
36 qualification of such applicant or licensee or such applicant's alleged  
37 unlawful or deceptive practices or methods, shall be guilty of a class A  
38 misdemeanor. The testimony of witnesses in any investigative  
39 proceeding shall be under oath.

324.1138. 1. The board shall adopt such rules and regulations as  
2 may be necessary to carry out the provisions of sections 324.1100 to  
3 324.1148.

4 2. Any rule or portion of a rule, as that term is defined in section  
5 536.010, RSMo, that is created under the authority delegated in sections  
6 324.1100 to 324.1148 shall become effective only if it complies with and  
7 is subject to all of the provisions of chapter 536, RSMo, and, if  
8 applicable, section 536.028, RSMo. This section and chapter 536, RSMo,  
9 are nonseverable and if any of the powers vested with the general  
10 assembly under chapter 536, RSMo, to review, to delay the effective  
11 date, or to disapprove and annul a rule are subsequently held  
12 unconstitutional, then the grant of rulemaking authority and any rule  
13 proposed or adopted after August 28, 2007, shall be invalid and void.

324.1140. 1. The board of private investigator examiners shall  
2 certify persons who are qualified to train private investigators.

3 2. In order to be certified as a trainer under this section, a  
4 trainer shall:

- 5 (1) Be twenty-one or more years of age;
- 6 (2) Have a minimum of one-year supervisory experience with a  
7 private investigator agency; and
- 8 (3) Be personally licensed as a private investigator under

9 sections 324.1100 to 324.1148 and qualified to train private  
10 investigators.

11 3. Persons wishing to become certified trainers shall make  
12 application to the board of private investigator examiners on a form  
13 prescribed by the board and accompanied by a fee determined by the  
14 board. The application shall contain a statement of the plan of  
15 operation of the training offered by the applicant and the materials and  
16 aids to be used and any other information required by the board.

17 4. A certificate shall be granted to a trainer if the board finds  
18 that the applicant:

19 (1) Meets the requirements of subsection 2 of this section;

20 (2) Has sufficient knowledge of private investigator business in  
21 order to train private investigators sufficiently;

22 (3) Has supplied all required information to the board; and

23 (4) Has paid the required fee.

24 5. The certificate issued under this section shall expire on the  
25 third year after the year in which it is issued and shall be renewable  
26 triennially upon application and payment of a fee.

324.1142. Any person who knowingly falsifies the fingerprints or  
2 photographs or other information required to be submitted under  
3 sections 324.1100 to 324.1148 is guilty of a class D felony; and any  
4 person who violates any of the other provisions of sections 324.1100 to  
5 324.1148 is guilty of a class A misdemeanor.

324.1144. The board may negotiate and enter into reciprocal  
2 agreements with appropriate officials in other states to permit licensed  
3 private investigator agencies and licensed private investigators who  
4 meet or exceed the qualifications established in sections 324.1100 to  
5 324.1148 to operate across state lines under mutually acceptable terms.

324.1146. Law enforcement officers who perform private  
2 investigations shall be licensed under this chapter subject to the  
3 following qualifications and limitations:

4 (1) The board may waive testing for law enforcement officers  
5 currently certified under existing peace officer standards and training  
6 requirements under chapter 590, RSMo;

7 (2) Law enforcement officers shall pay the appropriate licensing  
8 fees;

9 (3) Law enforcement officers shall assume individual liability for

10 **their actions while performing private investigations, complying with**  
11 **any insurance or bonding requirements imposed under sections**  
12 **324.1100 to 324.1148;**

13 **(4) Law enforcement officers shall not utilize their official**  
14 **capacity in the course of a private investigation, including but not**  
15 **limited to:**

16 **(a) Accessing information intended only for police officials. Law**  
17 **enforcement officers shall comply with the legal limits on access to the**  
18 **information of private citizens;**

19 **(b) Utilizing any official item, such as a uniform, badge, or**  
20 **vehicle, while performing a private investigation. Law enforcement**  
21 **officers shall provide their own equipment;**

22 **(c) Utilizing law enforcement officer arrest and use of force**  
23 **standards. Law enforcement officers shall use private citizen arrest**  
24 **and use of force standards while operating as a private investigator;**

25 **(5) Law enforcement officers shall produce evidence of training**  
26 **and experience concerning the legal limits imposed on private**  
27 **investigations or pass a test on such subject produced by the board;**  
28 **and**

29 **(6) The provisions of sections 324.1100 to 324.1148 shall not apply**  
30 **to law enforcement officers who provide only private security services**  
31 **and not private investigator services.**

**324.1148. Any person who violates sections 324.1100 to 324.1148**  
2 **is guilty of a class A misdemeanor. Any second or subsequent violation**  
3 **of sections 324.1100 to 324.1148 is a class D felony.**

327.011. As used in this chapter, the following words and terms shall have  
2 the meanings indicated:

3 **(1) "Accredited degree program from a school of architecture", a degree**  
4 **from any school or other institution which teaches architecture and whose**  
5 **curricula for the degree in question have been, at the time in question, certified**  
6 **as accredited by the National Architectural Accrediting Board;**

7 **(2) "Accredited school of landscape architecture", any school or other**  
8 **institution which teaches landscape architecture and whose curricula on the**  
9 **subjects in question are or have been at the times in question certified as**  
10 **accredited by the Landscape Architecture Accreditation Board of the American**  
11 **Society of Landscape Architects;**

12 **(3) "Accredited school of engineering", any school or other institution**

13 which teaches engineering and whose curricula on the subjects in question are or  
14 have been, at the time in question certified as accredited by the engineering  
15 accreditation commission of the accreditation board for engineering and  
16 technology or its successor organization;

17 (4) "Architect", any person authorized pursuant to the provisions of this  
18 chapter to practice architecture in Missouri, as the practice of architecture is  
19 defined in section 327.091;

20 (5) "Board", the Missouri board for architects, professional engineers,  
21 professional land surveyors and landscape architects;

22 (6) "Corporation", any general business corporation, professional  
23 corporation or limited liability company;

24 (7) ["Department", the department of economic development;

25 (8) "Division", the division of professional registration in the department  
26 of economic development;

27 (9)] "Landscape architect", any person licensed pursuant to the provisions  
28 of sections 327.600 to 327.635 who is qualified to practice landscape architecture  
29 by reason of special knowledge and the use of biological, physical, mathematical  
30 and social sciences and the principles and methods of analysis and design of the  
31 land, has demonstrated knowledge and ability in such areas, and has been duly  
32 licensed as a landscape architect by the board on the basis of professional  
33 education, examination and experience in landscape architecture;

34 (8) "Licensee", a person licensed to practice any profession  
35 regulated under this chapter or a corporation authorized to practice  
36 any such profession;

37 [(10)] (9) "Partnership", any partnership or limited liability partnership;

38 [(11)] (10) "Person", any person, corporation, firm, partnership,  
39 association or other entity;

40 [(12)] (11) "Professional engineer", any person authorized pursuant to  
41 the provisions of this chapter to practice as a professional engineer in Missouri,  
42 as the practice of engineering is defined in section 327.181;

43 [(13)] (12) "Professional land surveyor", any person authorized pursuant  
44 to the provisions of this chapter to practice as a professional land surveyor in  
45 Missouri as the practice of land surveying is defined in section 327.272.

327.076. 1. Any person who practices architecture, engineering,  
2 land surveying, or landscape architecture, as defined in sections  
3 327.011 to 327.635, or who holds himself or herself out as able to

4 practice such profession and who is not the holder of a currently valid  
5 license or certificate of authority in Missouri, and who is not exempt  
6 from holding such a license or certificate, is guilty of a class A  
7 misdemeanor. As used in this section "practice" shall not include the  
8 rendering of opinions or giving of testimony in a civil or criminal  
9 proceeding by a licensed professional.

10 2. The board may cause a complaint to be filed with the  
11 administrative hearing commission, as provided in chapter 621, RSMo,  
12 against any unlicensed person who:

13 (1) Engages in or offers to render or engage in the practice of  
14 architecture, professional engineering, land surveying, or landscape  
15 architecture;

16 (2) Uses or employs titles defined and protected by this chapter,  
17 or implies authorization to provide or offer professional services, or  
18 otherwise uses or advertises any title, word, figure, sign, card,  
19 advertisement, or other symbol or description tending to convey the  
20 impression that the person is licensed or holds a certificate of  
21 authority to practice architecture, professional engineering, land  
22 surveying, or landscape architecture;

23 (3) Presents or attempts to use another person's license, seal, or  
24 certificate of authority as his or her own;

25 (4) Attempts to use an expired, suspended, revoked, or  
26 nonexistent license or certificate of authority;

27 (5) Affixes his or her or another architect's, engineer's, land  
28 surveyor's, or landscape architect's seal on any plans, drawings,  
29 specifications or reports which have not been prepared by such person  
30 or under such person's immediate personal supervision care;

31 (6) Gives false or forged evidence of any kind to the board or any  
32 member of the board in obtaining or attempting to obtain a certificate  
33 of licensure in this state or any other state or jurisdiction;

34 (7) Knowingly aids or abets an unlicensed or unauthorized  
35 person who engages in any prohibited activity identified in this  
36 subsection;

37 (8) Violates any provision of the code of professional conduct or  
38 other rule adopted by the board; or

39 (9) Violates any provision of subsection 2 of section 327.441.

40 3. When reviewing complaints against unlicensed persons, the

41 board may initiate an investigation and take all measures necessary to  
42 find the facts of any potential violation, including issuing subpoenas to  
43 compel the attendance and testimony of witnesses and the disclosure  
44 of evidence, and may request the attorney general to bring an action to  
45 enforce the subpoena.

46 4. If the board files a complaint with the administrative hearing  
47 commission, the proceedings shall be conducted in accordance with the  
48 provisions of chapter 621, RSMo. Upon a finding by the administrative  
49 hearing commission that the grounds provided in subsection 2 of this  
50 section for disciplinary action are met, the board may, either singularly  
51 or in combination with other provisions of this chapter, impose a civil  
52 penalty as provided for in section 327.077 against the person named in  
53 the complaint.

327.077. 1. In disciplinary actions against licensed or unlicensed  
2 persons, the board may issue an order imposing a civil penalty. Such  
3 penalty shall not be imposed until the findings of fact and conclusions  
4 of law by the administrative hearing commission have been delivered  
5 to the board in accordance with section 621.110, RSMo. Further, no  
6 civil penalty shall commence until a formal meeting and vote by the  
7 board has been taken to impose such a penalty.

8 2. A civil penalty imposed under this section shall not exceed  
9 five thousand dollars for each offense. Each day of a continued  
10 violation constitutes a separate offense, with a maximum penalty of  
11 twenty-five thousand dollars. In determining the amount of penalty to  
12 be imposed, the board may consider any of the following:

13 (1) Whether the amount imposed will be a substantial deterrent  
14 to the violation;

15 (2) The circumstances leading to the violation;

16 (3) The severity of the violation and the risk of harm to the  
17 public;

18 (4) The economic benefits gained by the violator as a result of  
19 noncompliance;

20 (5) The interest of the public.

21 3. Any final order imposing a civil penalty is subject to judicial  
22 review upon the filing of a petition under section 536.100, RSMo, by any  
23 person subject to the penalty.

24 4. Payment of a civil penalty shall be made within sixty days of



25 **filing the order, or if the order is stayed pending an appeal within ten**  
26 **days after the court enters a final judgment in favor of the board. If**  
27 **the penalty is not timely paid, the board shall notify the attorney**  
28 **general. The attorney general may commence an action to recover the**  
29 **amount of the penalty, including reasonable attorney fees and costs and**  
30 **a surcharge of fifteen percent of the penalty plus ten percent per**  
31 **annum on any amounts owed. In such action, the validity and**  
32 **appropriateness of the final order imposing the civil penalty shall not**  
33 **be subject to review.**

34 **5. An action to enforce an order under this section may be joined**  
35 **with an action for an injunction.**

36 **6. Any offer of settlement to resolve a civil penalty under this**  
37 **section shall be in writing, state that an action for imposition of a civil**  
38 **penalty may be initiated by the attorney general representing the**  
39 **board under this section, and identify any dollar amount as an offer of**  
40 **settlement, which shall be negotiated in good faith through conference,**  
41 **conciliation, and persuasion.**

42 **7. Failure to pay a civil penalty by any person licensed under**  
43 **this chapter shall be grounds for refusing to renew or denying**  
44 **reinstatement of a license or certificate of authority.**

45 **8. Penalties collected under this section shall be handled in**  
46 **accordance with section 7 of article IX of the Missouri**  
47 **Constitution. Such penalties shall not be considered a charitable**  
48 **contribution for tax purposes.**

327.181. 1. Any person practices in Missouri as a professional engineer  
2 who renders or offers to render or holds himself or herself out as willing or able  
3 to render any service or creative work, the adequate performance of which  
4 requires engineering education, training, and experience in the application of  
5 special knowledge of the mathematical, physical, and engineering sciences to such  
6 services or creative work as consultation, investigation, evaluation, planning and  
7 design of engineering works and systems, engineering teaching of advanced  
8 engineering subjects or courses related thereto, engineering surveys, the  
9 coordination of services furnished by structural, civil, mechanical and electrical  
10 engineers and other consultants as they relate to engineering work and the  
11 inspection of construction for the purpose of compliance with drawings and  
12 specifications, any of which embraces such service or work either public or  
13 private, in connection with any utilities, structures, buildings, machines,

14 equipment, processes, work systems or projects and including such architectural  
15 work as is incidental to the practice of engineering; or who uses the title  
16 "professional engineer" or "consulting engineer" or the word "engineer" alone or  
17 preceded by any word indicating or implying that such person is or holds himself  
18 or herself out to be a professional engineer, or who shall use any word or words,  
19 letters, figures, degrees, titles or other description indicating or implying that  
20 such person is a professional engineer or is willing or able to practice engineering.

21 **2. Notwithstanding any provision of subsection 1 of this section,**  
22 **any person using the word "engineer", "engineers", or "engineering",**  
23 **alone or preceded by any word, or in combination with any words, may**  
24 **do so without being subject to disciplinary action by the board so long**  
25 **as such use is reflective of that person's profession or vocation and is**  
26 **clearly not indicating or implying that such person is holding himself**  
27 **or herself out as being a professional engineer or is willing or able to**  
28 **practice engineering as defined in this section.**

327.441. 1. The board may refuse to issue any license or certificate of  
2 authority required pursuant to this chapter for one or any combination of causes  
3 stated in subsection 2 of this section. The board shall notify the applicant in  
4 writing of the reasons for the refusal and shall advise the applicant of the  
5 applicant's right to file a complaint with the administrative hearing commission  
6 as provided by chapter 621, RSMo.

7 2. The board may cause a complaint to be filed with the administrative  
8 hearing commission as provided by chapter 621, RSMo, against any holder of any  
9 license or certificate of authority required by this chapter or any person who has  
10 failed to renew or has surrendered such person's license or certificate of  
11 authority, for any one or any combination of the following causes:

12 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or  
13 alcoholic beverage to an extent that such use impairs a person's ability to perform  
14 the work of any profession licensed or regulated by this chapter;

15 (2) The person has been finally adjudicated and found guilty, or entered  
16 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of  
17 any state or of the United States, for any offense reasonably related to the  
18 qualifications, functions or duties of any profession licensed or regulated under  
19 this chapter, for any offense an essential element of which is fraud, dishonesty  
20 or an act of violence, or for any offense involving moral turpitude, whether or not  
21 sentence is imposed;

22           (3) Use of fraud, deception, misrepresentation or bribery in securing any  
23 license or certificate of authority issued pursuant to this chapter or in obtaining  
24 permission to take any examination given or required pursuant to this chapter;

25           (4) Obtaining or attempting to obtain any fee, charge, tuition or other  
26 compensation by fraud, deception or misrepresentation;

27           (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation  
28 or dishonesty in the performance of the functions or duties of any profession  
29 licensed or regulated by this chapter;

30           (6) Violation of, or assisting or enabling any person to violate, any  
31 provision of this chapter, or of any lawful rule or regulation adopted pursuant to  
32 this chapter;

33           (7) Impersonation of any person holding a license or certificate of  
34 authority, or allowing any person to use his or her license or certificate of  
35 authority, or diploma from any school;

36           (8) Disciplinary action against the holder of a license or a certificate of  
37 authority, or other right to practice any profession regulated by this chapter  
38 granted by another state, territory, federal agency or country upon grounds for  
39 which revocation or suspension is authorized in this state;

40           (9) A person is finally adjudged incapacitated or disabled by a court of  
41 competent jurisdiction;

42           (10) Assisting or enabling any person to practice or offer to practice any  
43 profession licensed or regulated by this chapter who is not licensed and currently  
44 eligible to practice pursuant to this chapter;

45           (11) Issuance of a professional license or a certificate of authority based  
46 upon a material mistake of fact;

47           (12) Failure to display a valid license or certificate of authority if so  
48 required by this chapter or any rule promulgated pursuant to this chapter;

49           (13) Violation of any professional trust or confidence;

50           (14) Use of any advertisement or solicitation which is false, misleading or  
51 deceptive to the general public or persons to whom the advertisement or  
52 solicitation is primarily directed.

53           3. After the filing of such complaint, the proceedings shall be conducted  
54 in accordance with the provisions of chapter 621, RSMo. Upon a finding by the  
55 administrative hearing commission that the grounds, provided in subsection 2 of  
56 this section, for disciplinary action are met, the board may, singly or in  
57 combination, censure or place the person named in the complaint on probation on

58 such terms and conditions as the board deems appropriate for a period not to  
59 exceed five years, or may suspend, for a period not to exceed three years, **or**  
60 **order a civil penalty under section 327.077**, or revoke the license or  
61 certificate of authority of the person named in the complaint.

331.010. 1. The "practice of chiropractic" is defined as the science and art  
2 of examination, diagnosis, adjustment, manipulation and treatment [of  
3 malpositioned articulations and structures of the body,] both in inpatient and  
4 outpatient settings, **by those methods commonly taught in any**  
5 **chiropractic college or chiropractic program in a university which has**  
6 **been accredited by the Council on Chiropractic Education, its successor**  
7 **entity or approved by the board.** [The adjustment, manipulation, or  
8 treatment shall be directed toward restoring and maintaining the normal  
9 neuromuscular and musculoskeletal function and health.] It shall not include the  
10 use of operative surgery, obstetrics, osteopathy, podiatry, nor the administration  
11 or prescribing of any drug or medicine nor the practice of medicine. The practice  
12 of chiropractic is declared not to be the practice of medicine and operative surgery  
13 or osteopathy within the meaning of chapter 334, RSMo, and not subject to the  
14 provisions of the chapter.

15 2. [A licensed chiropractor may practice chiropractic as defined in  
16 subsection 1 of this section by those methods commonly taught in any chiropractic  
17 college recognized and approved by the board.

18 3. Chiropractors may advise and instruct patients in all matters  
19 pertaining to hygiene, nutrition, and sanitary measures as taught in any  
20 chiropractic college recognized and approved by the board.

21 4.] The practice of chiropractic may include meridian  
22 therapy/acupressure/acupuncture with certification as required by the board.

334.120. 1. There is hereby created and established a board to be known  
2 as "The State Board of Registration for the Healing Arts" for the purpose of  
3 registering, licensing and supervising all physicians and surgeons, and midwives  
4 in this state. The board shall consist of nine members, including one voting  
5 public member, to be appointed by the governor by and with the advice and  
6 consent of the senate, **at least** five of whom shall be graduates of professional  
7 schools [approved and accredited as reputable by the American Medical  
8 Association or the Liaison Committee on Medical Education and] **accredited by**  
9 **the Liaison Committee on Medical Education or recognized by the**  
10 **Educational Commission for Foreign Medical Graduates, and at least**

11 two of whom shall be graduates of professional schools approved and accredited  
12 as reputable by the American Osteopathic Association, and all of whom, except  
13 the public member, shall be duly licensed and registered as physicians and  
14 surgeons pursuant to the laws of this state. Each member must be a citizen of  
15 the United States and must have been a resident of this state for a period of at  
16 least one year next preceding his or her appointment and shall have been actively  
17 engaged in the lawful and ethical practice of the profession of physician and  
18 surgeon for at least five years next preceding his or her appointment. Not more  
19 than four members shall be affiliated with the same political party. All members  
20 shall be appointed for a term of four years. Each member of the board shall  
21 receive as compensation an amount set by the board not to exceed fifty dollars for  
22 each day devoted to the affairs of the board, and shall be entitled to  
23 reimbursement of his or her expenses necessarily incurred in the discharge of his  
24 or her official duties. The president of the Missouri State Medical Association,  
25 for all medical physician appointments, or the president of the Missouri  
26 Association of Osteopathic Physicians and Surgeons, for all osteopathic physician  
27 appointments, in office at the time shall, at least ninety days prior to the  
28 expiration of the term of the respective board member, other than the public  
29 member, or as soon as feasible after the appropriate vacancy on the board  
30 otherwise occurs, submit to the director of the division of professional registration  
31 a list of five physicians and surgeons qualified and willing to fill the vacancy in  
32 question, with the request and recommendation that the governor appoint one of  
33 the five persons so listed, and with the list so submitted, the president of the  
34 Missouri State Medical Association or the Missouri Association of Osteopathic  
35 Physicians and Surgeons, as appropriate, shall include in his or her letter of  
36 transmittal a description of the method by which the names were chosen by that  
37 association.

38 2. The public member shall be at the time of his or her appointment a  
39 citizen of the United States; a resident of this state for a period of one year and  
40 a registered voter; a person who is not and never was a member of any profession  
41 licensed or regulated pursuant to this chapter or the spouse of such person; and  
42 a person who does not have and never has had a material, financial interest in  
43 either the providing of the professional services regulated by this chapter, or an  
44 activity or organization directly related to any profession licensed or regulated  
45 pursuant to this chapter. All members, including public members, shall be  
46 chosen from lists submitted by the director of the division of professional

47 registration. The duties of the public member shall not include the determination  
48 of the technical requirements to be met for licensure or whether any person meets  
49 such technical requirements or of the technical competence or technical judgment  
50 of a licensee or a candidate for licensure.

335.016. As used in this chapter, unless the context clearly requires  
2 otherwise, the following words and terms mean:

3 (1) "Accredited", the official authorization or status granted by an agency  
4 for a program through a voluntary process;

5 (2) "Advanced practice nurse", a nurse who has had education beyond the  
6 basic nursing education and is certified by a nationally recognized professional  
7 organization as having a nursing specialty, or who meets criteria for advanced  
8 practice nurses established by the board of nursing. The board of nursing may  
9 promulgate rules specifying which professional nursing organization certifications  
10 are to be recognized as advanced practice nurses, and may set standards for  
11 education, training and experience required for those without such specialty  
12 certification to become advanced practice nurses. Advanced practice nurses and  
13 only such individuals may use the title "Advanced Practice Registered Nurse" and  
14 the abbreviation "APRN";

15 (3) "Approval", official recognition of nursing education programs which  
16 meet standards established by the board of nursing;

17 (4) "Board" or "state board", the state board of nursing;

18 (5) "Executive director", a qualified individual employed by the board as  
19 executive secretary or otherwise to administer the provisions of this chapter  
20 under the board's direction. Such person employed as executive director shall not  
21 be a member of the board;

22 (6) "Inactive nurse", as defined by rule pursuant to section 335.061;

23 (7) **"Lapsed license status", as defined by rule under section**  
24 **335.061;**

25 (8) [A] "Licensed practical nurse" or "practical nurse", a person licensed  
26 pursuant to the provisions of this chapter to engage in the practice of practical  
27 nursing;

28 [(8)] (9) "Licensure", the issuing of a license to practice professional or  
29 practical nursing to candidates who have met the specified requirements and the  
30 recording of the names of those persons as holders of a license to practice  
31 professional or practical nursing;

32 [(9)] (10) "Practical nursing", the performance for compensation of

33 selected acts for the promotion of health and in the care of persons who are ill,  
34 injured, or experiencing alterations in normal health processes. Such  
35 performance requires substantial specialized skill, judgment and knowledge. All  
36 such nursing care shall be given under the direction of a person licensed by a  
37 state regulatory board to prescribe medications and treatments or under the  
38 direction of a registered professional nurse. For the purposes of this chapter, the  
39 term "direction" shall mean guidance or supervision provided by a person licensed  
40 by a state regulatory board to prescribe medications and treatments or a  
41 registered professional nurse, including, but not limited to, oral, written, or  
42 otherwise communicated orders or directives for patient care. When practical  
43 nursing care is delivered pursuant to the direction of a person licensed by a state  
44 regulatory board to prescribe medications and treatments or under the direction  
45 of a registered professional nurse, such care may be delivered by a licensed  
46 practical nurse without direct physical oversight;

47       [(10)] (11) "Professional nursing", the performance for compensation of  
48 any act which requires substantial specialized education, judgment and skill  
49 based on knowledge and application of principles derived from the biological,  
50 physical, social and nursing sciences, including, but not limited to:

51           (a) Responsibility for the teaching of health care and the prevention of  
52 illness to the patient and his or her family;

53           (b) Assessment, nursing diagnosis, nursing care, and counsel of persons  
54 who are ill, injured or experiencing alterations in normal health processes;

55           (c) The administration of medications and treatments as prescribed by a  
56 person licensed by a state regulatory board to prescribe medications and  
57 treatments;

58           (d) The coordination and assistance in the delivery of a plan of health care  
59 with all members of a health team;

60           (e) The teaching and supervision of other persons in the performance of  
61 any of the foregoing;

62       [(11)] (12) A "registered professional nurse" or "registered nurse", a  
63 person licensed pursuant to the provisions of this chapter to engage in the  
64 practice of professional nursing;

65       (13) "Retired license status", any person licensed in this state  
66 under this chapter who retires from such practice. Such person shall  
67 file with the board an affidavit, on a form to be furnished by the board,  
68 which states the date on which the licensee retired from such practice,

69 an intent to retire from the practice for at least two years, and such  
70 other facts as tend to verify the retirement as the board may deem  
71 necessary; but if the licensee thereafter reengages in the practice, the  
72 licensee shall renew his or her license with the board as provided by  
73 this chapter and by rule and regulation.

335.036. 1. The board shall:

2 (1) Elect for a one-year term a president and a secretary, who shall also  
3 be treasurer, and the board may appoint, employ and fix the compensation of a  
4 legal counsel and such board personnel as defined in subdivision (4) of subsection  
5 16 of section 620.010, RSMo, as are necessary to administer the provisions of  
6 sections 335.011 to 335.096;

7 (2) Adopt and revise such rules and regulations as may be necessary to  
8 enable it to carry into effect the provisions of sections 335.011 to 335.096;

9 (3) Prescribe minimum standards for educational programs preparing  
10 persons for licensure pursuant to the provisions of sections 335.011 to 335.096;

11 (4) Provide for surveys of such programs every five years and in addition  
12 at such times as it may deem necessary;

13 (5) Designate as "approved" such programs as meet the requirements of  
14 sections 335.011 to 335.096 and the rules and regulations enacted pursuant to  
15 such sections; and the board shall annually publish a list of such programs;

16 (6) Deny or withdraw approval from educational programs for failure to  
17 meet prescribed minimum standards;

18 (7) Examine, license, and cause to be renewed the licenses of duly  
19 qualified applicants;

20 (8) Cause the prosecution of all persons violating provisions of sections  
21 335.011 to 335.096, and may incur such necessary expenses therefor;

22 (9) Keep a record of all the proceedings; and make an annual report to the  
23 governor and to the director of the department of economic development;

24 **(10) Establish an impaired nurse program.**

25 2. The board shall set the amount of the fees which this chapter  
26 authorizes and requires by rules and regulations. The fees shall be set at a level  
27 to produce revenue which shall not substantially exceed the cost and expense of  
28 administering this chapter.

29 3. All fees received by the board pursuant to the provisions of sections  
30 335.011 to 335.096 shall be deposited in the state treasury and be placed to the  
31 credit of the state board of nursing fund. All administrative costs and expenses



32 of the board shall be paid from appropriations made for those purposes.

33 4. The provisions of section 33.080, RSMo, to the contrary  
34 notwithstanding, money in this fund shall not be transferred and placed to the  
35 credit of general revenue until the amount in the fund at the end of the biennium  
36 exceeds two times the amount of the appropriation from the board's funds for the  
37 preceding fiscal year or, if the board requires by rule, permit renewal less  
38 frequently than yearly, then three times the appropriation from the board's funds  
39 for the preceding fiscal year. The amount, if any, in the fund which shall lapse  
40 is that amount in the fund which exceeds the appropriate multiple of the  
41 appropriations from the board's funds for the preceding fiscal year.

42 5. Any rule or portion of a rule, as that term is defined in section 536.010,  
43 RSMo, that is created under the authority delegated in this chapter shall become  
44 effective only if it complies with and is subject to all of the provisions of chapter  
45 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority  
46 delegated prior to August 28, 1999, is of no force and effect and  
47 repealed. Nothing in this section shall be interpreted to repeal or affect the  
48 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied  
49 with all applicable provisions of law. This section and chapter 536, RSMo, are  
50 nonseverable and if any of the powers vested with the general assembly pursuant  
51 to chapter 536, RSMo, to review, to delay the effective date or to disapprove and  
52 annul a rule are subsequently held unconstitutional, then the grant of  
53 rulemaking authority and any rule proposed or adopted after August 28, 1999,  
54 shall be invalid and void.

335.066. 1. The board may refuse to issue **or reinstate** any certificate  
2 of registration or authority, permit or license required pursuant to [sections  
3 335.011 to 335.096] **chapter 335** for one or any combination of causes stated in  
4 subsection 2 of this section **or the board may, as a condition to issuing or**  
5 **reinstating any such permit or license, require a person to submit**  
6 **himself or herself for identification, intervention, treatment, or**  
7 **rehabilitation by the impaired nurse program as provided in section**  
8 **335.067.** The board shall notify the applicant in writing of the reasons for the  
9 refusal and shall advise the applicant of his or her right to file a complaint with  
10 the administrative hearing commission as provided by chapter 621, RSMo.

11 2. The board may cause a complaint to be filed with the administrative  
12 hearing commission as provided by chapter 621, RSMo, against any holder of any  
13 certificate of registration or authority, permit or license required by sections

14 335.011 to 335.096 or any person who has failed to renew or has surrendered his  
15 or her certificate of registration or authority, permit or license for any one or any  
16 combination of the following causes:

17 (1) Use or unlawful possession of any controlled substance, as defined in  
18 chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a  
19 person's ability to perform the work of any profession licensed or regulated by  
20 sections 335.011 to 335.096;

21 (2) The person has been finally adjudicated and found guilty, or entered  
22 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws  
23 of any state or of the United States, for any offense reasonably related to the  
24 qualifications, functions or duties of any profession licensed or regulated  
25 pursuant to sections 335.011 to 335.096, for any offense an essential element of  
26 which is fraud, dishonesty or an act of violence, or for any offense involving moral  
27 turpitude, whether or not sentence is imposed;

28 (3) Use of fraud, deception, misrepresentation or bribery in securing any  
29 certificate of registration or authority, permit or license issued pursuant to  
30 sections 335.011 to 335.096 or in obtaining permission to take any examination  
31 given or required pursuant to sections 335.011 to 335.096;

32 (4) Obtaining or attempting to obtain any fee, charge, tuition or other  
33 compensation by fraud, deception or misrepresentation;

34 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation  
35 or dishonesty in the performance of the functions or duties of any profession  
36 licensed or regulated by sections 335.011 to 335.096;

37 (6) Violation of, or assisting or enabling any person to violate, any  
38 provision of sections 335.011 to 335.096, or of any lawful rule or regulation  
39 adopted pursuant to sections 335.011 to 335.096;

40 (7) Impersonation of any person holding a certificate of registration or  
41 authority, permit or license or allowing any person to use his or her certificate of  
42 registration or authority, permit, license or diploma from any school;

43 (8) Disciplinary action against the holder of a license or other right to  
44 practice any profession regulated by sections 335.011 to 335.096 granted by  
45 another state, territory, federal agency or country upon grounds for which  
46 revocation or suspension is authorized in this state;

47 (9) A person is finally adjudged insane or incompetent by a court of  
48 competent jurisdiction;

49 (10) Assisting or enabling any person to practice or offer to practice any

50 profession licensed or regulated by sections 335.011 to 335.096 who is not  
51 registered and currently eligible to practice pursuant to sections 335.011 to  
52 335.096;

53 (11) Issuance of a certificate of registration or authority, permit or license  
54 based upon a material mistake of fact;

55 (12) Violation of any professional trust or confidence;

56 (13) Use of any advertisement or solicitation which is false, misleading or  
57 deceptive to the general public or persons to whom the advertisement or  
58 solicitation is primarily directed;

59 (14) Violation of the drug laws or rules and regulations of this state, any  
60 other state or the federal government;

61 (15) Placement on an employee disqualification list or other related  
62 restriction or finding pertaining to employment within a health-related profession  
63 issued by any state or federal government or agency following final disposition by  
64 such state or federal government or agency;

65 **(16) Failure to successfully complete the impaired nurse**  
66 **program.**

67 3. After the filing of such complaint, the proceedings shall be conducted  
68 in accordance with the provisions of chapter 621, RSMo. Upon a finding by the  
69 administrative hearing commission that the grounds, provided in subsection 2 of  
70 this section, for disciplinary action are met, the board may, singly or in  
71 combination, censure or place the person named in the complaint on probation on  
72 such terms and conditions as the board deems appropriate for a period not to  
73 exceed five years, or may suspend, for a period not to exceed three years, or  
74 revoke the license, certificate, or permit.

75 4. **For any hearing before the full board, the board shall cause**  
76 **the notice of the hearing to be served upon such licensee in person or**  
77 **by certified mail to the licensee at the licensee's last known address. If**  
78 **service cannot be accomplished in person or by certified mail, notice**  
79 **by publication as described in subsection 3 of section 506.160, RSMo,**  
80 **shall be allowed; any representative of the board is authorized to act**  
81 **as a court or judge would in that section; any employee of the board is**  
82 **authorized to act as a clerk would in that section.**

83 5. An individual whose license has been revoked shall wait one year from  
84 the date of revocation to apply for relicensure. Relicensure shall be at the  
85 discretion of the board after compliance with all the requirements of sections

86 335.011 to 335.096 relative to the licensing of an applicant for the first time.

87 [5.] 6. The board may notify the proper licensing authority of any other  
88 state concerning the final disciplinary action determined by the board on a license  
89 in which the person whose license was suspended or revoked was also licensed of  
90 the suspension or revocation.

91 [6.] 7. Any person, organization, association or corporation who reports  
92 or provides information to the board of nursing pursuant to the provisions of  
93 sections 335.011 to 335.259 and who does so in good faith shall not be subject to  
94 an action for civil damages as a result thereof.

95 8. If the board concludes that a nurse has committed an act or  
96 is engaging in a course of conduct which would be grounds for  
97 disciplinary action which constitutes a clear and present danger to the  
98 public health and safety, the board may file a complaint before the  
99 administrative hearing commission requesting an expedited hearing  
100 and specifying the activities which give rise to the danger and the  
101 nature of the proposed restriction or suspension of the nurse's  
102 license. Within fifteen days after service of the complaint on the nurse,  
103 the administrative hearing commission shall conduct a preliminary  
104 hearing to determine whether the alleged activities of the nurse appear  
105 to constitute a clear and present danger to the public health and safety  
106 which justify that the nurse's license be immediately restricted or  
107 suspended. The burden of proving that a nurse is a clear and present  
108 danger to the public health and safety shall be upon the state board of  
109 nursing. The administrative hearing commission shall issue its  
110 decision immediately after the hearing and shall either grant to the  
111 board the authority to suspend or restrict the license or dismiss the  
112 action.

113 9. If the administrative hearing commission grants temporary  
114 authority to the board to restrict or suspend the nurse's license, such  
115 temporary authority of the board shall become final authority if there  
116 is no request by the nurse for a full hearing within thirty days of the  
117 preliminary hearing. The administrative hearing commission shall, if  
118 requested by the nurse named in the complaint, set a date to hold a full  
119 hearing under the provisions of chapter 621, RSMo, regarding the  
120 activities alleged in the initial complaint filed by the board.

121 10. If the administrative hearing commission refuses to grant  
122 temporary authority to the board or restrict or suspend the nurse's

123 license under subsection 8 of this section, such dismissal shall not bar  
124 the board from initiating a subsequent disciplinary action on the same  
125 grounds.

335.067. 1. The state board of nursing may establish an impaired  
2 nurse program to promote the early identification, intervention,  
3 treatment, and rehabilitation of nurses who may be impaired by  
4 reasons of illness, substance abuse, or as a result of any mental  
5 condition. This program shall be available to anyone holding a current  
6 license and may be entered voluntarily, as part of an agreement with  
7 the board of nursing, or as a condition of a disciplinary order entered  
8 by the board of nursing.

9 2. The board may enter into a contractual agreement with a  
10 nonprofit corporation or a nursing association for the purpose of  
11 creating, supporting, and maintaining a program to be designated as  
12 the impaired nurse program. The board may promulgate  
13 administrative rules subject to the provisions of this section and  
14 chapter 536, RSMo, to effectuate and implement any program formed  
15 pursuant to this section.

16 3. The board may expend appropriated funds necessary to  
17 provide for operational expenses of the program formed pursuant to  
18 this section.

19 4. Any member of the program, as well as any administrator,  
20 staff member, consultant, agent, or employee of the program, acting  
21 within the scope of his or her duties and without actual malice, and all  
22 other persons who furnish information to the program in good faith  
23 and without actual malice, shall not be liable for any claim of damages  
24 as a result of any statement, decision, opinion, investigation, or action  
25 taken by the program, or by any individual member of the program.

26 5. All information, interviews, reports, statements, memoranda,  
27 or other documents furnished to or produced by the program, as well  
28 as communications to or from the program, any findings, conclusions,  
29 interventions, treatment, rehabilitation, or other proceedings of the  
30 program which in any way pertain to a licensee who may be, or who  
31 actually is, impaired shall be privileged and confidential.

32 6. All records and proceedings of the program which pertain or  
33 refer to a licensee who may be, or who actually is, impaired shall be  
34 privileged and confidential and shall be used by the program and its

35 members only in the exercise of the proper function of the program and  
36 shall not be considered public records under chapter 610, RSMo, and  
37 shall not be subject to court subpoena or subject to discovery or  
38 introduction as evidence in any civil, criminal, or administrative  
39 proceedings except as provided in subsection 7 of this section.

40 7. The program shall disclose information relative to an impaired  
41 licensee only when:

42 (1) It is essential to disclose the information to further the  
43 intervention, treatment, or rehabilitation needs of the impaired  
44 licensee and only to those persons or organizations with a need to  
45 know;

46 (2) Its release is authorized in writing by the impaired licensee;

47 (3) A licensee has breached his or her contract with the program.  
48 In this instance, the breach may be reported only to the board of  
49 nursing; or

50 (4) The information is subject to a court order.

51 8. When pursuing discipline against a licensed practical nurse,  
52 registered nurse, or advanced practice registered nurse for violating  
53 one or more causes stated in subsection 2 of section 335.066, the board  
54 may, if the violation is related to chemical dependency or mental  
55 health, require that the licensed practical nurse, registered nurse, or  
56 advanced practice registered nurse complete the impaired nurse  
57 program under such terms and conditions as are agreed to by the board  
58 and the licensee for a period not to exceed five years. If the licensee  
59 violates a term or condition of an impaired nurse program agreement  
60 entered into under this section, the board may elect to pursue  
61 discipline against the licensee pursuant to chapter 621, RSMo, for the  
62 original conduct that resulted in the impaired nurse program  
63 agreement, or for any subsequent violation of subsection 2 of section  
64 335.066. While the licensee participates in the impaired nurse program,  
65 the time limitations of section 620.154, RSMo, shall toll under  
66 subsection 7 of section 620.154, RSMo. All records pertaining to the  
67 impaired nurse program agreements are confidential and may only be  
68 released under subdivision (7) of subsection 14 of section 620.010,  
69 RSMo.

70 9. The board may disclose information and records to the  
71 impaired nurse program to assist the program in the identification,

72 **intervention, treatment, and rehabilitation of licensed practical nurses,**  
73 **registered nurses, or advanced practice registered nurses who may be**  
74 **impaired by reason of illness, substance abuse, or as the result of any**  
75 **physical or mental condition. The program shall keep all information**  
76 **and records provided by the board confidential to the extent the board**  
77 **is required to treat the information and records closed to the public**  
78 **under chapter 620, RSMo.**

335.068. 1. [If the board finds merit to a complaint by an individual  
2 incarcerated or under the care and control of the department of corrections and  
3 takes further investigative action, no documentation may appear on file or  
4 disciplinary action may be taken in regards to the licensee's license unless the  
5 provisions of subsection 2 of section 335.066 have been violated. Any case file  
6 documentation that does not result in the board filing an action pursuant to  
7 subsection 2 of section 335.066 shall be destroyed within three months after the  
8 final case disposition by the board. No notification to any other licensing board  
9 in another state or any national registry regarding any investigative action shall  
10 be made unless the provisions of subsection 2 of section 335.066 have been  
11 violated.

12 2. Upon written request of the nurse subject to a complaint, prior to  
13 August 28, 1999, by an individual incarcerated or under the care and control of  
14 the department of corrections that did not result in the board filing an action  
15 pursuant to subsection 2 of section 335.066, the board and the division of  
16 professional registration shall in a timely fashion:

17 (1) Destroy all documentation regarding the complaint;] **If the board**  
18 **determines that a complaint does not constitute a violation of the**  
19 **nursing practice act or that the complaint is unsubstantiated, then that**  
20 **complaint, and all documentation related to it, shall be deemed a sealed**  
21 **record. If the administrative hearing commission or a court of**  
22 **competent jurisdiction makes a finding that an action brought by the**  
23 **board does not constitute sufficient grounds to discipline the license of**  
24 **a licensee, that complaint, and all documentation related to it, shall be**  
25 **deemed a sealed record.**

26 2. For purposes of this section, a "sealed record" shall mean that  
27 the complaint to which it refers shall be deemed to never have  
28 occurred. The licensee may properly reply that no record exists with  
29 respect to such complaint upon any inquiry in the matter. A sealed

30 record shall not be disclosed or reported to any other state agency,  
31 other board of nursing, or any other organization without express,  
32 written permission of the licensee.

33       **3. Upon determination by the board that a complaint is not a**  
34 **violation of the nursing practice act or that the complaint is**  
35 **unsubstantiated, or upon the conclusion of litigation resulting in a**  
36 **finding of insufficient grounds to impose discipline upon a licensee's**  
37 **license, the board and the division of professional registration shall, in**  
38 **a timely fashion:**

39       [(2)] **(1)** Notify any other licensing board in another state or any national  
40 registry regarding the board's action if they have been previously notified of the  
41 complaint; and

42       [(3)] **(2)** Send a letter to the licensee that clearly states that the board  
43 found the complaint to be unsubstantiated[, that the board has taken the  
44 requested action,] **or that litigation resulted in a finding that there are**  
45 **insufficient grounds to discipline the licensee's license, that the board**  
46 **has sealed all records concerning the complaint,** and notify the licensee of  
47 the provisions of subsection [3] 4 of this section.

48       **[3.] 4.** Any person who has been the subject of an unsubstantiated  
49 complaint as provided in subsection 1 [or 2] of this section shall not be required  
50 to disclose the existence of such complaint in subsequent applications or  
51 representations relating to their nursing professions.

52       **5. Nothing contained in this section shall prevent the board of**  
53 **nursing from maintaining such records as to ensure that all complaints**  
54 **received by the board are properly investigated and reviewed by the**  
55 **board and the results of that investigation are reported to the**  
56 **appropriate parties.**

335.076. 1. Any person who holds a license to practice professional  
2 nursing in this state may use the title "Registered Professional Nurse" and the  
3 abbreviation "R.N.". No other person [may] **shall** use the title "Registered  
4 Professional Nurse" or the abbreviation "R.N.". No other person shall assume any  
5 title or use any abbreviation or any other words, letters, signs, or devices to  
6 indicate that the person using the same is a registered professional nurse.

7       2. Any person who holds a license to practice practical nursing in this  
8 state may use the title "Licensed Practical Nurse" and the abbreviation "L.P.N."  
9 No other person [may] **shall** use the title "Licensed Practical Nurse" or the



10 abbreviation "L.P.N.". No other person shall assume any title or use any  
11 abbreviation or any other words, letters, signs, or devices to indicate that the  
12 person using the same is a licensed practical nurse.

13       **3. Any person who holds a license or recognition to practice**  
14 **advanced practice nursing in this state may use the title "Advanced**  
15 **Practice Registered Nurse", and the abbreviation "APRN", and any other**  
16 **title designations appearing on his or her license. No other person**  
17 **shall use the title "Advanced Practice Registered Nurse" or the**  
18 **abbreviation "APRN". No other person shall assume any title or use any**  
19 **abbreviation or any other words, letters, signs, or devices to indicate**  
20 **that the person using the same is an advanced practice registered**  
21 **nurse.**

22       **4. No person shall practice or offer to practice professional nursing [or],**  
23 **practical nursing, or advanced practice nursing in this state [for**  
24 **compensation] or use any title, sign, abbreviation, card, or device to indicate that**  
25 **such person is a practicing professional nurse [or], practical nurse, or advanced**  
26 **practice nurse unless he or she has been duly licensed under the provisions**  
27 **of [sections 335.011 to 335.096] this chapter.**

28       **5. In the interest of public safety and consumer awareness, it is**  
29 **unlawful for any person to use the title "nurse" in reference to himself**  
30 **or herself in any capacity, except individuals who are or have been**  
31 **licensed as a registered nurse, licensed practical nurse, or advanced**  
32 **practice registered nurse under this chapter.**

      335.096. Any person who violates any of the provisions of [sections  
2 335.011 to 335.096]**chapter 335** is guilty of a class [A misdemeanor] **D felony**  
3 and, upon conviction, shall be punished as provided by law.

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

8       2. The board may enforce its subpoenas duces tecum by applying to a  
9 circuit court of Cole County, the county of the investigation, hearing or  
10 proceeding, or any county where the person resides or may be found, for an order

11 upon any person who shall fail to comply with a subpoena duces tecum to show  
12 cause why such subpoena should not be enforced, which such order and a copy of  
13 the application therefor shall be served upon the person in the same manner as  
14 a summons in a civil action, and if the circuit court shall, after a hearing,  
15 determine that the subpoena duces tecum should be sustained and enforced, such  
16 court shall proceed to enforce the subpoena duces tecum in the same manner as  
17 though the subpoena duces tecum had been issued in a civil case in the circuit  
18 court.

19 **3. Reports made to the board under the mandated reporting**  
20 **requirements as defined in chapter 383, RSMo, shall not be deemed a**  
21 **violation of the federal health insurance portability and accountability**  
22 **act (HIPAA) and the privacy rules located in the act because the**  
23 **Missouri state board of nursing qualifies as a health oversight agency**  
24 **as defined in the HIPAA privacy rules.**

335.212. As used in sections 335.212 to 335.242, the following terms  
2 mean:

3 (1) "Board", the Missouri state board of nursing;

4 (2) "Department", the Missouri department of health and senior services;

5 (3) "Director", director of the Missouri department of health and senior  
6 services;

7 (4) "Eligible student", a resident who has been accepted as a full-time  
8 student in a formal course of instruction leading to an associate degree, a  
9 diploma, a bachelor of science, or a master of science in nursing or leading to the  
10 completion of educational requirements for a licensed practical nurse;

11 (5) "Participating school", an institution within this state which is  
12 approved by the board for participation in the professional and practical nursing  
13 student loan program established by sections 335.212 to 335.242, having a  
14 nursing department and offering a course of instruction based on nursing theory  
15 and clinical nursing experience;

16 (6) "Qualified applicant", an eligible student approved by the board for  
17 participation in the professional and practical nursing student loan program  
18 established by sections 335.212 to 335.242;

19 (7) "Qualified employment", employment on a full-time basis in Missouri  
20 in a position requiring licensure as a licensed practical nurse or registered  
21 professional nurse in any hospital as defined in section 197.020, RSMo, or [public  
22 or nonprofit] in any agency, institution, or organization located in an area of

23 need as determined by the department of health and senior services. Any  
24 forgiveness of such principal and interest for any qualified applicant engaged in  
25 qualified employment on a less than full-time basis may be prorated to reflect the  
26 amounts provided in this section;

27 (8) "Resident", any person who has lived in this state for one or more  
28 years for any purpose other than the attending of an educational institution  
29 located within this state.

336.010. [Any one or any combination of the following practices  
2 constitutes the "practice of optometry":

3 (1) The examination of the human eye, without the use of drugs,  
4 medicines or surgery, to ascertain the presence of defects or abnormal conditions  
5 which can be corrected by the use of lenses, prisms or ocular exercises;

6 (2) The employment of objective or subjective mechanical means to  
7 determine the accommodative or refractive states of the human eye or the range  
8 of power of vision of the human eye;

9 (3) The prescription or adaptation without the use of drugs, medicines or  
10 surgery, of lenses, prisms, or ocular exercises to correct defects or abnormal  
11 conditions of the human eye or to adjust the human eye to the conditions of  
12 special occupation.]

13 **1. The "practice of optometry" is the examination, diagnosis,**  
14 **treatment, and preventative care of the eye, adnexa, and vision. The**  
15 **practice includes, but is not limited to:**

16 (1) **The examination of the eye, adnexa, and vision to determine**  
17 **the accommodative and refractive states, visual perception, conditions,**  
18 **and diseases;**

19 (2) **The diagnosis and treatment of conditions or diseases of the**  
20 **eye, adnexa, and vision;**

21 (3) **The performance of diagnostic procedures and ordering of**  
22 **laboratory and imaging tests for the diagnosis of vision and conditions**  
23 **and diseases of the eye and adnexa;**

24 (4) **The prescription and administration of pharmaceutical**  
25 **agents, excluding injectable agents, for the purpose of examination,**  
26 **diagnosis, and treatment of vision and conditions or diseases of the eye**  
27 **and adnexa;**

28 (5) **The removal of superficial foreign bodies from the eye or**  
29 **adnexa;**

30           (6) The employment of objective or subjective mechanical means  
31 to determine the accommodative or refractive states of the human eye;

32           (7) The prescription or adaptation of lenses, prisms, devices, or  
33 ocular exercises to correct defects or abnormal conditions of the human  
34 eye or vision or to adjust the human eye to special conditions;

35           (8) The prescription and fitting of ophthalmic or contact lenses  
36 and devices;

37           (9) The prescription and administration of vision therapy; and

38           (10) The prescription and administration of low vision care.

39           2. An optometrist may not perform surgery, including the use of  
40 lasers for treatment of any disease or condition or for the correction of  
41 refractive error.

42           3. As used in this chapter, except as the context may otherwise  
43 require, the following terms mean:

44           (1) "Eye", the human eye;

45           (2) "Adnexa", all structures adjacent to the eye and the  
46 conjunctiva, lids, lashes, and lacrimal system;

47           (3) "Board", the Missouri state board of optometry;

48           (4) "Diagnostic pharmaceutical agents", topically applied  
49 pharmaceuticals used for the purpose of conducting an examination of  
50 the eye, adnexa, and vision;

51           (5) "Low vision care", the examination, treatment, and  
52 management of patients with visual impairments not treatable by  
53 conventional eyewear or contact lenses and may include a vision  
54 rehabilitation program to enhance remaining vision skills;

55           (6) "Pharmaceutical agents", any diagnostic and therapeutic drug  
56 or combination of drugs that assist the diagnosis, prevention,  
57 treatment, or mitigation of abnormal conditions or symptoms of the  
58 human eye, adnexa, and vision;

59           (7) "Therapeutic pharmaceutical agents", those pharmaceuticals,  
60 excluding injectable agents, used for the treatment of conditions or  
61 diseases of the eye, adnexa, and vision;

62           (8) "Vision therapy", a treatment regiment to improve a patient's  
63 diagnosed visual dysfunctions, prevent the development of visual  
64 problems, or enhance visual performance to meet the defined needs of  
65 the patient.

336.020. It shall be unlawful for any person to practice [optometry or], to

2 attempt to practice [optometry], or to **offer to practice optometry, or to be**  
3 employed by [a] **any person**, corporation, partnership, [or] association [for the  
4 purpose of practicing optometry], **or other entity that practice or attempts**  
5 **to practice** without a [certificate of registration] **license** as [a registered] **an**  
6 optometrist issued by the [state] board [of optometry]. **Nothing in this section**  
7 **shall be construed to prohibit a person licensed or registered under**  
8 **chapter 334, RSMo, whose license is in good standing from acting**  
9 **within the scope of his or her practice or a person licensed as an**  
10 **optometrist in any state to serve as an expert witness in a civil,**  
11 **criminal, or administrative proceeding.**

336.030. 1. A person is qualified to receive a [certificate of registration  
2 as a registered] **license as an optometrist:**

3 (1) Who is at least twenty-one years of age;  
4 (2) Who is of good moral character [and];  
5 (3) Who has graduated from a **college or** school of optometry approved  
6 by the [state] board [of optometry]; **and**  
7 (4) Who has [passed a satisfactory examination conducted by or approved  
8 by the state board of optometry to determine his fitness to receive a certificate of  
9 registration as a registered optometrist] **met either of the following**  
10 **conditions:**

11 (a) **Has passed an examination satisfactory to, conducted by, or**  
12 **approved by the board to determine his or her fitness to receive a**  
13 **license as an optometrist with pharmaceutical certification and met the**  
14 **requirements of licensure as may be required by rule and regulation;**  
15 **or**

16 (b) **Has been licensed and has practiced for at least three years**  
17 **in the five years immediately preceding the date of application with**  
18 **pharmaceutical certification in another state, territory, country, or**  
19 **province in which the requirements are substantially equivalent to the**  
20 **requirements in this state and has satisfactorily completed any**  
21 **practical examination or any examination on Missouri laws as may be**  
22 **required by rule and regulation.**

23 2. The board may adopt reasonable rules and regulations  
24 providing for the examination and certification of optometrists who  
25 apply to the board for the authority to practice optometry in this state.

336.040. Every person who desires to obtain a [certificate of registration]

2 **license to practice optometry** shall apply [therefor] to the [state] board [of  
3 optometry], in writing, on [blanks] **forms** prepared and furnished by the [state]  
4 board [of optometry]. [Each] **The** application shall [contain proof of the  
5 particular] **state the required** qualifications [required] of the applicant, [shall  
6 contain a statement that it is] **that the representations are** made under oath  
7 or affirmation and [that its representations] are true and correct to the  
8 **applicant's** best knowledge [and belief of the person signing same], subject to  
9 the penalties of making a false affidavit or declaration and shall be accompanied  
10 by the examination fee.

336.050. The [state] board [of optometry] shall hold examinations of  
2 applicants for [certificates of registration as registered optometrists] **a license**  
3 **as an optometrist** at such times and places as it may determine. The  
4 examination of applicants for [certificates of registration as registered  
5 optometrists] **a license as an optometrist** may include both practical  
6 demonstrations and written and oral tests, and shall embrace the subjects  
7 normally taught in schools of optometry approved by the [state] board [of  
8 optometry].

336.060. Whenever the provisions of this chapter have been complied  
2 with, and upon payment of the [certificate] **license** fee, the [state] board [of  
3 optometry] shall issue a [certificate of registration as a registered optometrist]  
4 **license as an optometrist**.

336.070. Every holder of [a certificate of registration] **an optometry**  
2 **license** shall display [it] **the license** in a conspicuous place in his **or her**  
3 principal office, place of business or employment. Whenever a [registered]  
4 **licensed** optometrist practices optometry [outside of, or] away from[,] his **or her**  
5 principal office, [places of business or employment, he] **the licensee** shall  
6 [deliver to each patient in his care a certificate of identification or provide other  
7 identification as authorized by rule and regulation] **obtain a duplicate**  
8 **renewal license from the board and display it in clear view of the**  
9 **public**.

336.080. 1. Every [registered] **licensed** optometrist who continues in  
2 active practice or service shall, on or before the renewal date, renew his  
3 [certificate of registration] **or her license** and pay the required renewal fee and  
4 present satisfactory evidence to the [state] board [of optometry] of his **or her**  
5 attendance for a minimum of [eight hours each year] **thirty-two hours of**  
6 **board-approved continuing education, or their equivalent** during the

7 preceding [licensing period at educational optometric programs, or their  
8 equivalent, that have been approved by the board] **two-year continuing**  
9 **education reporting period as established by rule and regulation.** The  
10 [attendance or equivalent] **continuing education requirement** may be waived  
11 by the board upon presentation to it of satisfactory evidence of the illness of the  
12 optometrist or for other good cause as defined by rule and regulation. The board  
13 shall not reject any such application if approved programs are not available  
14 within the state of Missouri. Every [certificate of registration] **license** which has  
15 not been renewed on or before the renewal date shall expire.

16       **2.** Any [registered] **licensed** optometrist who permits his [certificate] **or**  
17 **her license** to expire may renew it within five years of expiration upon payment  
18 of the required [restoration] **reactivation** fee and presentation of satisfactory  
19 evidence to the [state] board [of optometry] of his **or her** attendance for a  
20 minimum of [twenty-four] **forty-eight** hours **of board-approved continuing**  
21 **education, or their equivalent,** during the five years [at educational  
22 programs, or their equivalent, that have been approved by the board. The  
23 attendance or equivalent may be waived by the board upon presentation to it of  
24 satisfactory evidence of the illness of the optometrist or for other good cause as  
25 defined by rule and regulation].

336.140. 1. The board shall hold meetings for the examination of  
2 applicants for registration and the transaction of other business pertaining to its  
3 duties at least once in six months. [The board shall give thirty days' public notice  
4 of the time and place of this meeting.] Each member of the board shall receive as  
5 compensation an amount set by the board not to exceed fifty dollars for each day  
6 devoted to the affairs of the board, and shall be entitled to reimbursement of his  
7 expenses necessarily incurred in the discharge of his official duties. All fees  
8 payable under this chapter shall be collected by the division of professional  
9 registration, which shall transmit the same to the department of revenue for  
10 deposit in the state treasury to the credit of a fund to be known as the  
11 "Optometry Fund". All costs and expenses incurred in administering the  
12 provisions of this chapter shall be appropriated and paid from this fund.

13       2. The provisions of section 33.080, RSMo, to the contrary  
14 notwithstanding, money in this fund shall not be transferred and placed to the  
15 credit of general revenue until the amount in the fund at the end of the biennium  
16 exceeds two times the amount of the appropriation from the board's funds for the  
17 preceding fiscal year or, if the board requires by rule permit renewal less

18 frequently than yearly, then three times the appropriation from the board's funds  
19 for the preceding fiscal year. The amount, if any, in the fund which shall lapse  
20 is that amount in the fund which exceeds the appropriate multiple of the  
21 appropriations from the board's funds for the preceding fiscal year.

336.160. 1. The [state] board [of optometry] may adopt reasonable rules  
2 and regulations within the scope and terms of this chapter for the proper  
3 administration and enforcement thereof. It may employ such board personnel,  
4 as defined in subdivision (4) of subsection 16 of section 620.010, RSMo, as it  
5 deems necessary within appropriations therefor.

6 2. The board shall set the amount of the fees which this chapter  
7 authorizes and requires by rules and regulations promulgated pursuant to section  
8 536.021, RSMo. The fees shall be set at a level to produce revenue which shall  
9 not substantially exceed the cost and expense of administering this chapter.

336.220. 1. [The state board of optometry may adopt reasonable rules and  
2 regulations providing for the examination and certification of registered  
3 optometrists who apply to the board for authority to administer pharmaceutical  
4 agents in the practice of optometry. Such pharmaceutical agents may be  
5 "diagnostic pharmaceutical agents" or "therapeutic pharmaceutical agents". As  
6 used in this section, the term "diagnostic pharmaceutical agents" means those  
7 topically applied pharmaceuticals used for the purpose of conducting an  
8 examination upon the eye or adnexa, and the term "therapeutic pharmaceutical  
9 agents" means those pharmaceuticals, excluding injectable agents, used for the  
10 treatment of conditions or diseases of the eye or the adnexa.

11 2. No registered optometrist shall administer diagnostic pharmaceutical  
12 agents or therapeutic pharmaceutical agents in the practice of optometry unless  
13 such person submits to the state board of optometry evidence of satisfactory  
14 completion of: a course of instruction in general and ocular pharmacology; which  
15 includes at least one hundred hours of approved, supervised, clinical training in  
16 the examination, diagnosis and treatment of conditions of the human eye and  
17 adnexa in a program supervised by a board-certified ophthalmologist; and such  
18 other educational requirements or examination as may be required by the board,  
19 and is certified by the board as qualified to administer diagnostic pharmaceutical  
20 agents and therapeutic pharmaceutical agents in the practice of optometry. An  
21 optometrist may not be certified by the board to administer therapeutic  
22 pharmaceutical agents unless the optometrist is certified to administer diagnostic  
23 pharmaceutical agents. The board shall not approve a course of instruction in



24 general or ocular pharmacology unless it is taught by an institution utilizing both  
25 the didactic and clinical instruction in pharmacology and which is accredited by  
26 a regional or professional accrediting organization which is recognized by the  
27 United States Department of Education or its successors and the transcript for  
28 the course of instruction is certified to the board by the institution as being  
29 comparable in content to those courses in general and ocular pharmacology  
30 required by other licensing boards whose licenses or registrants are permitted the  
31 administration of pharmaceutical agents in the course of their professional  
32 practice for either diagnostic or therapeutic purposes or both.

33 3. In issuing a certificate of registration or a renewal of a certificate of  
34 registration, the state board of optometry shall:

35 (1) State upon the certificate of an optometrist certified by the board to  
36 administer diagnostic pharmaceutical agents in the practice of optometry that the  
37 optometrist is so certified; and

38 (2) State upon the certificate of an optometrist certified by the board to  
39 administer therapeutic pharmaceutical agents in the practice of optometry that  
40 the optometrist is so certified.

41 4. Any provision of section 336.010 to the contrary notwithstanding, a  
42 registered optometrist who is examined and so certified by the state board of  
43 optometry in the administration of diagnostic pharmaceutical agents or  
44 therapeutic pharmaceutical agents may administer those agents for which he is  
45 certified in the practice of optometry. An optometrist's prescriptions for  
46 therapeutic pharmaceutical agents should be dispensed by a pharmacist licensed  
47 under chapter 338, RSMo. When therapeutic pharmaceutical agents are  
48 dispensed by an optometrist the provisions of section 338.059, RSMo, shall apply.

49 5. An optometrist certified in the administration of therapeutic  
50 pharmaceutical agents may:

51 (1) Administer and prescribe pharmaceutical agents, excluding injectable  
52 agents, for the diagnosis and treatment of conditions or diseases of the eye or  
53 adnexa; and

54 (2) Perform diagnostic procedures and order laboratory and imaging tests  
55 for the diagnosis of conditions or diseases of the eye or adnexa.

56 6. Each optometrist certified in the administration of therapeutic  
57 pharmaceutical agents shall, within one year of August 28, 1995, complete a  
58 course of instruction approved by the board that includes at least twenty-four  
59 hours of training in the treatment of glaucoma. The board shall not approve a

60 course of instruction in the treatment of glaucoma unless it is taught by an  
61 institution that is accredited by a regional or professional accrediting  
62 organization that is recognized by the United States Department of Education or  
63 its successor and the content for the course of instruction is certified to the board  
64 by the institution as being comparable in the content to those courses in the  
65 treatment of glaucoma required by other licensing boards whose licensees or  
66 registrants are permitted to treat glaucoma in the course of their professional  
67 practice; except that, any optometrist initially licensed in Missouri after  
68 December 31, 1990, who had previously passed the examination of the National  
69 Board of Examiners in Optometry in the year 1990, or anytime after such year,  
70 shall be exempt from the requirement of completing the course of instruction in  
71 the treatment of glaucoma required by this subsection. Until December 31, 1999,  
72 as a condition for the annual renewal of the certificate of registration, each  
73 optometrist certified in the administration of therapeutic pharmaceutical agents  
74 shall, as a condition for the annual renewal of certification through December 31,  
75 1999, complete a continuing course of instruction of at least six hours in the  
76 treatment of glaucoma as approved by the board; provided that, such six hours  
77 may be credited against the initial course of at least twenty-four hours required  
78 by this section and against the educational optometric program of at least eight  
79 hours required by section 336.080.

80         7. An optometrist certified by the board in the administration of  
81 therapeutic pharmaceutical agents may remove superficial foreign bodies from the  
82 eye and adnexa. An optometrist may not perform surgery, including the use of  
83 lasers for treatment of any disease or condition or for the correction of refractive  
84 error. An optometrist certified to use pharmaceutical agents as provided in this  
85 section shall be held to the same standard of care in the use of such agents in the  
86 optometrist's diagnosis and treatment as are physicians, licensed by the Missouri  
87 state board of registration for the healing arts, who exercise that degree of skill  
88 and proficiency commonly exercised by ordinary, skillful, careful and prudent  
89 physicians and surgeons engaged in the practice of medicine.

90         8. Any optometrist authorized by the board to administer diagnostic  
91 pharmaceutical agents shall refer a patient to a physician licensed under chapter  
92 334, RSMo, if an examination of the eyes indicates a condition, including reduced  
93 visual acuity, which requires medical treatment, further medical diagnosis, or  
94 further refraction. This referral is not required on known or previously diagnosed  
95 conditions. The record of the referral in the optometrist's notes shall have the

96 standing of any business record. Any optometrist violating this section shall be  
97 subject to the provisions of section 336.110.] **Notwithstanding the provisions**  
98 **of subsection 1 of section 336.010, any optometrist who is not certified**  
99 **to use either diagnostic or therapeutic pharmaceutical agents shall**  
100 **continue to be prohibited from administering, dispensing, or**  
101 **prescribing the respective pharmaceutical agents unless the**  
102 **optometrist has completed an approved course of study and has been**  
103 **certified by the board. Such status shall be noted on the license at each**  
104 **renewal.**

105       **2. Any optometrist authorized by the board to administer only**  
106 **diagnostic pharmaceutical agents shall refer a patient to a physician**  
107 **licensed under chapter 334, RSMo, if an examination of the eyes**  
108 **indicates a condition, including reduced visual acuity, which requires**  
109 **medical treatment, further medical diagnosis, or further**  
110 **refraction. This referral is not required on known or previously**  
111 **diagnosed conditions. The record of the referral in the optometrist's**  
112 **notes shall have the standing of any business record. Any optometrist**  
113 **violating this section shall be subject to the provisions of section**  
114 **336.110.**

115       **3. An optometrist's prescriptions for therapeutic pharmaceutical**  
116 **agents shall be dispensed by a pharmacist licensed under chapter 338,**  
117 **RSMo. When therapeutic pharmaceutical agents are dispensed by an**  
118 **optometrist, the provisions of section 338.059, RSMo, shall apply.**

119       **4. An optometrist certified to use pharmaceutical agents shall be**  
120 **held to the standard of care in the use of pharmaceutical agents in the**  
121 **optometrist's diagnosis and treatment as are physicians licensed by the**  
122 **Missouri State Board of Registration for the Healing Arts, who exercise**  
123 **that degree of skill and learning ordinarily used under the same or**  
124 **similar circumstances by physicians and surgeons engaged in the**  
125 **practice of medicine.**

126       **5. The board may adopt reasonable rules and regulations**  
127 **providing for the examination and certification of optometrists who**  
128 **apply to the board for authority to administer and prescribe**  
129 **pharmaceutical agents in the practice of optometry.**

336.225. [Notwithstanding any other provision of law, any written or  
2 broadcast advertising for eye exam services whether regional or national by any  
3 optical firm shall not be required to list the name of the optometrist in the

4 advertisement provided those optometrists practicing under a trade name at a  
5 specific location shall be identified to any person by having the optometrist's  
6 name prominently displayed at such specific location. All eye exam services  
7 provided by any optical firm must be provided by a person in accordance with the  
8 provisions contained in section 336.030.] **Any optometrist or any person,**  
9 **firm, or corporation employing or associated with an optometrist may**  
10 **advertise the availability of optometric service. The optometrist shall**  
11 **be responsible for ensuring that his or her name is prominently**  
12 **displayed at all of his or her practice locations. All eye examination**  
13 **services shall be provided by a person in accordance with the**  
14 **provisions of section 336.030.**

337.600. As used in sections 337.600 to 337.689, the following terms  
2 mean:

3 (1) "Advanced macro social worker", the applications of social  
4 work theory, knowledge, methods, principles, values, and ethics; and  
5 the professional use of self to community and organizational systems,  
6 systemic and macrocosm issues, and other indirect nonclinical services;  
7 specialized knowledge and advanced practice skills in case  
8 management, information and referral, nonclinical assessments,  
9 counseling, outcome evaluation, mediation, nonclinical supervision,  
10 nonclinical consultation, expert testimony, education, outcome  
11 evaluation, research, advocacy, social planning and policy development,  
12 community organization, and the development, implementation and  
13 administration of policies, programs, and activities. A licensed  
14 advanced macro social worker may not treat mental or emotional  
15 disorders or provide psychotherapy without the direct supervision of  
16 a licensed clinical social worker; or diagnose a mental disorder;

17 (2) "Clinical social work", the application of **social work theory,**  
18 **knowledge, values,** methods, principles, and techniques of case work, group  
19 work, client-centered advocacy, [community organization,] administration,  
20 [planning, evaluation,] consultation, research, psychotherapy and counseling  
21 methods and techniques to persons, families and groups in assessment, diagnosis,  
22 treatment, prevention and amelioration of mental and emotional conditions;

23 (3) "Committee", the state committee for social workers  
24 established in section 337.622;

25 [(2)] (4) "Department", the Missouri department of economic

26 development;

27       [(3)] (5) "Director", the director of the division of professional registration  
28 [in the department of economic development];

29       [(4)] (6) "Division", the division of professional registration;

30       [(5)] (7) "Independent practice", any practice of social workers outside of  
31 an organized setting such as a social, medical, or governmental agency in which  
32 a social worker assumes responsibility and accountability for services required;

33       (8) **"Licensed advanced macro social worker", any person who**  
34 **offers to render services to individuals, groups, families, couples,**  
35 **organizations, institutions, communities, government agencies,**  
36 **corporations, or the general public for a fee, monetary or otherwise,**  
37 **implying that the person is trained, experienced, and licensed as an**  
38 **advanced macro social worker, and who holds a current valid license**  
39 **to practice as an advanced macro social worker;**

40       (9) **"Licensed baccalaureate social worker", any person who offers**  
41 **to render services to individuals, groups, organizations, institutions,**  
42 **corporations, government agencies, or the general public for a fee,**  
43 **monetary or otherwise, implying that the person is trained,**  
44 **experienced, and licensed as a baccalaureate social worker, and who**  
45 **holds a current valid license to practice as a baccalaureate social**  
46 **worker;**

47       [(6)] (10) **"Licensed clinical social worker", any person who offers to**  
48 **render services to individuals, groups, organizations, institutions, corporations,**  
49 **government agencies, or the general public for a fee, monetary or otherwise,**  
50 **implying that the person is trained, experienced, and licensed as a clinical social**  
51 **worker, and who holds a current, valid license to practice as a clinical social**  
52 **worker;**

53       (11) **"Licensed master social worker", any person who offers to**  
54 **render services to individuals, groups, families, couples, organizations,**  
55 **institutions, communities, government agencies, corporations, or the**  
56 **general public for a fee, monetary or otherwise, implying that the**  
57 **person is trained, experienced, and licensed as a master social worker,**  
58 **and who holds a current valid license to practice as a master social**  
59 **worker. A licensed master social worker may not treat mental or**  
60 **emotional disorders, provide psychotherapy without the direct**  
61 **supervision of a licensed clinical social worker, or diagnose a mental**

62 **disorder;**

63           **(12) "Master social work", the application of social work theory,**  
64 **knowledge, methods, and ethics and the professional use of self to**  
65 **restore or enhance social, psychosocial, or bio-psychosocial functioning**  
66 **of individuals, couples, families, groups, organizations, communities,**  
67 **institutions, government agencies, or corporations. The practice**  
68 **includes the applications of specialized knowledge and advanced**  
69 **practice skills in the areas of assessment, treatment planning,**  
70 **implementation and evaluation, case management, mediation,**  
71 **information and referral, counseling, client education, supervision,**  
72 **consultation, education, research, advocacy, community organization**  
73 **and development, planning, evaluation, implementation and**  
74 **administration of policies, programs, and activities. Under supervision**  
75 **as provided in this section, the practice of master social work may**  
76 **include the practices reserved to clinical social workers or advanced**  
77 **macro social workers;**

78           **(13) "Practice of advanced macro social work", rendering,**  
79 **offering to render, or supervising those who render to individuals,**  
80 **couples, families, groups, organizations, institutions, corporations,**  
81 **government agencies, communities, or the general public any service**  
82 **involving the application of methods, principles, and techniques of**  
83 **advanced practice macro social work;**

84           **(14) "Practice of baccalaureate social work", rendering, offering**  
85 **to render, or supervising those who render to individuals, families,**  
86 **groups, organizations, institutions, corporations, or the general public**  
87 **any service involving the application of methods, principles, and**  
88 **techniques of baccalaureate social work;**

89           **[(7)] (15) "Practice of clinical social work", rendering, offering to render,**  
90 **or supervising those who render to individuals, couples, groups, organizations,**  
91 **institutions, corporations, or the general public any service involving the**  
92 **application of methods, principles, and techniques of clinical social work;**

93           **(16) "Practice of master social work", rendering, offering to**  
94 **render, or supervising those who render to individuals, couples,**  
95 **families, groups, organizations, institutions, corporations, government**  
96 **agencies, communities, or the general public any service involving the**  
97 **application of methods, principles, and techniques of master social**  
98 **work;**

99           **[(8)] (17) "Provisional licensed clinical social worker", any person who is**  
100 **a graduate of an accredited school of social work and meets all requirements of**  
101 **a licensed clinical social worker, other than the supervised clinical social work**  
102 **experience prescribed by subdivision (2) of subsection 1 of section 337.615, and**  
103 **who is supervised by a person who is qualified to practice clinical social work, as**  
104 **defined by rule;**

105           **(18) "Qualified advanced macro supervisor", any licensed social**  
106 **worker who meets the qualifications of a qualified clinical supervisor**  
107 **or a licensed advanced macro social worker who has:**

108           **(a) Practiced in the field for which he or she is supervising the**  
109 **applicant for a minimum uninterrupted period of five years;**

110           **(b) Has successfully completed a minimum of sixteen hours of**  
111 **supervisory training from the Association of Social Work boards, the**  
112 **National Association of Social Workers, an accredited university, or a**  
113 **program approved by the state committee for social workers. All**  
114 **organizations providing the supervisory training shall adhere to the**  
115 **basic content and quality standards outlined by the state committee on**  
116 **social work; and**

117           **(c) Met all the requirements of sections 337.600 to 337.689, and**  
118 **as defined by rule by the state committee for social workers;**

119           **(19) "Qualified baccalaureate supervisor", any licensed social**  
120 **worker who meets the qualifications of a qualified clinical supervisor,**  
121 **qualified master supervisor, qualified advanced macro supervisor, or**  
122 **a licensed baccalaureate social worker who has:**

123           **(a) Practiced in the field for which he or she is supervising the**  
124 **applicant for a minimum uninterrupted period of five years;**

125           **(b) Has successfully completed a minimum of sixteen hours of**  
126 **supervisory training from the Association of Social Work boards, the**  
127 **National Association of Social Workers, an accredited university, or a**  
128 **program approved by the state committee for social workers. All**  
129 **organizations providing the supervisory training shall adhere to the**  
130 **basic content and quality standards outlined by the state committee on**  
131 **social workers; and**

132           **(c) Met all the requirements of sections 337.600 to 337.689, and**  
133 **as defined by rule by the state committee for social workers;**

134           **(20) "Qualified clinical supervisor", any licensed clinical social**  
135 **worker who has:**

136           (a) Practiced in the field for which he or she is supervising the  
137 applicant uninterrupted since August 28, 2004, or a minimum of five  
138 years;

139           (b) Has successfully completed a minimum of sixteen hours of  
140 supervisory training from the Association of Social Work boards, the  
141 National Association of Social Workers, an accredited university, or a  
142 program approved by the state committee for social workers. All  
143 organizations providing the supervisory training shall adhere to the  
144 basic content and quality standards outlined by the state committee on  
145 social work; and

146           (c) Met all the requirements of sections 337.600 to 337.689, and  
147 as defined by rule by the state committee for social workers;

148           [(9)] (21) "Social worker", any individual that has:

149           (a) Received a baccalaureate or master's degree in social work from an  
150 accredited social work program approved by the council on social work education;

151           (b) Received a doctorate or Ph.D. in social work; or

152           (c) A current [baccalaureate or clinical] social worker license as set forth  
153 in sections 337.600 to 337.689.

337.603. No person shall use the title of "licensed clinical social worker",  
2 "clinical social worker" or "provisional licensed clinical social worker" [and], or  
3 engage in the practice of clinical social work in this state, unless the person is  
4 licensed as required by the provisions of sections 337.600 to [337.639]  
5 **337.689**. Only individuals who are licensed clinical social workers shall practice  
6 clinical social work. Sections 337.600 to [337.639] **337.689** shall not apply to:

7           (1) Any person registered, certificated, or licensed by this state, another  
8 state, or any recognized national certification agent acceptable to the committee  
9 to practice any other occupation or profession while rendering services similar in  
10 nature to clinical social work in the performance of the occupation or profession  
11 which the person is registered, certificated, or licensed; and

12           (2) The practice of any social worker who is employed by any agency or  
13 department of the state of Missouri while discharging the person's duties in that  
14 capacity.

337.604. 1. No person shall hold himself or herself out to be a "social  
2 worker" unless such person has:

3           (1) Received a baccalaureate or master's degree in social work from an  
4 accredited social work program approved by the council on social work education;



5 (2) Received a doctorate or Ph.D. in social work; or

6 (3) A current [baccalaureate or clinical] social worker license as set forth  
7 in sections 337.600 to 337.689.

8 2. No government entities, public or private agencies or organizations in  
9 the state shall use the title "social worker" or any form of the title for volunteer  
10 or employment positions or within contracts for services, documents, manuals, or  
11 reference material effective January 1, 2004, unless the volunteers or employees  
12 in those positions meet the criteria set forth in subdivision [(8)] (17) of section  
13 337.600 or subsection 1 of this section.

337.612. 1. Applications for licensure as a clinical social worker,  
2 **baccalaureate social worker, advanced macro social worker or master**  
3 **social worker** shall be in writing, submitted to the committee on forms  
4 prescribed by the committee and furnished to the applicant. The application shall  
5 contain the applicant's statements showing the applicant's education, experience,  
6 and such other information as the committee may require. Each application shall  
7 contain 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 and belief  
9 of the applicant, subject to the penalties provided for the making of a false  
10 affidavit or declaration. Each application shall be accompanied by the fees  
11 required by the committee.

12 2. The committee shall mail a renewal notice to the last known address  
13 of each licensee prior to the licensure renewal date. Failure to provide the  
14 committee with the information required for licensure, or to pay the licensure fee  
15 after such notice shall effect a revocation of the license after a period of sixty days  
16 from the licensure renewal date. The license shall be restored if, within two  
17 years of the licensure date, the applicant provides written application and the  
18 payment of the licensure fee and a delinquency fee.

19 3. A new certificate to replace any certificate lost, destroyed or mutilated  
20 may be issued subject to the rules of the committee, upon payment of a fee.

21 4. The committee shall set the amount of the fees which sections 337.600  
22 to [337.639] **337.689** authorize and require by rules and regulations promulgated  
23 pursuant to section 536.021, RSMo. The fees shall be set at a level to produce  
24 revenue which shall not substantially exceed the cost and expense of  
25 administering the provisions of sections 337.600 to [337.639] **337.689**. All fees  
26 provided for in sections 337.600 to [337.639] **337.689** shall be collected by the  
27 director who shall deposit the same with the state treasurer in a fund to be

28 known as the "Clinical Social Workers Fund". After August 28, 2007, the  
29 "Clinical Social Workers Fund" shall be called the "Licensed Social  
30 Workers Fund" and after such date all references in state law to the  
31 "Clinical Social Workers Fund" shall be considered references to the  
32 "Licensed Social Workers Fund".

33 5. The provisions of section 33.080, RSMo, to the contrary  
34 notwithstanding, money in this fund shall not be transferred and placed to the  
35 credit of general revenue until the amount in the fund at the end of the biennium  
36 exceeds two times the amount of the appropriations from the clinical social  
37 workers fund for the preceding fiscal year or, if the committee requires by rule  
38 renewal less frequently than yearly, then three times the appropriation from the  
39 committee's fund for the preceding fiscal year. The amount, if any, in the fund  
40 which shall lapse is that amount in the fund which exceeds the appropriate  
41 multiple of the appropriations from the clinical social workers fund for the  
42 preceding fiscal year.

337.615. 1. Each applicant for licensure as a clinical social worker shall  
2 furnish evidence to the committee that:

3 (1) The applicant has a master's degree from a college or university  
4 program of social work accredited by the council of social work education or a  
5 doctorate degree from a school of social work acceptable to the committee;

6 (2) The applicant has completed three thousand hours of supervised  
7 clinical experience with a [licensed clinical social worker acceptable to the  
8 committee, as defined by rule,] **"qualified clinical supervisor", as defined**  
9 **in section 337.600**, in no less than twenty-four months and no more than  
10 forty-eight consecutive calendar months;

11 (3) The applicant has achieved a passing score, as defined by the  
12 committee, on an examination approved by the committee. The eligibility  
13 requirements for such examination shall be promulgated by rule of the committee;

14 (4) The applicant is at least eighteen years of age, is of good moral  
15 character, is a United States citizen or has status as a legal resident alien, and  
16 has not been convicted of a felony during the ten years immediately prior to  
17 application for licensure.

18 2. Any person holding a current license, certificate of registration, or  
19 permit from another state or territory of the United States or the District of  
20 Columbia to practice clinical social work who has had no disciplinary action taken  
21 against the license, certificate of registration, or permit for the preceding five

22 years may be granted a license to practice clinical social work in this state if the  
23 person meets one of the following criteria:

24 (1) Has received a masters or doctoral degree from a college or university  
25 program of social work accredited by the council of social work education and has  
26 been licensed to practice clinical social work for the preceding five years; or

27 (2) Is currently licensed or certified as a clinical social worker in another  
28 state, territory of the United States, or the District of Columbia having  
29 substantially the same requirements as this state for clinical social workers.

30 3. The committee shall issue a license to each person who files an  
31 application and fee as required by the provisions of sections 337.600 to [337.639]  
32 **337.689** and who furnishes evidence satisfactory to the committee that the  
33 applicant has complied with the provisions of subdivisions (1) to (4) of subsection  
34 1 of this section or with the provisions of subsection 2 of this section. The  
35 committee shall issue a provisional clinical social worker license to any applicant  
36 who meets all requirements of subdivisions (1), (3) and (4) of subsection 1 of this  
37 section, but who has not completed the twenty-four months of supervised clinical  
38 experience required by subdivision (2) of subsection 1 of this section, and such  
39 applicant may reapply for licensure as a clinical social worker upon completion  
40 of the twenty-four months of supervised clinical experience.

337.618. Each license issued pursuant to the provisions of sections  
2 337.600 to [337.639] **337.689** shall expire on a renewal date established by the  
3 director. The term of licensure shall be twenty-four months. The committee shall  
4 require a minimum number of thirty clock hours of continuing education for  
5 renewal of a license issued pursuant to sections 337.600 to [337.639]  
6 **337.689**. The committee shall renew any license, other than a provisional license,  
7 upon application for a renewal, completion of the required continuing education  
8 hours and upon payment of the fee established by the committee pursuant to the  
9 provisions of section 337.612. As provided by rule, the board may waive or extend  
10 the time requirements for completion of continuing education for reasons related  
11 to health, military service, foreign residency, or for other good cause. All requests  
12 for waivers or extensions of time shall be made in writing and submitted to the  
13 board before the renewal date.

337.622. 1. There is hereby established the "State Committee for Social  
2 Workers", which shall guide, advise, and make recommendations to the division  
3 and fulfill other responsibilities designated by sections 337.600 to [337.649 and  
4 sections 337.650 to] 337.689. The committee shall approve any examination

5 required by sections 337.600 to [337.649 and sections 337.650 to] 337.689 and  
6 shall assist the division in carrying out the provisions of sections 337.600 to  
7 [337.649 and sections 337.650 to] 337.689.

8         2. The committee shall consist of [nine] **ten** members, including a public  
9 member appointed by the governor with the advice and consent of the  
10 senate. Each member of the committee shall be a citizen of the United States and  
11 a resident of this state. The committee shall consist of six licensed clinical social  
12 workers, [two] **one licensed master social worker, one** licensed  
13 baccalaureate social workers, **one licensed advanced macro social worker,**  
14 and one voting public member. At least two committee members shall be involved  
15 in the private practice of clinical social work. [Any person who is a member of  
16 any clinical social worker advisory committee appointed by the director of the  
17 division of professional registration shall be eligible for appointment to the state  
18 committee for social work on August 28, 1997.] The governor shall endeavor to  
19 appoint members from different geographic regions of the state and with regard  
20 to the pattern of distribution of social workers in the state. The term of office for  
21 committee members shall be four years and no committee member shall serve  
22 more than ten years. [Of the members first appointed, the governor shall appoint  
23 three members, one of whom shall be the public member, whose terms shall be  
24 four years; three members whose terms shall be three years; two members whose  
25 terms shall be two years; and one member whose term shall be one year.] The  
26 president of the National Association of Social Workers Missouri Chapter in office  
27 at the time shall, at least ninety days prior to the expiration of a term of a  
28 member of a clinical social worker, **master social worker, advanced macro**  
29 **social worker,** or baccalaureate social worker committee member or as soon as  
30 feasible after a vacancy on the committee otherwise occurs, submit to the director  
31 of the division of professional registration a list of five [clinical] social workers  
32 qualified [or five baccalaureate social workers] and willing to fill the vacancy in  
33 question, with the request and recommendation that the governor appoint one of  
34 the five persons in each category so listed, and with the list so submitted, the  
35 president of the National Association of Social Workers Missouri Chapter shall  
36 include in his or her letter of transmittal a description of the method by which  
37 the names were chosen by that association.

38         3. A vacancy in the office of a member shall be filled by appointment by  
39 the governor for the remainder of the unexpired term.

40         4. Notwithstanding any other provision of law to the contrary, any

41 appointed member of the committee shall receive as compensation an amount  
42 established by the director of the division of professional registration not to  
43 exceed seventy dollars per day for committee business plus each member of the  
44 committee shall be reimbursed for necessary and actual expenses incurred in the  
45 performance of the member's official duties. The director of the division of  
46 professional registration shall establish by rule guidelines for payment. All staff  
47 for the committee shall be provided by the division.

48 5. The committee shall hold an annual meeting at which it shall elect  
49 from its membership a chairperson and a secretary. The committee may hold  
50 such additional meetings as may be required in the performance of its duties,  
51 provided that notice of every meeting must be given to each member at least  
52 three days prior to the date of the meeting. A quorum of the board shall consist  
53 of a majority of its members.

54 6. The governor may remove a committee member for misconduct,  
55 incompetency or neglect of the member's official duties after giving the committee  
56 member written notice of the charges against such member and an opportunity  
57 to be heard thereon.

58 7. The public member shall be at the time of such member's appointment  
59 a citizen of the United States; a resident of this state for a period of one year and  
60 a registered voter; a person who is not and never was a member of any profession  
61 licensed or regulated pursuant to sections 337.600 to [337.649 or sections 337.650  
62 to] 337.689, or the spouse of such person; and a person who does not have and  
63 never has had a material, financial interest in either the providing of the  
64 professional services regulated by sections 337.600 to [337.649 or sections 337.650  
65 to] 337.689, or an activity or organization directly related to any profession  
66 licensed or regulated pursuant to sections 337.600 to [337.649] **337.689**. The  
67 duties of the public member shall not include the determination of the technical  
68 requirements to be met for licensure or whether any person meets such technical  
69 requirements or of the technical competence or technical judgment of a licensee  
70 or a candidate for licensure.

337.627. 1. The committee shall promulgate rules and regulations  
2 pertaining to:

3 (1) The form and content of license applications required by the provisions  
4 of sections 337.600 to [337.639] **337.689** and the procedures for filing an  
5 application for an initial or renewal license in this state;

6 (2) Fees required by the provisions of sections 337.600 to [337.639]

7   **337.689;**

8           (3) The characteristics of "supervised clinical experience" [as that term is  
9   used in section 337.615], "**supervised master experience**", "**supervised**  
10 **advanced macro experience**", and "**supervised baccalaureate**  
11 **experience**";

12           (4) The standards and methods to be used in assessing competency as a  
13 licensed clinical social worker, **licensed master social worker, licensed**  
14 **advanced macro social worker, and licensed baccalaureate social**  
15 **worker, including the requirement for continuing education hours;**

16           (5) Establishment and promulgation of procedures for investigating,  
17 hearing and determining grievances and violations occurring pursuant to the  
18 provisions of sections 337.600 to [337.639] **337.689;**

19           (6) Development of an appeal procedure for the review of decisions and  
20 rules of administrative agencies existing pursuant to the constitution or laws of  
21 this state;

22           (7) Establishment of a policy and procedure for reciprocity with other  
23 states, including states which do not have clinical, **master, advanced macro,**  
24 **or baccalaureate** social worker licensing laws or states whose licensing laws  
25 are not substantially the same as those of this state; and

26           (8) Any other policies or procedures necessary to the fulfillment of the  
27 requirements of sections 337.600 to [337.639] **337.689.**

28           2. [No rule or portion of a rule promulgated pursuant to the authority of  
29 sections 337.600 to 337.639 shall become effective unless it has been promulgated  
30 pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of**  
31 **a rule, as that term is defined in section 536.010, RSMo, that is created**  
32 **under the authority delegated in this section shall become effective**  
33 **only if it complies with and is subject to all of the provisions of chapter**  
34 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and**  
35 **chapter 536, RSMo, are nonseverable and if any of the powers vested**  
36 **with the general assembly pursuant to chapter 536, RSMo, to review, to**  
37 **delay the effective date, or to disapprove and annul a rule are**  
38 **subsequently held unconstitutional, then the grant of rulemaking**  
39 **authority and any rule proposed or adopted after August 28, 2007, shall**  
40 **be invalid and void.**

          337.630. 1. The committee may refuse to issue or renew any license  
2   required by the provisions of sections 337.600 to [337.639] **337.689** for one or any

3 combination of causes stated in subsection 2 of this section. The committee shall  
4 notify the applicant in writing of the reasons for the refusal and shall advise the  
5 applicant of the applicant's right to file a complaint with the administrative  
6 hearing commission as provided by chapter 621, RSMo.

7 2. The committee may cause a complaint to be filed with the  
8 administrative hearing commission as provided by chapter 621, RSMo, against  
9 any holder of any license required by sections 337.600 to [337.639] **337.689** or  
10 any person who has failed to renew or has surrendered the person's license for  
11 any one or any combination of the following causes:

12 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or  
13 alcoholic beverage to an extent that such use impairs a person's ability to engage  
14 in the occupation of [clinical] social work **licensed under this chapter**; except  
15 that the fact that a person has undergone treatment for past substance or alcohol  
16 abuse and/or has participated in a recovery program, shall not by itself be cause  
17 for refusal to issue or renew a license;

18 (2) The person has been finally adjudicated and found guilty, or entered  
19 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws  
20 of any state or of the United States, for any offense reasonably related to the  
21 qualifications, functions or duties of a [clinical] social worker **licensed under**  
22 **this chapter**; for any offense an essential element of which is fraud, dishonesty  
23 or an act of violence; or for any offense involving moral turpitude, whether or not  
24 sentence is imposed;

25 (3) Use of fraud, deception, misrepresentation or bribery in securing any  
26 license issued pursuant to the provisions of sections 337.600 to [337.639] **337.689**  
27 or in obtaining permission to take any examination given or required pursuant  
28 to the provisions of sections 337.600 to [337.639] **337.689**;

29 (4) Obtaining or attempting to obtain any fee, charge, tuition or other  
30 compensation by fraud, deception or misrepresentation;

31 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in  
32 the performance of the functions or duties of a [clinical] social worker licensed  
33 pursuant to this chapter;

34 (6) Violation of, or assisting or enabling any person to violate, any  
35 provision of sections 337.600 to [337.639] **337.689**, or of any lawful rule or  
36 regulation adopted pursuant to sections 337.600 to [337.639] **337.689**;

37 (7) Impersonation of any person holding a license or allowing any person  
38 to use the person's license or diploma from any school;

39 (8) Revocation or suspension of a license or other right to practice  
40 [clinical] social work licensed pursuant to this chapter granted by another state,  
41 territory, federal agency or country upon grounds for which revocation or  
42 suspension is authorized in this state;

43 (9) Final adjudication as incapacitated by a court of competent  
44 jurisdiction;

45 (10) Assisting or enabling any person to practice or offer to practice  
46 [clinical] social work licensed pursuant to this chapter who is not licensed and  
47 currently eligible to practice pursuant to the provisions of sections 337.600 to  
48 [337.639] **337.689**;

49 (11) Obtaining a license based upon a material mistake of fact;

50 (12) Failure to display a valid license if so required by sections 337.600  
51 to [337.639] **337.689** or any rule promulgated hereunder;

52 (13) Violation of any professional trust or confidence;

53 (14) Use of any advertisement or solicitation which is false, misleading or  
54 deceptive to the general public or persons to whom the advertisement or  
55 solicitation is primarily directed;

56 (15) Being guilty of unethical conduct as defined in the ethical standards  
57 for clinical social workers adopted by the committee by rule and filed with the  
58 secretary of state.

59 3. Any person, organization, association or corporation who reports or  
60 provides information to the committee pursuant to the provisions of sections  
61 337.600 to [337.639] **337.689** and who does so in good faith shall not be subject  
62 to an action for civil damages as a result thereof.

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

337.636. Persons licensed under the provisions of sections 337.600 to  
2 [337.639] **337.689** may not disclose any information acquired from persons  
3 consulting them in their professional capacity, or be compelled to disclose such  
4 information except:

5 (1) With the written consent of the client, or in the case of the client's



6 death or disability, the client's personal representative or other person authorized  
7 to sue, or the beneficiary of an insurance policy on the client's life, health or  
8 physical condition;

9 (2) When such information pertains to a criminal act;

10 (3) When the person is a child under the age of eighteen years and the  
11 information acquired by the licensee indicated that the child was the victim of a  
12 crime;

13 (4) When the person waives the privilege by bringing charges against the  
14 licensee;

15 (5) When the licensee is called upon to testify in any court or  
16 administrative hearings concerning matters of adoption, adult abuse, child abuse,  
17 child neglect, or other matters pertaining to the welfare of clients of the licensee;  
18 or

19 (6) When the licensee is collaborating or consulting with professional  
20 colleagues or an administrative superior on behalf of the client.

**337.643. 1. No person shall use the title of licensed master social  
2 worker and engage in the practice of master social work in this state  
3 unless the person is licensed as required by the provisions of this  
4 section and section 337.644.**

5 **2. A licensed master social worker shall be deemed qualified to  
6 practice the applications of social work theory, knowledge, methods  
7 and ethics and the professional use of self to restore or enhance social,  
8 psychosocial, or bio-psychosocial functioning of individuals, couples,  
9 families, groups, organizations, and communities. Master social work  
10 practice includes the applications of specialized knowledge and  
11 advanced practice skills in the management, information and referral,  
12 counseling, supervision, consultation, education, research, advocacy,  
13 community organization, and the development, implementation, and  
14 administration of policies, programs, and activities. Under supervision  
15 as provided in sections 337.600 to 337.689, the practice of master social  
16 work may include the practices reserved to clinical social workers or  
17 advanced macro social workers.**

**337.644. 1. Each applicant for licensure as a master social  
2 worker shall furnish evidence to the committee that:**

3 **(1) The applicant has a master's or doctorate degree in social  
4 work from an accredited social work degree program approved by the**

5 council of social work education;

6 (2) The applicant has achieved a passing score, as defined by the  
7 committee, on an examination approved by the committee. The  
8 eligibility requirements for such examination shall be determined by  
9 the state committee for social workers;

10 (3) The applicant is at least eighteen years of age, is of good  
11 moral character, is a United States citizen or has status as a legal  
12 resident alien, and has not been convicted of a felony during the ten  
13 years immediately prior to application for licensure;

14 (4) The applicant has submitted a written application on forms  
15 prescribed by the state board;

16 (5) The applicant has submitted the required licensing fee, as  
17 determined by the committee.

18 2. Any applicant who answers in the affirmative to any question  
19 on the application that relates to possible grounds for denial of  
20 licensure under section 337.630 shall submit a sworn affidavit setting  
21 forth in detail the facts which explain such answer and copies of  
22 appropriate documents related to such answer.

23 3. Any person holding a valid unrevoked and unexpired license,  
24 certificate, or registration from another state or territory of the United  
25 States having substantially the same requirements as this state for  
26 master social workers may be granted a license to engage in the  
27 person's occupation in this state upon application to the committee  
28 accompanied by the appropriate fee as established by the committee  
29 under section 337.612.

30 4. The committee shall issue a license to each person who files  
31 an application and fee as required by the provisions of sections 337.600  
32 to 337.689 and who furnishes evidence satisfactory to the committee  
33 that the applicant has complied with the provisions of subsection 1 of  
34 this section or with the provisions of subsection 3 of this section. The  
35 license shall refer to the individual as a licensed master social worker  
36 and shall recognize that individual's right to practice licensed master  
37 social work as defined in section 337.600.

337.645. 1. Each applicant for licensure as an advanced macro  
2 social worker shall furnish evidence to the committee that:

3 (1) The applicant has a master's degree from a college or  
4 university program of social work accredited by the council of social

5 work education or a doctorate degree from a school of social work  
6 acceptable to the committee;

7 (2) The applicant has completed three thousand hours of  
8 supervised advanced macro experience with a "qualified advanced  
9 macro supervisor" as defined in section 337.600 in no less than twenty-  
10 four months and no more than forty-eight consecutive calendar months;

11 (3) The applicant has achieved a passing score, as defined by the  
12 committee, on an examination approved by the committee. The  
13 eligibility requirements for such examination shall be promulgated by  
14 rule of the committee;

15 (4) The applicant is at least eighteen years of age, is of good  
16 moral character, is a United States citizen or has status as a legal  
17 resident alien, and has not been convicted of a felony during the ten  
18 years immediately prior to application for licensure.

19 2. Any person holding a current license, certificate of  
20 registration, or permit from another state or territory of the United  
21 States or the District of Columbia to practice advanced macro social  
22 work who has had no disciplinary action taken against the license,  
23 certificate of registration, or permit for the preceding five years may  
24 be granted a license to practice advanced macro social work in this  
25 state if the person meets one of the following criteria:

26 (1) Has received a master's or doctoral degree from a college or  
27 university program of social work accredited by the council of social  
28 work education and has been licensed to practice advanced macro  
29 social work for the preceding five years; or

30 (2) Is currently licensed or certified as an advanced macro social  
31 worker in another state, territory of the United States, or the District  
32 of Columbia having substantially the same requirements as this state  
33 for advanced macro social workers.

34 3. The committee shall issue a license to each person who files  
35 an application and fee as required by the provisions of sections 337.600  
36 to 337.689 and who furnishes evidence satisfactory to the committee  
37 that the applicant has complied with the provisions of subdivisions (1)  
38 to (4) of subsection 1 of this section or with the provisions of subsection  
39 2 of this section.

337.646. 1. No person shall use the title of licensed advanced  
2 macro social worker and engage in the practice of advanced macro

3 **social work in this state unless the person is licensed as required by**  
4 **the provisions of section 337.645.**

337.653. 1. No person shall use the title of "licensed baccalaureate social  
2 worker" [or "provisional licensed baccalaureate social worker"] and engage in the  
3 practice of baccalaureate social work in this state unless the person is licensed  
4 as required by the provisions of sections [337.650] **337.600** to 337.689.

5 2. A licensed baccalaureate social worker shall be deemed qualified to  
6 practice the following:

7 (1) Engage in assessment and evaluation from a generalist perspective,  
8 excluding the diagnosis and treatment of mental illness and emotional disorders;

9 (2) Conduct basic data gathering of records and social problems of  
10 individuals, groups, families and communities, assess such data, and formulate  
11 and implement a plan to achieve specific goals;

12 (3) Serve as an advocate for clients, families, groups or communities for  
13 the purpose of achieving specific goals;

14 (4) Counsel, excluding psychotherapy; however, counseling shall be  
15 defined as providing support, direction, and guidance to clients by assisting them  
16 in successfully solving complex social problems;

17 (5) Perform crisis intervention, screening and resolution, excluding the  
18 use of psychotherapeutic techniques;

19 (6) Be a community supporter, organizer, planner or administrator for a  
20 social service program;

21 (7) Conduct crisis planning ranging from disaster relief planning for  
22 communities to helping individuals prepare for the death or disability of family  
23 members;

24 (8) Inform and refer clients to other professional services;

25 (9) Perform case management and outreach, including but not limited to  
26 planning, managing, directing or coordinating social services; and

27 (10) Engage in the training and education of social work students from an  
28 accredited institution and supervise other licensed baccalaureate social workers.

29 3. [A] **If the licensed baccalaureate social worker has completed**  
30 **three thousand hours of supervised baccalaureate experience with a**  
31 **qualified baccalaureate supervisor in no less than twenty-four months**  
32 **and no more than forty-eight consecutive calendar months, the licensed**  
33 baccalaureate social worker may engage in the independent practice of  
34 baccalaureate social work as defined in [subdivision (6) of] section [337.650]

35 **337.600** and subdivisions (1) to (10) of subsection 2 of this section. **Upon**  
36 **demonstrating the successful completion of supervised experience, the**  
37 **state committee for social workers shall provide the licensee with a**  
38 **certificate clearly stating the individual's qualification to practice**  
39 **independently with the words "independent practice" or "IP" next to his**  
40 **or her licensure.**

337.665. 1. Each applicant for licensure as a baccalaureate social worker  
2 shall furnish evidence to the committee that:

3 (1) The applicant has a baccalaureate degree in social work from an  
4 accredited social work degree program approved by the council of social work  
5 education;

6 (2) The applicant has achieved a passing score, as defined by the  
7 committee, on an examination approved by the committee. The eligibility  
8 requirements for such examination shall be determined by the state committee  
9 for social work;

10 (3) [The applicant has completed three thousand hours of supervised  
11 baccalaureate experience with a licensed clinical social worker or licensed  
12 baccalaureate social worker in no less than twenty-four and no more than  
13 forty-eight consecutive calendar months;

14 (4)] The applicant is at least eighteen years of age, is of good moral  
15 character, is a United States citizen or has status as a legal resident alien, and  
16 has not been convicted of a felony during the ten years immediately prior to  
17 application for licensure;

18 [(5)] (4) The applicant has submitted a written application on forms  
19 prescribed by the state board;

20 [(6)] (5) The applicant has submitted the required licensing fee, as  
21 determined by the [division] **committee**.

22 2. Any applicant who answers in the affirmative to any question on the  
23 application that relates to possible grounds for denial of licensure pursuant to  
24 section [337.680] **337.630** shall submit a sworn affidavit setting forth in detail  
25 the facts which explain such answer and copies of appropriate documents related  
26 to such answer.

27 3. Any person holding a valid unrevoked and unexpired license, certificate  
28 or registration from another state or territory of the United States having  
29 substantially the same requirements as this state for baccalaureate social  
30 workers may be granted a license to engage in the person's occupation in this

31 state upon application to the committee accompanied by the appropriate fee as  
32 established by the committee pursuant to section [337.662] **337.612**.

33 4. The committee shall issue a license to each person who files an  
34 application and fee as required by the provisions of sections [337.650] **337.600**  
35 to 337.689 and who furnishes evidence satisfactory to the committee that the  
36 applicant has complied with the provisions of subsection 1 of this section or with  
37 the provisions of subsection 2 of this section. [The committee shall issue a  
38 one-time provisional baccalaureate social worker license to any applicant who  
39 meets all requirements of subdivisions (1), (2), (4), (5) and (6) of subsection 1 of  
40 this section, but who has not completed the supervised baccalaureate experience  
41 required by subdivision (3) of subsection 1 of this section, and such applicant may  
42 apply for licensure as a baccalaureate social worker upon completion of the  
43 supervised baccalaureate experience.]

44 5. The committee shall issue a certificate to practice  
45 independently under subsection 3 of section 337.653 to any licensed  
46 baccalaureate social worker who has satisfactorily completed three  
47 thousand hours of supervised experience with a qualified baccalaureate  
48 supervisor in no less than twenty-four months and no more than forty-  
49 eight consecutive calendar months.

337.689. Nothing in sections [337.650] **337.600** to 337.689 shall be  
2 construed to prohibit any person licensed pursuant to the provisions of sections  
3 [337.650] **337.600** to 337.689 from testifying in court hearings concerning matters  
4 of adoption, adult abuse, child abuse, child neglect, or other matters pertaining  
5 to the welfare of children or any dependent person, or from seeking collaboration  
6 or consultation with professional colleagues or administrative supervisors on  
7 behalf of the client.

337.700. As used in sections 337.700 to 337.739, the following terms  
2 mean:

- 3 (1) "Committee", the state committee for family and marital therapists;
- 4 (2) "Department", the Missouri department of economic development;
- 5 (3) "Director", the director of the division of professional registration in  
6 the department of economic development;
- 7 (4) "Division", the division of professional registration;
- 8 (5) "Fund", the marital and family therapists' fund created in section  
9 337.712;
- 10 (6) "Licensed marital and family therapist", a person to whom a license

11 has been issued pursuant to the provisions of sections 337.700 to 337.739, whose  
12 license is in force and not suspended or revoked;

13 (7) "Marital and family therapy", the use of scientific and applied  
14 marriage and family theories, methods and procedures for the purpose of  
15 describing, **diagnosing**, evaluating and modifying marital, family and individual  
16 behavior within the context of marital and family systems, including the context  
17 of marital formation and dissolution. Marriage and family therapy is based on  
18 systems theories, marriage and family development, normal and dysfunctional  
19 behavior, human sexuality and psychotherapeutic, marital and family therapy  
20 theories and techniques and includes the use of marriage and family therapy  
21 theories and techniques in the **diagnosis**, evaluation, assessment and treatment  
22 of intrapersonal or interpersonal dysfunctions within the context of marriage and  
23 family systems. Marriage and family therapy may also include clinical research  
24 into more effective methods for the treatment and prevention of the above-named  
25 conditions;

26 (8) "Practice of marital and family therapy", the rendering of professional  
27 marital and family therapy services to individuals, family groups and marital  
28 pairs, singly or in groups, whether such services are offered directly to the  
29 general public or through organizations, either public or private, for a fee,  
30 monetary or otherwise.

337.715. 1. Each applicant for licensure as a marital and family therapist  
2 shall furnish evidence to the division that:

3 (1) The applicant has a master's degree or a doctoral degree in marital  
4 and family therapy, or its equivalent, from an acceptable educational institution  
5 accredited by a regional accrediting body or accredited by an accrediting body  
6 which has been approved by the United States Department of Education;

7 (2) The applicant has twenty-four months of postgraduate supervised  
8 clinical experience acceptable to the division, as the division determines by rule;

9 (3) **After August 28, 2008, the applicant shall have completed a**  
10 **minimum of three semester hours of graduate level course work in**  
11 **diagnostic systems either within the curriculum leading to a degree as**  
12 **defined in subdivision (1) of this subsection or as post master's**  
13 **graduate level course work. Each applicant shall demonstrate**  
14 **supervision of diagnosis as a core component of the postgraduate**  
15 **supervised clinical experience as defined in subdivision (2) of this**  
16 **subsection;**

17           (4) Upon examination, the applicant is possessed of requisite knowledge  
18 of the profession, including techniques and applications research and its  
19 interpretation and professional affairs and ethics;

20           [(4)] (5) The applicant is at least eighteen years of age, is of good moral  
21 character, is a United States citizen or has status as a legal resident alien, and  
22 has not been convicted of a felony during the ten years immediately prior to  
23 application for licensure.

24           2. A licensed marriage and family therapist who has had no violations and  
25 no suspensions and no revocation of a license to practice marriage and family  
26 therapy in any jurisdiction may receive a license in Missouri provided said  
27 marriage and family therapist passes a written examination on Missouri laws and  
28 regulations governing the practice of professional counseling as defined in section  
29 337.700, and meets one of the following criteria:

30           (1) Is a member in good standing and holds a certification from the  
31 Academy of Marriage and Family Therapists;

32           (2) Is currently licensed or certified as a licensed marriage and family  
33 therapist in another state, territory of the United States, or the District of  
34 Columbia; and

35           (a) Meets the educational standards set forth in subdivision (1) of  
36 subsection 1 of this section;

37           (b) Has been licensed for the preceding five years; and

38           (c) Has had no disciplinary action taken against the license for the  
39 preceding five years; or

40           (3) Is currently licensed or certified as a marriage and family therapist  
41 in another state, territory of the United States, or the District of Columbia that  
42 extends like privileges for reciprocal licensing or certification to persons licensed  
43 by this state with similar qualifications.

44           3. The division shall issue a license to each person who files an  
45 application and fee as required by the provisions of sections 337.700 to 337.739,  
46 and who furnishes evidence satisfactory to the division that the applicant has  
47 complied with the provisions of subdivisions (1) to (4) of subsection 1 of this  
48 section or with the provisions of subsection 2 of this section.

337.718. 1. Each license issued pursuant to the provisions of sections  
2 337.700 to 337.739 shall expire on a renewal date established by the  
3 director. The term of licensure shall be twenty-four months; however, the director  
4 may establish a shorter term for the first licenses issued pursuant to sections



5 337.700 to 337.739. The division shall renew any license upon application for a  
6 renewal and upon payment of the fee established by the division pursuant to the  
7 provisions of section 337.712. **Effective August 28, 2008, as a prerequisite**  
8 **for renewal, each licensee shall furnish to the committee satisfactory**  
9 **evidence of the completion of the requisite number of hours of**  
10 **continuing education as defined by rule, which shall be no more than**  
11 **forty contact hours biennially. The continuing education requirements**  
12 **may be waived by the committee upon presentation to the committee**  
13 **of satisfactory evidence of illness or for other good cause.**

14 2. The division may issue temporary permits to practice under  
15 extenuating circumstances as determined by the division and defined by rule.

339.100. 1. The commission may, upon its own motion, and shall upon  
2 receipt of a written complaint filed by any person, investigate any real  
3 estate-related activity of a licensee licensed under sections 339.010 to 339.180  
4 and sections 339.710 to 339.860 or an individual or entity acting as or  
5 representing themselves as a real estate licensee. In conducting such  
6 investigation, if the questioned activity or written complaint involves an affiliated  
7 licensee, the commission may forward a copy of the information received to the  
8 affiliated licensee's designated broker. The commission shall have the power to  
9 hold an investigatory hearing to determine whether there is a probability of a  
10 violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The  
11 commission shall have the power to issue a subpoena to compel the production of  
12 records and papers bearing on the complaint. The commission shall have the  
13 power to issue a subpoena and to compel any person in this state to come before  
14 the commission to offer testimony or any material specified in the  
15 subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section  
16 shall be served in the same manner as subpoenas in a criminal case. The fees  
17 and mileage of witnesses shall be the same as that allowed in the circuit court in  
18 civil cases.

19 2. The commission may cause a complaint to be filed with the  
20 administrative hearing commission as provided by the provisions of chapter 621,  
21 RSMo, against any person or entity licensed under this chapter or any licensee  
22 who has failed to renew or has surrendered his or her individual or entity license  
23 for any one or any combination of the following acts:

24 (1) Failure to maintain and deposit in a special account, separate and  
25 apart from his or her personal or other business accounts, all moneys belonging

26 to others entrusted to him or her while acting as a real estate broker or as the  
27 temporary custodian of the funds of others, until the transaction involved is  
28 consummated or terminated, unless all parties having an interest in the funds  
29 have agreed otherwise in writing;

30 (2) Making substantial misrepresentations or false promises or  
31 suppression, concealment or omission of material facts in the conduct of his or her  
32 business or pursuing a flagrant and continued course of misrepresentation  
33 through agents, salespersons, advertising or otherwise in any transaction;

34 (3) Failing within a reasonable time to account for or to remit any moneys,  
35 valuable documents or other property, coming into his or her possession, which  
36 belongs to others;

37 (4) Representing to any lender, guaranteeing agency, or any other  
38 interested party, either verbally or through the preparation of false documents,  
39 an amount in excess of the true and actual sale price of the real estate or terms  
40 differing from those actually agreed upon;

41 (5) Failure to timely deliver a duplicate original of any and all  
42 instruments to any party or parties executing the same where the instruments  
43 have been prepared by the licensee or under his or her supervision or are within  
44 his or her control, including, but not limited to, the instruments relating to the  
45 employment of the licensee or to any matter pertaining to the consummation of  
46 a lease, listing agreement or the purchase, sale, exchange or lease of property, or  
47 any type of real estate transaction in which he or she may participate as a  
48 licensee;

49 (6) Acting for more than one party in a transaction without the knowledge  
50 of all parties for whom he or she acts, or accepting a commission or valuable  
51 consideration for services from more than one party in a real estate transaction  
52 without the knowledge of all parties to the transaction;

53 (7) Paying a commission or valuable consideration to any person for acts  
54 or services performed in violation of sections 339.010 to 339.180 and sections  
55 339.710 to 339.860;

56 (8) Guaranteeing or having authorized or permitted any licensee to  
57 guarantee future profits which may result from the resale of real property;

58 (9) Having been finally adjudicated and been found guilty of the violation  
59 of any state or federal statute which governs the sale or rental of real property  
60 or the conduct of the real estate business as defined in subsection 1 of section  
61 339.010;

62 (10) Obtaining a certificate or registration of authority, permit or license  
63 for himself or herself or anyone else by false or fraudulent representation, fraud  
64 or deceit;

65 (11) Representing a real estate broker other than the broker with whom  
66 associated without the express written consent of the broker with whom  
67 associated;

68 (12) Accepting a commission or valuable consideration for the performance  
69 of any of the acts referred to in section 339.010 from any person except the broker  
70 with whom associated at the time the commission or valuable consideration was  
71 earned;

72 (13) Using prizes, money, gifts or other valuable consideration as  
73 inducement to secure customers or clients to purchase, lease, sell or list property  
74 when the awarding of such prizes, money, gifts or other valuable consideration  
75 is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or  
76 offering for sale real property by offering free lots, or conducting lotteries or  
77 contests, or offering prizes for the purpose of influencing a purchaser or  
78 prospective purchaser of real property;

79 (14) Placing a sign on or advertising any property offering it for sale or  
80 rent without the written consent of the owner or his or her duly authorized agent;

81 (15) Violation of, or attempting to violate, directly or indirectly, or  
82 assisting or enabling any person to violate, any provision of sections 339.010 to  
83 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant  
84 to sections 339.010 to 339.180 and sections 339.710 to 339.860;

85 (16) Committing any act which would otherwise be grounds for the  
86 commission to refuse to issue a license under section 339.040;

87 (17) Failure to timely inform seller of all written offers unless otherwise  
88 instructed in writing by the seller;

89 (18) Been finally adjudicated and found guilty, or entered a plea of guilty  
90 or nolo contendere, in a criminal prosecution under the laws of this state or any  
91 other state or of the United States, for any offense reasonably related to the  
92 qualifications, functions or duties of any profession licensed or regulated under  
93 this chapter, for any offense an essential element of which is fraud, dishonesty  
94 or an act of violence, or for any offense involving moral turpitude, whether or not  
95 sentence is imposed;

96 (19) Any other conduct which constitutes untrustworthy, improper or  
97 fraudulent business dealings, demonstrates bad faith or incompetence,

98 misconduct, or gross negligence;

99 (20) Disciplinary action against the holder of a license or other right to  
100 practice any profession regulated under sections 339.010 to 339.180 and sections  
101 339.710 to 339.860 granted by another state, territory, federal agency, or country  
102 upon grounds for which revocation, suspension, or probation is authorized in this  
103 state;

104 (21) Been found by a court of competent jurisdiction of having used any  
105 controlled substance, as defined in chapter 195, RSMo, to the extent that such use  
106 impairs a person's ability to perform the work of any profession licensed or  
107 regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

108 (22) Been finally adjudged insane or incompetent by a court of competent  
109 jurisdiction;

110 (23) Assisting or enabling any person to practice or offer to practice any  
111 profession licensed or regulated under sections 339.010 to 339.180 and sections  
112 339.710 to 339.860 who is not registered and currently eligible to practice under  
113 sections 339.010 to 339.180 and sections 339.710 to 339.860;

114 (24) Use of any advertisement or solicitation which is knowingly false,  
115 misleading or deceptive to the general public or persons to whom the  
116 advertisement or solicitation is primarily directed.

117 3. After the filing of such complaint, the proceedings will be conducted in  
118 accordance with the provisions of law relating to the administrative hearing  
119 commission. A finding of the administrative hearing commissioner that the  
120 licensee has performed or attempted to perform one or more of the foregoing acts  
121 shall be grounds for the suspension or revocation of his license by the  
122 commission, or the placing of the licensee on probation on such terms and  
123 conditions as the real estate commission shall deem appropriate, **or the**  
124 **imposition of a civil penalty by the commission not to exceed two**  
125 **thousand five hundred dollars for each offense. Each day of a**  
126 **continued violation shall constitute a separate offense.**

127 4. The commission may prepare a digest of the decisions of the  
128 administrative hearing commission which concern complaints against licensed  
129 brokers or salespersons and cause such digests to be mailed to all licensees  
130 periodically. Such digests may also contain reports as to new or changed rules  
131 adopted by the commission and other information of significance to licensees.

132 5. Notwithstanding other provisions of this section, a broker or  
133 salesperson's license shall be revoked, or in the case of an applicant, shall not be

134 issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo  
135 contendere to, or been found guilty of any of the following offenses or offenses of  
136 a similar nature established under the laws of this, any other state, the United  
137 States, or any other country, notwithstanding whether sentence is imposed:

138 (1) Any dangerous felony as defined under section 556.061, RSMo, or  
139 murder in the first degree;

140 (2) Any of the following sexual offenses: rape, statutory rape in the first  
141 degree, statutory rape in the second degree, sexual assault, forcible sodomy,  
142 statutory sodomy in the first degree, statutory sodomy in the second degree, child  
143 molestation in the first degree, child molestation in the second degree, deviate  
144 sexual assault, sexual misconduct involving a child, sexual misconduct in the first  
145 degree, sexual abuse, enticement of a child, or attempting to entice a child;

146 (3) Any of the following offenses against the family and related offenses:  
147 incest, abandonment of a child in the first degree, abandonment of a child in the  
148 second degree, endangering the welfare of a child in the first degree, abuse of a  
149 child, using a child in a sexual performance, promoting sexual performance by a  
150 child, or trafficking in children; and

151 (4) Any of the following offenses involving child pornography and related  
152 offenses: promoting obscenity in the first degree, promoting obscenity in the  
153 second degree when the penalty is enhanced to a class D felony, promoting child  
154 pornography in the first degree, promoting child pornography in the second  
155 degree, possession of child pornography in the first degree, possession of child  
156 pornography in the second degree, furnishing child pornography to a minor,  
157 furnishing pornographic materials to minors, or coercing acceptance of obscene  
158 material.

159 6. A person whose license was revoked under subsection 5 of this section  
160 may appeal such revocation to the administrative hearing commission. Notice of  
161 such appeal must be received by the administrative hearing commission within  
162 ninety days of mailing, by certified mail, the notice of revocation. Failure of a  
163 person whose license was revoked to notify the administrative hearing  
164 commission of his or her intent to appeal waives all rights to appeal the  
165 revocation. Upon notice of such person's intent to appeal, a hearing shall be held  
166 before the administrative hearing [commissioner] **commission.**

**339.200. 1. It shall be unlawful for any person not holding the  
2 required license from the commission to perform any act for which a  
3 license is required by sections 339.010 to 339.180 and sections 339.710**

4 to 339.860. The commission may cause a complaint to be filed with the  
5 administrative hearing commission, as provided in chapter 621, RSMo,  
6 against any unlicensed person who:

7 (1) Engages in or offers to perform any act for which a license is  
8 required by sections 339.010 to 339.180 and sections 339.710 to 339.860;  
9 or

10 (2) Uses or employs titles defined and protected by this chapter,  
11 or implies authorization to provide or offer professional services, or  
12 otherwise uses or advertises any title, word, figure, sign, card,  
13 advertisement, or other symbol or description tending to convey the  
14 impression that the person holds any license required by sections  
15 339.010 to 339.180 and sections 339.710 to 339.860.

16 2. When reviewing complaints against unlicensed persons, the  
17 commission may initiate an investigation and take all measures  
18 necessary to find the facts of any potential violation, including issuing  
19 subpoenas to compel the attendance and testimony of witnesses and the  
20 disclosure of evidence.

21 3. If the commission files a complaint with the administrative  
22 hearing commission, the proceedings shall be conducted in accordance  
23 with the provisions of chapter 621, RSMo. Upon a finding by the  
24 administrative hearing commission that the grounds provided in  
25 subsection 1 of this section for action are met, the commission may,  
26 either singularly or in combination with other provisions of this  
27 chapter, impose a civil penalty against the person named in the  
28 complaint in an amount not to exceed the limit authorized by section  
29 339.205.

339.205. 1. In actions against unlicensed persons or disciplinary  
2 actions against licensed persons, the commission may issue an order  
3 imposing a civil penalty. Such penalty shall not be imposed until the  
4 findings of facts and conclusions of law by the administrative hearing  
5 commission have been delivered to the commission in accordance with  
6 section 621.110, RSMo. Further, no civil penalty shall be assessed until  
7 a formal meeting and vote by the board has been taken to impose such  
8 a penalty.

9 2. Any civil penalty imposed by the commission shall not exceed  
10 two thousand five hundred dollars for each offense. Each day of a  
11 continued violation constitutes a separate offense, with a maximum

12 **penalty of twenty-five thousand dollars. In determining the amount of**  
13 **penalty to be imposed, the commission may consider any of the**  
14 **following:**

15 **(1) Whether the amount imposed will be a substantial deterrent**  
16 **to the violation;**

17 **(2) The circumstances leading to the violation;**

18 **(3) The severity of the violation and the risk of harm to the**  
19 **public;**

20 **(4) The economic benefits gained by the violator as a result of**  
21 **noncompliance; and**

22 **(5) The interest of the public.**

23 **3. Any final order imposing a civil penalty is subject to judicial**  
24 **review upon the filing of a petition under section 536.100, RSMo, by any**  
25 **person subject to the penalty.**

26 **4. Payment of a civil penalty shall be made within sixty days of**  
27 **filing the order, or if the order is stayed pending an appeal, within ten**  
28 **days after the court enters a final judgment in favor of the commission.**  
29 **If the penalty is not timely paid, the commission shall notify the**  
30 **attorney general. The attorney general may commence an action to**  
31 **recover the amount of the penalty, including reasonable attorney fees**  
32 **and costs and a surcharge of fifteen percent of the penalty plus ten**  
33 **percent per annum on any amounts owed. In such action, the validity**  
34 **and appropriateness of the final order imposing the civil penalty shall**  
35 **not be subject to review.**

36 **5. An action to enforce an order under this section may be joined**  
37 **with an action for an injunction.**

38 **6. Any offer of settlement to resolve a civil penalty under this**  
39 **section shall be in writing, state that an action for imposition of a civil**  
40 **penalty may be initiated by the attorney general representing the**  
41 **commission under this section, and identify any dollar amount as an**  
42 **offer of settlement, which shall be negotiated in good faith through**  
43 **conference, conciliation, and persuasion.**

44 **7. Failure to pay a civil penalty by any person licensed under**  
45 **this chapter shall be grounds for denying, disciplining or refusing to**  
46 **renew or reinstate a license or certificate of authority.**

47 **8. Penalties collected under this section shall be handled in**  
48 **accordance with section 7 of article IX of the Missouri**

49 **Constitution. Such penalties shall not be considered a charitable**  
50 **contribution for tax purposes.**

345.015. As used in sections 345.010 to 345.080, the following terms  
2 mean:

3 (1) "Audiologist", a person who is licensed as an audiologist pursuant to  
4 sections 345.010 to 345.080 to practice audiology;

5 (2) "Audiology aide", a person who is registered as an audiology aide by  
6 the board, who does not act independently but works under the direction and  
7 supervision of a licensed audiologist. Such person assists the audiologist with  
8 activities which require an understanding of audiology but do not require formal  
9 training in the relevant academics. To be eligible for registration by the board,  
10 each applicant shall submit a registration fee, be of good moral and ethical  
11 character; and:

12 (a) Be at least eighteen years of age;

13 (b) Furnish evidence of the person's educational qualifications which shall  
14 be at a minimum:

15 a. Certification of graduation from an accredited high school or its  
16 equivalent; and

17 b. On-the-job training;

18 (c) Be employed in a setting in which direct and indirect supervision are  
19 provided on a regular and systematic basis by a licensed audiologist.

20 However, the aide shall not administer or interpret hearing screening or  
21 diagnostic tests, fit or dispense hearing instruments, make ear impressions, make  
22 diagnostic statements, determine case selection, present written reports to anyone  
23 other than the supervisor without the signature of the supervisor, make referrals  
24 to other professionals or agencies, use a title other than speech-language  
25 pathology aide or clinical audiology aide, develop or modify treatment plans,  
26 discharge clients from treatment or terminate treatment, disclose clinical  
27 information, either orally or in writing, to anyone other than the supervising  
28 speech-language pathologist/audiologist, or perform any procedure for which he  
29 or she is not qualified, has not been adequately trained or both;

30 (3) "Board", the state board of registration for the healing arts;

31 (4) "Clinical fellowship", the supervised professional employment period  
32 following completion of the academic and practicum requirements of an accredited  
33 training program as defined in sections 345.010 to 345.080;

34 (5) "Commission", the advisory commission for speech-language



35 pathologists and audiologists;

36 (6) "Hearing instrument" or "hearing aid", any wearable device or  
37 instrument designed for or offered for the purpose of aiding or compensating for  
38 impaired human hearing and any parts, attachments or accessories, including ear  
39 molds, but excluding batteries, cords, receivers and repairs;

40 (7) "Person", any individual, organization, or corporate body, except that  
41 only individuals may be licensed pursuant to sections 345.010 to 345.080;

42 (8) "Practice of audiology":

43 (a) The application of accepted audiologic principles, methods and  
44 procedures for the measurement, testing, interpretation, appraisal and prediction  
45 related to disorders of the auditory system, balance system or related structures  
46 and systems;

47 (b) Provides consultation, counseling to the patient, client, student, their  
48 family or interested parties;

49 (c) Provides academic, social and medical referrals when appropriate;

50 (d) Provides for establishing goals, implementing strategies, methods and  
51 techniques, for habilitation, rehabilitation or aural rehabilitation, related to  
52 disorders of the auditory system, balance system or related structures and  
53 systems;

54 (e) Provides for involvement in related research, teaching or public  
55 education;

56 (f) Provides for rendering of services or participates in the planning,  
57 directing or conducting of programs which are designed to modify audition,  
58 communicative, balance or cognitive disorder, which may involve speech and  
59 language or education issues;

60 (g) Provides and interprets behavioral and neurophysiologic  
61 measurements of auditory balance, cognitive processing and related functions,  
62 including intraoperative monitoring;

63 (h) Provides involvement in any tasks, procedures, acts or practices that  
64 are necessary for evaluation of audition, hearing, training in the use of  
65 amplification or assistive listening devices;

66 (i) Provides selection [and], assessment, **fitting, programming, and**  
67 **dispensing** of hearing instruments, **assistive listening devices, and other**  
68 **amplification systems**;

69 (j) Provides for taking impressions of the ear, making custom ear molds,  
70 ear plugs, swim molds and industrial noise protectors;

- 71 (k) Provides assessment of external ear and cerumen management;
- 72 (l) Provides advising, fitting, mapping assessment of implantable devices  
73 such as cochlear or auditory brain stem devices;
- 74 (m) Provides information in noise control and hearing conservation  
75 including education, equipment selection, equipment calibration, site evaluation  
76 and employee evaluation;
- 77 (n) Provides performing basic speech-language screening test;
- 78 (o) Provides involvement in social aspects of communication, including  
79 challenging behavior and ineffective social skills, lack of communication  
80 opportunities;
- 81 (p) Provides support and training of family members and other  
82 communication partners for the individual with auditory balance, cognitive and  
83 communication disorders;
- 84 (q) Provides aural rehabilitation and related services to individuals with  
85 hearing loss and their families;
- 86 (r) Evaluates, collaborates and manages audition problems in the  
87 assessment of the central auditory processing disorders and providing  
88 intervention for individuals with central auditory processing disorders;
- 89 (s) Develops and manages academic and clinical problems in  
90 communication sciences and disorders;
- 91 (t) Conducts, disseminates and applies research in communication  
92 sciences and disorders;
- 93 (9) "Practice of speech-language pathology":
- 94 (a) Provides screening, identification, assessment, diagnosis, treatment,  
95 intervention, including but not limited to prevention, restoration, amelioration  
96 and compensation, and follow-up services for disorders of:
- 97 a. Speech: articulation, fluency, voice, including respiration, phonation  
98 and resonance;
- 99 b. Language, involving the parameters of phonology, morphology, syntax,  
100 semantics and pragmatic; and including disorders of receptive and expressive  
101 communication in oral, written, graphic and manual modalities;
- 102 c. Oral, pharyngeal, cervical esophageal and related functions, such as  
103 dysphagia, including disorders of swallowing and oral functions for feeding;  
104 orofacial myofunctional disorders;
- 105 d. Cognitive aspects of communication, including communication disability  
106 and other functional disabilities associated with cognitive impairment;

- 107 e. Social aspects of communication, including challenging behavior,  
108 ineffective social skills, lack of communication opportunities;
- 109 (b) Provides consultation and counseling and makes referrals when  
110 appropriate;
- 111 (c) Trains and supports family members and other communication  
112 partners of individuals with speech, voice, language, communication and  
113 swallowing disabilities;
- 114 (d) Develops and establishes effective augmentative and alternative  
115 communication techniques and strategies, including selecting, prescribing and  
116 dispensing of augmentative aids and devices; and the training of individuals,  
117 their families and other communication partners in their use;
- 118 (e) Selects, fits and establishes effective use of appropriate  
119 prosthetic/adaptive devices for speaking and swallowing, such as  
120 tracheoesophageal valves, electrolarynges, or speaking valves;
- 121 (f) Uses instrumental technology to diagnose and treat disorders of  
122 communication and swallowing, such as videofluoroscopy, nasendoscopy,  
123 ultrasonography and stroboscopy;
- 124 (g) Provides aural rehabilitative and related counseling services to  
125 individuals with hearing loss and to their families;
- 126 (h) Collaborates in the assessment of central auditory processing disorders  
127 in cases in which there is evidence of speech, language or other cognitive  
128 communication disorders; provides intervention for individuals with central  
129 auditory processing disorders;
- 130 (i) Conducts pure-tone air conduction hearing screening and screening  
131 tympanometry for the purpose of the initial identification or referral;
- 132 (j) Enhances speech and language proficiency and communication  
133 effectiveness, including but not limited to accent reduction, collaboration with  
134 teachers of English as a second language and improvement of voice, performance  
135 and singing;
- 136 (k) Trains and supervises support personnel;
- 137 (l) Develops and manages academic and clinical programs in  
138 communication sciences and disorders;
- 139 (m) Conducts, disseminates and applies research in communication  
140 sciences and disorders;
- 141 (n) Measures outcomes of treatment and conducts continuous evaluation  
142 of the effectiveness of practices and programs to improve and maintain quality

143 of services;

144 (10) "Speech-language pathologist", a person who is licensed as a  
145 speech-language pathologist pursuant to sections 345.010 to 345.080; who engages  
146 in the practice of speech-language pathology as defined in sections 345.010 to  
147 345.080;

148 (11) "Speech-language pathology aide", a person who is registered as a  
149 speech-language aide by the board, who does not act independently but works  
150 under the direction and supervision of a licensed speech-language  
151 pathologist. Such person assists the speech-language pathologist with activities  
152 which require an understanding of speech-language pathology but do not require  
153 formal training in the relevant academics. To be eligible for registration by the  
154 board, each applicant shall submit a registration fee, be of good moral and ethical  
155 character; and:

156 (a) Be at least eighteen years of age;

157 (b) Furnish evidence of the person's educational qualifications which shall  
158 be at a minimum:

159 a. Certification of graduation from an accredited high school or its  
160 equivalent; and

161 b. On-the-job training;

162 (c) Be employed in a setting in which direct and indirect supervision is  
163 provided on a regular and systematic basis by a licensed speech-language  
164 pathologist. However, the aide shall not administer or interpret hearing  
165 screening or diagnostic tests, fit or dispense hearing instruments, make ear  
166 impressions, make diagnostic statements, determine case selection, present  
167 written reports to anyone other than the supervisor without the signature of the  
168 supervisor, make referrals to other professionals or agencies, use a title other  
169 than speech-language pathology aide or clinical audiology aide, develop or modify  
170 treatment plans, discharge clients from treatment or terminate treatment,  
171 disclose clinical information, either orally or in writing, to anyone other than the  
172 supervising speech-language pathologist/audiologist, or perform any procedure for  
173 which he or she is not qualified, has not been adequately trained or both;

174 (12) "Speech-language pathology assistant", a person who is registered as  
175 a speech-language pathology assistant by the board, who does not act  
176 independently but works under the direction and supervision of a licensed  
177 speech-language pathologist and whose activities require both academic and  
178 practical training in the field of speech-language pathology although less training

179 than those established by sections 345.010 to 345.080 as necessary for licensing  
180 as a speech-language pathologist. To be eligible for registration by the board,  
181 each applicant shall submit the registration fee, be of good moral character and  
182 furnish evidence of the person's educational qualifications which meet the  
183 following:

184 (a) Hold a bachelor's level degree in the field of speech-language pathology  
185 from an institution accredited or approved by a regional accrediting body  
186 recognized by the United States Department of Education or its equivalent; and

187 (b) Submit official transcripts from one or more accredited colleges or  
188 universities presenting evidence of the completion of bachelor's level course work  
189 and clinical practicum requirements equivalent to that required or approved by  
190 a regional accrediting body recognized by the United States Department of  
191 Education or its equivalent.

345.030. 1. The board shall administer, coordinate, and enforce the  
2 provisions of sections 345.010 to 345.080, evaluate the qualifications of  
3 applicants, supervise the examination of applicants, issue licenses, and shall  
4 investigate persons engaging in practices which appear to violate the provisions  
5 of sections 345.010 to 345.080.

6 2. The board shall conduct such hearings and keep such records and  
7 minutes as shall be necessary to an orderly dispatch of business.

8 3. The board shall adopt reasonable rules and regulations which establish  
9 ethical standards of practice and may amend or repeal the same. **Rules and**  
10 **regulations shall be adopted that ensure consumer protection related**  
11 **to hearing instrument dispensing that meet or exceed those provided**  
12 **under sections 346.007 to 346.250, RSMo, and rules and regulations**  
13 **promulgated pursuant thereto.**

14 4. Regular meetings of the commission shall be held at such times and  
15 places as it prescribes, and special meetings may be held upon the call of the  
16 chairperson or by request of at least two other members of the commission, but  
17 at least one regular meeting shall be held each year.

18 5. No rule or portion of a rule promulgated pursuant to the authority of  
19 sections 345.010 to 345.080 shall become effective unless it has been promulgated  
20 pursuant to the provisions of chapter 536, RSMo.

**345.033. 1. Any person licensed under sections 345.010 to 345.080**  
2 **who dispenses products associated with professional practice to clients**  
3 **for remuneration shall deliver to each person supplied with a product**

4 a completed purchase agreement which shall include the terms of the  
5 sale clearly stated using ordinary English language and terminology  
6 which is easily understood by the purchaser. If a product which is not  
7 new is sold, the purchase agreement and the container thereof shall be  
8 clearly marked as "used", "recased", or "reconditioned", whichever is  
9 applicable, with terms of guarantee, if any.

10 2. Any audiologist licensed under sections 345.010 to 345.080 who  
11 dispenses hearing instruments shall include in the purchase agreement  
12 for a hearing instrument the following:

13 (1) The licensee's signature, business address, and license  
14 number;

15 (2) The specifications of the hearing instrument dispensed  
16 including make, model, and serial number;

17 (3) The exact amount of any down payment;

18 (4) The length of any trial period provided;

19 (5) The amount of any charges or service fees connected with any  
20 trial period;

21 (6) A description of the right of the purchaser to return the  
22 hearing instrument or written notification that no such right exists;

23 (7) The name of the manufacturer of the component parts and  
24 the assembler or reassembler of the hearing instrument when the  
25 product sold is remanufactured or assembled by someone other than  
26 the manufacturer of the component parts.

345.045. 1. Except as otherwise provided in this section, all  
2 moneys received pursuant to sections 345.010 to 345.080 shall be collected by the  
3 division of professional registration and shall be transmitted to the department  
4 of revenue for deposit in the state treasury to the credit of the board of  
5 registration for the healing arts fund.

6 2. Effective July 1, 2008, the board shall, in every odd numbered  
7 year, transfer from the "Board of Registration for the Healing Arts  
8 Fund" to the "Hearing Instrument Specialist Fund" an amount not to  
9 exceed sixty-one thousand dollars per transfer as necessary to replace  
10 decreased renewal fees received by the board of examiners for hearing  
11 instrument specialists as a result of the decrease in licensees under  
12 subsection 2 of section 346.060, RSMo. The initial transfer amount shall  
13 be equal to the license renewal fees paid during fiscal years 2006 and  
14 2007 by individuals licensed under subsection 2 of section 346.060,

15 **RSMo. The amount of subsequent transfers may decrease each odd**  
16 **numbered year. Any decrease shall be no more than twenty-five**  
17 **percent of the initial transfer amount. The transfer amount shall be**  
18 **requested through the legislative budget process by the director of the**  
19 **division of professional registration, with the advice and consultation**  
20 **of the board and the board of examiners for hearing instrument**  
21 **specialists.**

22 **3. Moneys collected and deposited under this section may be**  
23 **used to assist in the enforcement of the statutes relating to the fitting**  
24 **and dispensing of hearing aids by unlicensed individuals.**

345.055. 1. The board shall charge a license or registration renewal fee  
2 for each license or registration renewed. Persons possessing the required training  
3 and qualifications to be licensed or registered as both a speech-language  
4 pathologist and audiologist shall receive both licenses, which for the purposes of  
5 this section shall be considered as a single license or certificate. Duplicate  
6 licenses or certificates shall be issued without additional charge to persons  
7 practicing in more than one location. Persons who allow their licenses to lapse  
8 shall submit a reinstatement fee, and if the license has lapsed for more than a  
9 three-year period, the board may require reexamination.

10 2. The fees prescribed by section 345.051 and this section shall be  
11 exclusive, and notwithstanding any other provision of law, no municipality may  
12 require any person licensed pursuant to the provisions of sections 345.010 to  
13 345.080 to furnish any bond, pass any examination, or pay any license fee or  
14 occupational tax.

15 3. The board shall set the amount of the fees which sections 345.010 to  
16 345.080 authorize and require by rules and regulations promulgated pursuant to  
17 section 536.021, RSMo. The fees shall be set at a level to produce:

18 **(1) Revenue which shall not substantially exceed the cost and expense of**  
19 **administering sections 345.010 to 345.080; and**

20 **(2) Effective July 1, 2008, any transfer required from the board**  
21 **under subsection 2 of section 345.045.**

346.015. 1. No person shall engage in the practice of fitting hearing  
2 instruments or display a sign or in any other way advertise or represent such  
3 person by any other words, letters, abbreviations or insignia indicating or  
4 implying that the person practices the fitting of hearing instruments unless the  
5 person holds a valid license issued by the division as provided in this

6 chapter. The license shall be conspicuously posted in the person's office or place  
7 of business. Duplicate licenses shall be issued by the department to valid license  
8 holders operating more than one office, without additional payment. A license  
9 under this chapter shall confer upon the holder the right to select, fit and sell  
10 hearing instruments.

11 2. Each person licensed pursuant to sections 346.010 to 346.250 shall  
12 display the license in an appropriate and public manner and shall keep the board  
13 informed of the licensee's current address. A license issued pursuant to sections  
14 346.010 to 346.250 is the property of the division and must be surrendered on  
15 demand in the event of expiration or after a final determination is made with  
16 respect to revocation, suspension or probation.

17 3. Nothing in this chapter shall prohibit a corporation, partnership, trust,  
18 association or other like organization maintaining an established business  
19 address from engaging in the business of selling or offering for sale hearing  
20 instruments at retail, provided that it employ only properly licensed hearing  
21 instrument specialists **or properly licensed audiologists** in the direct sale  
22 and fitting of such instruments. Each corporation, partnership, trust, association  
23 or other like organization shall file annually with the board on a form provided  
24 by the board, a list of all licensed hearing instrument specialists employed by  
25 it. Each organization shall also file with the division a statement, on a form  
26 provided by the division, that it agrees to comply with the rules and regulations  
27 of the division and the provisions of **this chapter**.

28 4. Any person who violates any provision of this section is guilty of a class  
29 B misdemeanor.

346.030. Sections 346.010 to 346.250 [are not intended to prevent] **shall**  
2 **not apply to** any audiologist licensed pursuant to chapter 345, RSMo, [from  
3 engaging in the practice of measuring human hearing for the purpose of selection  
4 of hearing aids, provided such audiologist, or organization employing such  
5 audiologist, does not sell hearing instruments, or accessories thereto, except in  
6 the case of earmolds provided by an audiologist to be used only for the purpose  
7 of audiologic evaluation] **while practicing exclusively under that license**.

346.035. [1.] Sections 346.010 to 346.250 shall not apply to a person who  
2 is a physician licensed to practice in Missouri pursuant to chapter 334, RSMo.

3 [2. Sections 346.010 to 346.250 shall not apply to an audiologist, provided  
4 such person or organization employing such person does not engage in the sale  
5 of hearing aids.]



346.055. 1. An applicant may obtain a license by successfully passing a  
2 qualifying examination of the type described in sections 346.010 to 346.250,  
3 provided the applicant:

- 4 (1) Is at least twenty-one years of age;
- 5 (2) Is of good moral character; **and**
- 6 (3) **Until December 31, 2008**, has an education equivalent to at least  
7 a high school diploma from an accredited high school.

8 **2. Beginning January 1, 2009, an applicant for a hearing**  
9 **instrument specialist license or a hearing instrument specialist-in-**  
10 **training permit shall demonstrate successful completion of a minimum**  
11 **of sixty semester hours, or its equivalent, at a state or regionally**  
12 **accredited institution of higher education.**

13 **3. Beginning January 1, 2011, an applicant for a hearing**  
14 **instrument specialist license or a hearing instrument specialist-in-**  
15 **training permit shall hold an associate's level degree or higher from a**  
16 **state or regionally accredited institution of higher education.**

17 **4. Beginning January 1, 2013, or any date thereafter when an**  
18 **associate degree program in hearing instrument sciences is available**  
19 **from a state or regionally accredited institution within Missouri, an**  
20 **applicant for a hearing instrument specialist license or a hearing**  
21 **instrument specialist-in-training permit shall hold:**

22 (1) **An associate's degree or higher in hearing instrument**  
23 **sciences; or**

24 (2) **A master's or doctoral degree in audiology from a state or**  
25 **regionally accredited institution.**

26 **5. The provisions of subsections 2, 3, and 4 of this section shall**  
27 **not apply to any person holding a valid Missouri hearing instrument**  
28 **specialist license under this chapter when applying for the renewal of**  
29 **that license. These provisions shall apply to any person holding a**  
30 **hearing instrument specialist-in-training permit at the time of their**  
31 **application for licensure or renewal of said permit.**

346.060. [1.] An applicant for license by examination shall appear at a  
2 time, place, and before such persons as the board may designate to be examined  
3 by means of written and practical tests in order to demonstrate that the applicant  
4 is qualified to engage in the practice of fitting hearing instruments. Nothing in  
5 this examination shall imply that the applicant shall possess the degree of  
6 medical competence normally expected of physicians.

7           [2. Notwithstanding the provisions of subsection 1 of this section, any  
8   applicant who is an audiologist licensed pursuant to chapter 345, RSMo, and who  
9   holds the certification of clinical competence or is completing the clinical  
10   fellowship year offered by the American Speech-Language-Hearing Association  
11   shall not be required to pass either the written exam or the practical exam for  
12   licensure as a hearing instrument specialist in this state.]

346.110. No person shall:

- 2           (1) Sell through the mails, hearing instruments without prior fitting and  
3   testing by a hearing instrument specialist **licensed under this chapter or an**  
4   **audiologist licensed under chapter 345, RSMo;**
- 5           (2) Sell, barter, or offer to sell or barter a license;
- 6           (3) Purchase or procure by barter a license with intent to use it as  
7   evidence of the holder's qualification to engage in the practice of fitting hearing  
8   instruments;
- 9           (4) Alter a license with fraudulent intent;
- 10          (5) Use or attempt to use as a valid license a license which has been  
11   purchased, fraudulently obtained, counterfeited or materially altered;
- 12          (6) Willfully make a false statement in an application for license or  
13   application for renewal of a license.

383.130. As used in sections 383.130[,] **and** 383.133 [and 383.500], the  
2   following terms shall mean:

- 3           (1) "Disciplinary action", any final action taken by the board of trustees  
4   or similarly empowered officials of a hospital or ambulatory surgical center, **or**  
5   **owner or operator of a temporary nursing staffing agency**, to reprimand,  
6   discipline or restrict the practice of a health care professional. [If the health care  
7   professional is a physician or surgeon,] Only such reprimands, discipline, or  
8   restrictions in response to activities which are also grounds for disciplinary  
9   actions [pursuant to section 334.100, RSMo,] **according to the professional**  
10   **licensing law for that health care professional** shall be considered  
11   disciplinary actions for the purposes of this definition[. If the health care  
12   professional is a dentist, only such reprimands, discipline, or restrictions in  
13   response to activities which are also grounds for disciplinary actions pursuant to  
14   section 332.321, RSMo, shall be considered disciplinary actions for the purposes  
15   of this definition];
- 16          (2) "Health care professional", a physician or surgeon licensed under the  
17   provisions of chapter 334, RSMo, a dentist licensed under the provisions of

18 chapter 332, RSMo, or a podiatrist licensed under the provisions of chapter 330,  
19 RSMo, or a pharmacist licensed under the provisions of chapter 338, RSMo, a  
20 psychologist licensed under the provisions of chapter 337, RSMo, or a nurse  
21 licensed under the provisions of chapter 335, RSMo, while acting within their  
22 scope of practice;

23 (3) "Hospital", a place devoted primarily to the maintenance and operation  
24 of facilities for the diagnosis, treatment or care for not less than twenty-four  
25 hours in any week of three or more nonrelated individuals suffering from illness,  
26 disease, injury, deformity or other abnormal physical conditions; or a place  
27 devoted primarily to provide for not less than twenty-four hours in any week  
28 medical or nursing care for three or more nonrelated individuals. The term  
29 "hospital" does not include convalescent, nursing, shelter or boarding homes as  
30 defined in chapter 198, RSMo;

31 (4) "Licensing authority", the appropriate board or authority which is  
32 responsible for the licensing or regulation of the health care professional;

33 (5) **"Temporary nursing staffing agency", any person, firm,**  
34 **partnership, or corporation doing business within the state that**  
35 **supplies, on a temporary basis, registered nurses, licensed practical**  
36 **nurses to a hospital, nursing home, or other facility requiring the**  
37 **services of those persons.**

383.133. 1. [Beginning on January 1, 1987,] The chief executive office **or**  
2 **similarly empowered official** of any hospital [or], ambulatory surgical center,  
3 as such [term is] **terms are** defined in [section 197.200] **chapter 197**, RSMo,  
4 **or temporary nursing staffing agency**, shall report to the appropriate health  
5 care professional licensing authority any disciplinary action against any health  
6 care professional or the voluntary resignation of any health care professional  
7 against whom any complaints or reports have been made which might have led  
8 to disciplinary action.

9 2. All reports required by this section shall be submitted within fifteen  
10 days of the final disciplinary action and shall contain, but need not be limited to,  
11 the following information:

12 (1) The name, address and telephone number of the person making the  
13 report;

14 (2) The name, address and telephone number of the person who is the  
15 subject of the report;

16 (3) A [brief] description of the facts, **including as much detail and**

17 **information as possible**, which gave rise to the issuance of the report,  
18 including the dates of occurrence deemed to necessitate the filing of the report;

19 (4) If court action is involved and known to the reporting agent, the  
20 identity of the court, including the date of filing and the docket number of the  
21 action.

22 3. Upon request, the licensing authority may furnish a report of any  
23 disciplinary action received by it under the provisions of this section to any [of  
24 the hospitals or ambulatory surgical centers] **entity** required to report **under**  
25 **this section**. Such licensing authority may also furnish, upon request, a report  
26 of disciplinary action taken by the licensing authority to any other administrative  
27 or law enforcement agency acting within the scope of its statutory authority.

28 4. There shall be no liability on the part of, and no cause of action of any  
29 nature shall arise against any health care professional licensing authority or any  
30 [hospital or ambulatory surgical center] **entity** required to report under this  
31 section, or any of their agents or employees for any action taken in good faith and  
32 without malice in carrying out the provisions of this section.

33 5. Neither a report required to be filed under subsection 2 of this section  
34 nor the record of any proceeding shall be used against a health care professional  
35 in any other administrative or judicial proceeding.

36 6. Violation of any provision of this section is an infraction.

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 **State** Board [of Registration] for Architects, Professional  
10 Engineers [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

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 **Board of Private Investigator Examiners.**

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

31 3. **The administrative hearing commission is authorized to**  
32 **conduct hearings and make findings of fact and conclusions of law in**  
33 **those cases brought by the Missouri state board for architects,**  
34 **professional engineers, professional land surveyors and landscape**  
35 **architects against unlicensed persons under section 327.076, RSMo.**

36 4. Notwithstanding any other provision of this section to the contrary,  
37 after August 28, 1995, in order to encourage settlement of disputes between any  
38 agency described in subsection 1 or 2 of this section and its licensees, any such  
39 agency shall:

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

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

48 (3) If no contested case has been filed against the licensee, advise the  
49 licensee that the licensee may, either at the time the settlement agreement is  
50 signed by all parties, or within fifteen days thereafter, submit the agreement to  
51 the administrative hearing commission for determination that the facts agreed  
52 to by the parties to the settlement constitute grounds for denying or disciplining

53 the license of the licensee; and

54 (4) In any contact [pursuant to] **under** this subsection by the agency or  
55 its counsel with a licensee who is not represented by counsel, advise the licensee  
56 that the licensee has the right to consult an attorney at the licensee's own  
57 expense.

58 [4.] **5.** If the licensee desires review by the administrative hearing  
59 commission [pursuant to] **under** subdivision (3) of subsection [3] **4** of this section  
60 at any time prior to the settlement becoming final, the licensee may rescind and  
61 withdraw from the settlement and any admissions of fact or law in the agreement  
62 shall be deemed withdrawn and not admissible for any purposes under the law  
63 against the licensee. Any settlement submitted to the administrative hearing  
64 commission shall not be effective and final unless and until findings of fact and  
65 conclusions of law are entered by the administrative hearing commission that the  
66 facts agreed to by the parties to the settlement constitute grounds for denying or  
67 disciplining the license of the licensee.

[327.111. Any person who practices architecture in Missouri  
2 as defined in section 327.091, who is not exempt pursuant to the  
3 provisions of section 327.101, or who is not the holder of a  
4 currently valid license or certificate of authority to practice  
5 architecture in Missouri, or who pretends or attempts to use as  
6 such person's own the license or certificate of authority or the seal  
7 of another architect or who affixes his or her or another's  
8 architect's seal on any plans, specifications, drawings, or reports  
9 which have not been prepared by such person or under such  
10 person's immediate personal supervision, is guilty of a class A  
11 misdemeanor.]

[327.201. Any person who practices professional  
2 engineering in Missouri as defined in section 327.181, who is not  
3 exempt pursuant to the provisions of section 327.191 and who is  
4 not the holder of a currently valid license or certificate of authority  
5 to practice professional engineering in Missouri, or who pretends  
6 or attempts to use as such person's own the license or certificate of  
7 authority or the seal of another professional engineer, or who  
8 affixes such person's or another professional engineer's seal on any  
9 plans, specifications, drawings or reports which have not been  
10 prepared by such person or under such person's immediate

11 personal supervision is guilty of a class A misdemeanor.]

2 [327.291. Any person who practices as a professional land  
3 surveyor in Missouri as defined in section 327.272, who is not a  
4 holder of a currently valid license or certificate of authority to  
5 practice professional land surveying in Missouri, or who pretends  
6 or attempts to use as such person's own the license or certificate of  
7 authority or the seal of another professional land surveyor or who  
8 affixes such person's or another professional land surveyor's seal  
9 on any map, plat, survey or other document which has not been  
10 prepared by such person or under such person's immediate  
personal supervision is guilty of a class A misdemeanor.]

2 [327.633. Any person violating any of the provisions of  
3 sections 327.600 to 327.635 is deemed guilty of a class A  
misdemeanor.]

2 [336.090. 1. Upon payment of a fee equivalent to the  
3 examination and certificate fees, an applicant who is an  
4 optometrist, registered or licensed under the laws of another state  
5 or territory of the United States, or of a foreign country or province  
6 shall, without examination, be granted a certificate of registration  
7 as a registered optometrist by the state board of optometry upon  
the following conditions:

8 (1) That the applicant is at least twenty-one years of age,  
9 of good moral character; and

10 (2) That the requirements for the registration or licensing  
11 of optometrists in the particular state, territory, country or  
12 province, were, at the date of the license, substantially equal to the  
13 requirements then in force in this state.

14 2. The board may by rule and regulation require applicants  
15 under this section to satisfactorily complete any practical  
16 examination or any examination on Missouri laws required  
17 pursuant to section 336.050.]

2 [336.200. Any person, firm or corporation employing a  
3 registered optometrist may advertise the availability of optometric  
4 service, provided that the names of the registered optometrists  
5 providing such service are included in all printed  
advertisements. The violation of any provision of this section shall

6 constitute an infraction, punishable upon conviction, by a fine of  
7 not less than twenty-five dollars nor more than two hundred  
8 dollars.]

[337.606. For a period of twenty-four months from July 1,  
2 1990, applicants for licensure shall be exempted from the academic  
3 requirements of sections 337.600 to 337.639 if the committee is  
4 satisfied that the applicant has acceptable educational  
5 qualifications, or social work experience, or is currently engaged in  
6 the practice of clinical social work. After that time no person shall  
7 engage in clinical social work practice for compensation or hold  
8 himself or herself out as a licensed clinical social worker unless the  
9 person is licensed in accordance with the provisions of sections  
10 337.600 to 337.639.]

[337.609. No provision of sections 337.600 to 337.639 shall  
2 be construed to require any agency, corporation, or organization,  
3 not otherwise required by law, to employ licensed clinical social  
4 workers.]

[337.624. 1. No part of this section or of chapter 354 or  
2 375, RSMo, shall be construed to mandate benefits or third-party  
3 reimbursement for services of social workers in the policies or  
4 contracts of any insurance company, health services corporation, or  
5 other third-party payer.

6 2. This section shall not be construed to effect procedures  
7 for billing for social work services provided by agencies,  
8 corporations, or organizations which employ licensed social  
9 workers.]

[337.639. Nothing in sections 337.600 to 337.639 shall be  
2 construed to prohibit any person licensed under the provisions of  
3 sections 337.600 to 337.639 from testifying in court hearings  
4 concerning matters of adoption, adult abuse, child abuse, child  
5 neglect, or other matters pertaining to the welfare of children or  
6 any dependent person, or from seeking collaboration or consultation  
7 with professional colleagues or administrative supervisors on  
8 behalf of the client.]

[337.650. As used in sections 337.650 to 337.689, the  
2 following terms mean:



3 (1) "Committee", the state committee for social work  
4 established in section 337.622;

5 (2) "Department", the Missouri department of economic  
6 development;

7 (3) "Director", the director of the division of professional  
8 registration in the department of economic development;

9 (4) "Division", the division of professional registration;

10 (5) "Licensed baccalaureate social worker", any person who  
11 offers to render services to individuals, groups, organizations,  
12 institutions, corporations, government agencies or the general  
13 public for a fee, monetary or otherwise, implying that the person is  
14 trained, experienced and licensed as a baccalaureate social worker,  
15 and who holds a current valid license to practice as a baccalaureate  
16 social worker;

17 (6) "Practice of baccalaureate social work", rendering,  
18 offering to render or supervising those who render to individuals,  
19 families, groups, organizations, institutions, corporations or the  
20 general public any service involving the application of methods,  
21 principles, and techniques of baccalaureate social work;

22 (7) "Provisional licensed baccalaureate social worker", any  
23 person who is a graduate of an accredited school of social work and  
24 meets all requirements of a licensed baccalaureate social worker,  
25 other than the supervised baccalaureate social work experience  
26 prescribed by subdivision (3) of subsection 1 of section 337.665, and  
27 who is supervised by a licensed clinical social worker or a licensed  
28 baccalaureate social worker, as defined by rule.]

[337.659. No provision of sections 337.650 to 337.689 shall  
2 be construed to require any agency, corporation or organization, not  
3 otherwise required by law, to employ licensed baccalaureate social  
4 workers.]

[337.668. The term of each license issued pursuant to the  
2 provisions of sections 337.650 to 337.689 shall be no less than  
3 twenty-four and no more than forty-eight consecutive calendar  
4 months. All licensees shall annually complete fifteen hours of  
5 continuing education units. The committee shall renew any  
6 license, other than a provisional license, upon application for a

7 renewal, submission of documentation of the completion of the  
8 required annual hours of continuing education and payment of the  
9 fee established by the committee pursuant to the provisions of  
10 section 337.662.]

[337.674. No part of this section or of chapter 354 or 375,  
2 RSMo, shall be construed to mandate benefits or third-party  
3 reimbursement for services of social workers in the policies or  
4 contracts of any insurance company, health services corporation, or  
5 other third-party payer.]

[337.677. 1. The committee shall promulgate rules and  
2 regulations pertaining to:

3 (1) The form and content of license applications required by  
4 the provisions of sections 337.650 to 337.689 and the procedures for  
5 filing an application for an initial or renewal license in this state;

6 (2) Fees required by the provisions of sections 337.650 to  
7 337.689;

8 (3) The characteristics of "supervised baccalaureate  
9 experience" as that term is used in section 337.665;

10 (4) The standards and methods to be used in assessing  
11 competency as a licensed baccalaureate social worker, including the  
12 requirement for annual continuing education units;

13 (5) Establishment and promulgation of procedures for  
14 investigating, hearing and determining grievances and violations  
15 occurring pursuant to the provisions of sections 337.650 to 337.689;

16 (6) Development of an appeal procedure for the review of  
17 decisions and rules of administrative agencies existing pursuant to  
18 the constitution or laws of this state;

19 (7) Establishment of a policy and procedure for reciprocity  
20 with other states, including states which do not have baccalaureate  
21 or clinical social worker licensing laws or states whose licensing  
22 laws are not substantially the same as those of this state; and

23 (8) Any other policies or procedures necessary to the  
24 fulfillment of the requirements of sections 337.650 to 337.689.

25 2. Any rule or portion of a rule, as that term is defined in  
26 section 536.010, RSMo, that is created under the authority  
27 delegated in sections 337.650 to 337.689 shall become effective only

if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.]

[337.680. 1. The committee may refuse to issue or renew any license required by the provisions of sections 337.650 to 337.689 for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 337.650 to 337.689 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to engage in the occupation of baccalaureate social work; except that the fact that a person has undergone treatment for past substance or alcohol abuse and/or has participated in a recovery program shall not by itself be cause for refusal to issue or renew a license;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a baccalaureate social worker; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

29                   (3) Use of fraud, deception, misrepresentation or bribery in  
30                   securing any license issued pursuant to the provisions of sections  
31                   337.650 to 337.689 or in obtaining permission to take any  
32                   examination given or required pursuant to the provisions of  
33                   sections 337.650 to 337.689;

34                   (4) Obtaining or attempting to obtain any fee, charge,  
35                   tuition or other compensation by fraud, deception or  
36                   misrepresentation;

37                   (5) Incompetency, misconduct, fraud, misrepresentation or  
38                   dishonesty in the performance of the functions or duties of a  
39                   baccalaureate social worker;

40                   (6) Violation of, or assisting or enabling any person to  
41                   violate, any provision of sections 337.650 to 337.689, or of any  
42                   lawful rule or regulation adopted pursuant to sections 337.650 to  
43                   337.689;

44                   (7) Impersonation of any person holding a license or  
45                   allowing any person to use the person's license or diploma from any  
46                   school;

47                   (8) Revocation or suspension of a license or other right to  
48                   practice baccalaureate social work granted by another state,  
49                   territory, federal agency or country upon grounds for which  
50                   revocation or suspension is authorized in this state;

51                   (9) Final adjudication as incapacitated by a court of  
52                   competent jurisdiction;

53                   (10) Assisting or enabling any person to practice or offer to  
54                   practice baccalaureate social work who is not licensed and  
55                   currently eligible to practice pursuant to the provisions of sections  
56                   337.650 to 337.689;

57                   (11) Obtaining a license based upon a material mistake of  
58                   fact;

59                   (12) Failure to display a valid license if so required by  
60                   sections 337.650 to 337.689 or any rule promulgated hereunder;

61                   (13) Violation of any professional trust or confidence;

62                   (14) Use of any advertisement or solicitation which is false,  
63                   misleading or deceptive to the general public or persons to whom  
64                   the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct based on the code of ethics of the National Association of Social Workers.

3. Any person, organization, association or corporation who reports or provides information to the committee pursuant to the provisions of sections 337.650 to 337.689 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may censure or place the person named in the complaint on probation on such terms and conditions as the committee deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.]

[337.686. Persons licensed pursuant to the provisions of sections 337.650 to 337.689 may not disclose any information acquired from persons consulting them in their professional capacity, or be compelled to disclose such information except:

(1) With the written consent of the client, or in the case of the client's death or disability, the client's personal representative or other person authorized to sue, or the beneficiary of an insurance policy on the client's life, health or physical condition;

(2) When such information pertains to a criminal act;

(3) When the person is a child under the age of eighteen years and the information acquired by the licensee indicated that the child was the victim of a crime;

(4) When the person waives the privilege by bringing charges against the licensee;

(5) When the licensee is called upon to testify in any court or administrative hearings concerning matters of adoption, adult abuse, child abuse, child neglect, or other matters pertaining to the welfare of clients of the licensee; or

(6) When the licensee is collaborating or consulting with professional colleagues or an administrative superior on behalf of

21 the client.]

Section B. The repeal and reenactment of sections 317.001, 317.006,  
2 317.011, 317.013, 317.015, and 317.018, and the enactment of section 317.019 of  
3 section A of this act shall become effective on July 1, 2008.

✓

Unofficial

Bill

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