

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1719

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIER.

4489H.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 324.920, 324.1108, 327.221, 327.312, 330.030, 331.030, 332.131, 334.530, 334.655, 336.030, 341.170, 344.030, 374.715, 374.784, and 632.005, RSMo, and to enact in lieu thereof twenty-five new sections relating to professional registration.

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

Section A. Sections 324.920, 324.1108, 327.221, 327.312, 330.030, 331.030, 332.131, 2 334.530, 334.655, 336.030, 341.170, 344.030, 374.715, 374.784, and 632.005, RSMo, are 3 repealed and twenty-five new sections enacted in lieu thereof, to be known as sections 285.700, 4 285.705, 285.710, 285.715, 285.720, 285.725, 285.730, 285.740, 285.750, 324.013, 324.920, 5 324.1108, 327.221, 327.312, 330.030, 331.030, 332.131, 334.530, 334.655, 336.030, 341.170, 6 344.030, 374.715, 374.784, and 632.005, to read as follows:

285.700. 1. Sections 285.700 to 285.750 shall be known and may be cited as the
2 **"Professional Employer Organization Act".**

3 **2. The secretary of state or any person designated by the secretary of state may**
4 **enforce the provisions of sections 285.700 to 285.750.**

285.705. As used in sections 285.700 to 285.750, the following terms mean:

2 **(1) "Client", any person who enters into a professional employer agreement with**
3 **a PEO;**

4 **(2) "Coemployer", either a PEO or a client;**

5 **(3) "Coemployment relationship", a relationship that is intended to be an ongoing**
6 **relationship rather than a temporary or project-specific relationship, wherein the rights,**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7 duties, and obligations of an employer that arise out of an employment relationship have
8 been allocated between coemployers pursuant to a professional employer agreement and
9 sections 285.700 to 285.750. In such a coemployment relationship:

10 (a) The PEO is entitled to enforce only such employer rights and is subject to only
11 those obligations specifically allocated to the PEO by the professional employer agreement
12 or sections 285.700 to 285.750;

13 (b) The client is entitled to enforce those rights and obligated to provide and
14 perform those employer obligations allocated to such client by the professional employer
15 agreement and sections 285.700 to 285.750; and

16 (c) The client is entitled to enforce any right and obligated to perform any
17 obligation of an employer not specifically allocated to the PEO by the professional
18 employer agreement or sections 285.700 to 285.750;

19 (4) "Covered employee", an individual having a coemployment relationship with
20 a PEO and a client who meets the following criteria:

21 (a) The individual has received written notice of coemployment with the PEO; and

22 (b) The individual's coemployment relationship is pursuant to a professional
23 employer agreement subject to sections 285.700 to 285.750.

24 Individuals who are officers, directors, shareholders, partners, and managers of the client
25 will be covered employees, except to the extent the PEO and the client have expressly
26 agreed in the professional employer agreement that such individuals would not be covered
27 employees, provided such individuals meet the criteria of this subdivision and act as
28 operational managers or perform day-to-day operational services for the client;

29 (5) "PEO group", any two or more PEOs that are majority owned or commonly
30 controlled by the same entity, parent, or controlling person;

31 (6) "Person", any individual, partnership, corporation, limited liability company,
32 association, or any other form of legally recognized entity;

33 (7) "Professional employer agreement", a written contract by and between a client
34 and a PEO that provides:

35 (a) For the coemployment of covered employees;

36 (b) For the allocation of employer rights and obligations between the client and the
37 PEO with respect to the covered employees; and

38 (c) That the PEO and the client assume the responsibilities required under sections
39 285.700 to 285.750;

40 (8) "Professional employer organization" or "PEO", any person engaged in the
41 business of providing professional employer services. A person engaged in the business of
42 providing professional employer services shall be subject to registration and regulation

43 under sections 285.700 to 285.750 regardless of its use of the term or conducting business
44 as a professional employer organization, staff leasing company, registered staff leasing
45 company, employee leasing company, administrative employer, or any other name. The
46 following shall not be deemed to be professional employer organizations or the providing
47 of professional employment services for the purposes of sections 285.700 to 285.750:

48 (a) Arrangements wherein a person, whose principal business activity is not
49 entering into professional employer arrangements and does not hold itself out as a PEO,
50 shares employees with a commonly owned company within the meaning of Section 414(b)
51 and (c) of the Internal Revenue Code of 1986, as amended;

52 (b) Independent contractor arrangements by which a person assumes responsibility
53 for the product produced or service performed by such person or his or her agents and
54 retains and exercises primary direction and control over the work performed by the
55 individuals whose services are supplied under such arrangements; and

56 (c) Providing temporary help services;

57 (9) "Professional employer services", the service of entering into coemployment
58 relationships under sections 285.700 to 285.750 in which all or a majority of the employees
59 providing services to a client or to a division or work unit of a client are covered
60 employees;

61 (10) "Registrant", a PEO registered under sections 285.700 to 285.750;

62 (11) "Temporary help services", services consisting of a person:

63 (a) Recruiting and hiring its own employees;

64 (b) Finding other organizations that need the services of those employees;

65 (c) Assigning those employees to perform work at or services for the other
66 organizations to support or supplement the other organizations' workforces, or to provide
67 assistance in special work situations including, but not limited to, employee absences, skill
68 shortages, seasonal workloads, or to perform special assignments or projects; and

69 (d) Customarily attempting to reassign the employees to other organizations when
70 they finish each assignment.

285.710. 1. Nothing contained in sections 285.700 to 285.750 or in any professional
2 employer agreement shall affect, modify, or amend any collective bargaining agreement
3 or the rights or obligations of any client, PEO, or covered employee under the federal
4 National Labor Relations Act, the federal Railway Labor Act, or sections 105.500 to
5 105.530.

6 2. Nothing in sections 285.700 to 285.750 or in any professional employer agreement
7 shall:

8 **(1) Diminish, abolish, or remove rights of covered employees to a client or**
9 **obligations of such client to a covered employee existing prior to the effective date of a**
10 **professional employer agreement;**

11 **(2) Affect, modify, or amend any contractual relationship or restrictive covenant**
12 **between a covered employee and any client in effect at the time a professional employer**
13 **agreement becomes effective. A professional employer agreement shall also not prohibit**
14 **or amend any contractual relationship or restrictive covenant that is entered into**
15 **subsequently between a client or a covered employee. A PEO shall have no responsibility**
16 **or liability in connection with, or arising out of, any such existing or new contractual**
17 **relationship or restrictive covenant unless the PEO has specifically agreed otherwise in**
18 **writing; or**

19 **(3) Create any new or additional enforceable right of a covered employee against**
20 **a PEO that is not specifically provided by the professional employer agreement or sections**
21 **285.700 to 285.750.**

22 **3. Nothing contained in sections 285.700 to 285.750 or any professional employer**
23 **agreement shall affect, modify, or amend any state, local, or federal licensing, registration,**
24 **or certification requirement applicable to any client or covered employee.**

25 **4. A covered employee who shall be licensed, registered, or certified according to**
26 **law or regulation is deemed solely an employee of the client for purposes of any such**
27 **license, registration, or certification requirement.**

28 **5. A PEO shall not be deemed to engage in any occupation, trade, profession, or**
29 **other activity that is subject to licensing, registration, or certification requirements, or is**
30 **otherwise regulated by a governmental entity solely by entering into and maintaining a**
31 **coemployment relationship with a covered employee who is subject to such requirements**
32 **or regulation.**

33 **6. A client shall have the sole right of direction and control of the professional or**
34 **licensed activities of covered employees and of the client's business. Such covered**
35 **employees and clients shall remain subject to regulation by the regulatory or governmental**
36 **entity responsible for licensing, registration, or certification of such covered employees or**
37 **clients.**

38 **7. For purposes of the determination of tax credits, economic incentives, or other**
39 **benefits provided by this state or any other government entity and based on employment,**
40 **covered employees shall be deemed employees solely of the client. A client shall be entitled**
41 **to the benefit of any tax credit, economic incentive, or other benefit arising as the result of**
42 **the employment of covered employees of such client. Notwithstanding that the PEO is the**
43 **W-2 reporting employer, the client shall continue to qualify for such benefit, incentive, or**

44 credit. If the grant or amount of any such benefit, incentive, or credit is based on the
45 number of employees, then each client shall be treated as employing only those covered
46 employees coemployed by the client. Covered employees working for other clients of the
47 PEO shall not be counted. Each PEO shall provide, upon request by a client or an agency
48 or department of this state, employment information reasonably required by any agency
49 or department of this state responsible for administration of any such tax credit, economic
50 incentive, or other benefit that is necessary to support any request, claim, application, or
51 other action by a client seeking any such tax credit, economic incentive, or other benefit.

52 **8. With respect to a bid, contract, purchase order, or agreement entered into with**
53 **the state or a political subdivision of the state, a client company's status or certification as**
54 **a minority business enterprise or a women's business enterprise, as those terms are defined**
55 **in section 37.020, shall not be affected because the client company has entered into an**
56 **agreement with a PEO or uses the services of a PEO.**

285.715. 1. Except as otherwise provided in sections 285.700 to 285.750, no person
2 **shall provide, advertise, or otherwise hold itself out as providing professional employer**
3 **services in this state, unless such person is registered under sections 285.700 to 285.750.**

4 **2. Each applicant for registration under sections 285.700 to 285.750 shall provide**
5 **the secretary of state with the following information:**

6 **(1) The name or names under which the PEO conducts business;**

7 **(2) The address of the principal place of business of the PEO and the address of**
8 **each office it maintains in this state;**

9 **(3) The PEO's taxpayer or employer identification number;**

10 **(4) A list by jurisdiction of each name under which the PEO has operated in the**
11 **preceding five years, including any alternative names, names of predecessors, and, if**
12 **known, successor business entities;**

13 **(5) A statement of ownership, which shall include the name and evidence of the**
14 **business experience of any person that, individually or acting in concert with one or more**
15 **other persons, owns or controls, directly or indirectly, twenty-five percent or more of the**
16 **equity interests of the PEO;**

17 **(6) A statement of management, which shall include the name and evidence of the**
18 **business experience of any person who serves as president, chief executive officer, or**
19 **otherwise has the authority to act as senior executive officer of the PEO; and**

20 **(7) A financial statement setting forth the financial condition of the PEO or PEO**
21 **group. At the time of application for a new license, the applicant shall submit the most**
22 **recent audit of the applicant, which shall not be older than thirteen months. Thereafter,**
23 **a PEO or PEO group shall file on an annual basis, within one hundred eighty days after**

24 the end of the PEO's or PEO group's fiscal year, a succeeding audit. An applicant may
25 apply for an extension with the secretary of state, but any such request shall be
26 accompanied by a letter from the auditors stating the reasons for the delay and the
27 anticipated audit completion date. The financial statement shall be prepared in accordance
28 with generally accepted accounting principles and audited by an independent certified
29 public accountant licensed to practice in the jurisdiction in which such accountant is
30 located and shall be without qualification as to the going concern status of the PEO. A
31 PEO or PEO group may submit combined or consolidated audited financial statements to
32 meet the requirements of this section. A PEO that has not had sufficient operating history
33 to have audited financials based upon at least twelve months of operating history shall meet
34 the financial capacity requirements of sections 285.700 to 285.750 and present financial
35 statements reviewed by a certified public accountant.

36 3. (1) Each PEO operating within this state as of the effective date of sections
37 285.700 to 285.750 shall complete its initial registration not later than one hundred eighty
38 days after the effective date of sections 285.700 to 285.750. Such initial registration shall
39 be valid until one hundred eighty days from the end of the PEO's first fiscal year that is
40 more than one year after the effective date of sections 285.700 to 285.750.

41 (2) Each PEO not operating within this state as of the effective date of sections
42 285.700 to 285.750 shall complete its initial registration prior to initiating operations within
43 this state. In the event a PEO not registered in this state becomes aware that an existing
44 client not based in this state has employees and operations in this state, the PEO shall
45 either decline to provide PEO services for those employees or notify the secretary of state
46 within five business days of its knowledge of this fact and file a limited registration
47 application under subsection 6 of this section or a full business registration if there are
48 more than fifty covered employees. The secretary of state may issue an interim operating
49 permit for the period the registration applications are pending if the PEO is currently
50 registered or licensed by another state and the secretary of state determines it to be in the
51 best interest of the potential covered employees.

52 4. Within one hundred eighty days after the end of a registration's fiscal year, such
53 registrant shall renew its registration by notifying the secretary of state of any changes in
54 the information provided in such registration's most recent registration or renewal. A
55 registrant's existing registration shall remain in effect during the pendency of a renewal
56 application.

57 5. PEOs in a PEO group may satisfy the reporting and financial requirements of
58 sections 285.700 to 285.750 on a combined or consolidated basis, provided that each
59 member of the PEO group guarantees the financial capacity obligations under sections

60 **285.700 to 285.750 of each other member of the PEO group. In the case of a PEO or PEO**
61 **group that submits a combined or consolidated audited financial statement including**
62 **entities that are not PEOs or that are not in the PEO group, the controlling entity of the**
63 **PEO group under the consolidated or combined statement shall guarantee the obligations**
64 **of the PEOs in the PEO group.**

65 **6. (1) A PEO is eligible for a limited registration under sections 285.700 to 285.750**
66 **if such PEO:**

67 **(a) Submits a properly executed request for limited registration on a form provided**
68 **by the secretary of state;**

69 **(b) Is domiciled outside this state and is licensed or registered as a professional**
70 **employer organization in another state;**

71 **(c) Does not maintain an office in this state or directly solicit clients located or**
72 **domiciled within this state; and**

73 **(d) Does not have more than fifty covered employees employed or domiciled in this**
74 **state on any given day.**

75 **(2) A limited registration is valid for one year, and may be renewed.**

76 **(3) A PEO seeking limited registration under this section shall provide the secretary**
77 **of state with information and documentation necessary to show that the PEO qualifies for**
78 **a limited registration.**

79 **(4) The provisions of section 285.725 shall not apply to applicants for limited**
80 **registration.**

81 **7. The secretary of state shall maintain a list of professional employer organizations**
82 **registered under sections 285.700 to 285.750 that is readily available to the public by**
83 **electronic or other means.**

84 **8. The secretary of state may produce forms necessary to promote the efficient**
85 **administration of this section.**

86 **9. The secretary of state shall, to the extent practical, permit the acceptance of**
87 **electronic filings in conformance with sections 432.200 to 432.295, including applications,**
88 **documents, reports, and other filings required by sections 285.700 to 285.750. The**
89 **secretary of state may provide for the acceptance of electronic filings and other assurance**
90 **by an independent and qualified assurance organization approved by the secretary of state**
91 **that provides satisfactory assurance of compliance acceptable to the secretary of state**
92 **consistent with or in lieu of the requirements of sections 285.715 and 285.725 and other**
93 **requirements of sections 285.700 to 285.750. The secretary of state shall permit a PEO to**
94 **authorize such an approved assurance organization to act on the PEO's behalf in**
95 **complying with the registration requirements of sections 285.700 to 285.750, including**

96 **electronic filings of information and payment of registration fees. Use of such an approved**
97 **assurance organization shall be optional and not mandatory for a registrant. Nothing in**
98 **this subsection shall limit or change the secretary of state's authority to register or**
99 **terminate registration of a professional employer organization or to investigate or enforce**
100 **any provision of sections 285.700 to 285.750.**

101 **10. All records, reports, and other information obtained from a PEO under sections**
102 **285.700 to 285.750, except to the extent necessary for the proper administration of sections**
103 **285.700 to 285.750 by the secretary of state, shall be confidential and shall not be**
104 **considered a "public record" as that term is defined in section 610.010.**

285.720. 1. Upon filing an initial registration statement under sections 285.700 to
2 **285.750, a PEO shall pay an initial registration fee not to exceed five hundred dollars.**

3 **2. Upon each annual renewal of a registration statement filed under sections**
4 **285.700 to 285.750, a PEO shall pay a renewal fee not to exceed two hundred fifty dollars.**

5 **3. The secretary of state shall determine any fee to be charged for a group**
6 **registration.**

7 **4. Each PEO seeking limited registration shall pay a fee in the amount not to exceed**
8 **two hundred fifty dollars upon initial application for limited registration and upon each**
9 **renewal of such limited registration.**

10 **5. No fee charged under sections 285.700 to 285.750 shall exceed the amount**
11 **reasonably necessary for the administration of sections 285.700 to 285.750.**

285.725. Except as provided by 285.715, each PEO or collectively each PEO group
2 **shall maintain either:**

3 **(1) Positive working capital as defined by generally accepted accounting principles**
4 **at registration as reflected in the financial statements submitted to the secretary of state**
5 **with the initial registration and each annual renewal; or**

6 **(2) A PEO or PEO group that does not have positive working capital may provide**
7 **a bond, irrevocable letter of credit, or securities with a minimum market value equaling**
8 **the deficiency plus one hundred thousand dollars to the secretary of state. Such bond is**
9 **to be held by a depository designated by the secretary of state securing payment by the**
10 **PEO of all taxes, wages, benefits, or other entitlement due to or with respect to covered**
11 **employees if the PEO does not make such payments when due.**

285.730. 1. Except as specifically provided in sections 285.700 to 285.750 or in the
2 **professional employer agreement, in each coemployment relationship:**

3 **(1) The client shall be entitled to exercise all rights, and shall be obligated to**
4 **perform all duties and responsibilities otherwise applicable to an employer in an**
5 **employment relationship;**

6 **(2) The PEO shall be entitled to exercise only those rights and obligated to perform**
7 **only those duties and responsibilities specifically required under sections 285.700 to**
8 **285.750 or set forth in the professional employer agreement. The rights, duties, and**
9 **obligations of the PEO as coemployer with respect to any covered employee shall be limited**
10 **to those arising pursuant to the professional employer agreement and sections 285.700 to**
11 **285.750 during the term of coemployment by the PEO of such covered employee; and**

12 **(3) Unless otherwise expressly agreed by the PEO and the client in a professional**
13 **employer agreement, the client retains the exclusive right to direct and control the covered**
14 **employees as is necessary to conduct the client's business, to discharge any of the client's**
15 **fiduciary responsibilities, or to comply with any licensure requirements applicable to the**
16 **client or to the covered employees.**

17 **2. Except as specifically provided under sections 285.700 to 285.750, the**
18 **coemployment relationship between the client and the PEO and between each coemployer**
19 **and each covered employee shall be governed by the professional employer agreement.**
20 **Each professional employer agreement shall include the following:**

21 **(1) The allocation of rights, duties, and obligations as described in subsection 1 of**
22 **this section;**

23 **(2) A requirement that the PEO shall have responsibility to:**

24 **(a) Pay wages to covered employees;**

25 **(b) Withhold, collect, report, and remit payroll-related and unemployment taxes;**
26 **and**

27 **(c) To the extent the PEO has assumed responsibility in the professional employer**
28 **agreement, to make payments for employee benefits for covered employees.**

29 **As used in this section, the term "wages" does not include any obligation between a client**
30 **and a covered employee for payments beyond or in addition to the covered employee's**
31 **salary, draw, or regular rate of pay, such as bonuses, commissions, severance pay, deferred**
32 **compensation, profit sharing, vacation, sick, or other paid-time off pay, unless the PEO has**
33 **expressly agreed to assume liability for such payments in the professional employer**
34 **agreement; and**

35 **(3) A requirement that the PEO shall have a right to hire, discipline, and terminate**
36 **a covered employee as may be necessary to fulfill the PEO's responsibilities under sections**
37 **285.700 to 285.750 and the professional employer agreement. The client shall have a right**
38 **to hire, discipline, and terminate a covered employee.**

39 **3. With respect to each professional employer agreement entered into by a PEO,**
40 **such PEO shall provide written notice to each covered employee affected by such**

41 **agreement of the general nature of the coemployment relationship between and among the**
42 **PEO, the client, and such covered employee.**

43 **4. Except to the extent otherwise expressly provided by the applicable professional**
44 **employer agreement:**

45 **(1) A client shall be solely responsible for the quality, adequacy, or safety of the**
46 **goods or services produced or sold in the client's business;**

47 **(2) A client shall be solely responsible for directing, supervising, training, and**
48 **controlling the work of the covered employees with respect to the business activities of the**
49 **client and solely responsible for the acts, errors, or omissions of the covered employees with**
50 **regard to such activities;**

51 **(3) A client shall not be liable for the acts, errors, or omissions of a PEO or of any**
52 **covered employee of the client and a PEO if such covered employee is acting under the**
53 **express direction and control of the PEO;**

54 **(4) A PEO shall not be liable for the acts, errors, or omissions of a client or of any**
55 **covered employee of the client if such covered employee is acting under the express**
56 **direction and control of the client;**

57 **(5) Nothing in this subsection shall serve to limit any contractual liability or**
58 **obligation specifically provided in the written professional employer agreement; and**

59 **(6) A covered employee is not, solely as the result of being a covered employee of**
60 **a PEO, an employee of the PEO for purposes of general liability insurance, fidelity bonds,**
61 **surety bonds, employer's liability that is not covered by workers' compensation, or liquor**
62 **liability insurance carried by the PEO unless the covered employees are included by**
63 **specific reference in the professional employer agreement and applicable prearranged**
64 **employment contract, insurance contract, or bond.**

65 **5. A PEO under sections 285.700 to 285.750 is not engaged in the sale of insurance**
66 **or in acting as a third party administrator by offering, marketing, selling, administering,**
67 **or providing professional employer services that include services and employee benefit**
68 **plans for covered employees. The provisions of this section shall not supersede or preempt**
69 **any requirements under section 375.014.**

70 **6. For purposes of this state or any county, municipality, or other political**
71 **subdivision thereof:**

72 **(1) Any tax or assessment imposed upon professional employer services or any**
73 **business license or other fee that is based upon "gross receipts" shall allow a deduction**
74 **from the gross income or receipts of the business derived from performing professional**
75 **employer services that is equal to that portion of the fee charged to a client that represents**
76 **the actual cost of wages and salaries, benefits, payroll taxes, withholding, or other**

77 assessments paid to or on behalf of a covered employee by the professional employer
78 organization under a professional employer agreement;

79 (2) Any tax assessed or assessment or mandated expenditure on a per capita or per
80 employee basis shall be assessed against the client for covered employees and against the
81 professional employer organization for its employees who are not covered employees
82 coemployed with a client. Benefits or monetary consideration that meet the requirements
83 of mandates imposed on a client and that are received by covered employees through the
84 PEO either through payroll or through benefit plans sponsored by the PEO shall be
85 credited against the client's obligation to fulfill such mandates; and

86 (3) In the case of a tax or an assessment imposed or calculated upon the basis of
87 total payroll, the professional employer organization shall be eligible to apply any small
88 business allowance or exemption available to the client for the covered employees for
89 purposes of computing the tax.

285.740. 1. The responsibility to obtain workers' compensation coverage for
2 covered employees in compliance with all applicable laws shall be specifically allocated in
3 the professional employer agreement to either the client or the PEO.

4 2. (1) Coverage for both the directly employed workers of a client and the covered
5 employees of that client shall be all in the residual or all in the voluntary market with the
6 same carrier.

7 (2) Workers' compensation coverage for covered employees in the voluntary
8 market may be obtained by either:

9 (a) The client through a standard workers' compensation policy or through duly
10 authorized self-insurance under section 287.280; or

11 (b) The PEO through duly authorized self insurance under section 287.280,
12 through the type of policy referenced under the provisions of 20 CSR 500-6.800(5)(c)2
13 issued to the PEO by a carrier authorized to do business in this state, or through a multiple
14 coordinated workers' compensation policy issued by a carrier authorized to do business
15 in this state in the name of the PEO or the client.

16 A PEO authorized to self-insure under section 287.280 shall report to the insurer or the
17 appropriate state and rating authorities such client-based information as is necessary to
18 maintain the client's experience rating.

19 (3) Workers' compensation for covered employees in the residual market may be
20 obtained by the client through a residual market policy or by the PEO through a multiple
21 coordinated policy in either the name of the PEO or the client that provides to the
22 appropriate state and rating authorities the client-based information satisfactory to
23 maintain the client's experience rating.

24 **3. A PEO that applies for coverage or is covered through the voluntary market**
25 **shall also maintain and furnish to the insurer sufficient information to permit the**
26 **calculation of an experience modification factor for each client upon termination of the**
27 **coemployment relationship. Information reported during the term of the coemployment**
28 **relationship which is used to calculate an experience modification factor for a client prior**
29 **to and upon termination of the professional employer agreement shall continue to be used**
30 **in the future experience ratings of the PEO. Such information shall include:**

31 **(1) The client's corporate name;**

32 **(2) The client's taxpayer or employer identification number;**

33 **(3) Payroll summaries and class codes applicable to each client, and, if requested**
34 **by the insurer, a listing of all covered employees associated with a given client; and**

35 **(4) Claims information grouped by client, and any other information maintained**
36 **by or readily available to the PEO that is necessary for the calculation of an experience**
37 **modification factor for each client.**

38 **4. In addition to any other provision of chapter 287, any material violations of this**
39 **section by a PEO is grounds for cancellation or nonrenewal of the PEO's insurance policy**
40 **by the insurer. If a PEO has received notice that its workers' compensation insurance**
41 **policy will be canceled or nonrenewed, the PEO shall notify by certified mail, within ten**
42 **days after the receipt of the notice, all of the clients for which there is a coemployment**
43 **relationship covered under the policy to be canceled, provided that notice shall not be**
44 **required if the PEO has obtained another insurance policy from a carrier authorized to do**
45 **business in this state, with an effective date that is the same as the date of cancellation or**
46 **nonrenewal.**

47 **5. If the coemployment relationship with a client is terminated, the client shall**
48 **utilize an experience modification factor which reflects its individual experience, including,**
49 **if applicable, experience incurred for covered employees under the professional employer**
50 **agreement. The PEO shall provide to the client the client's information that is maintained**
51 **under subsection 3 of this section within five business days of receiving notice from the**
52 **client or within five business days of providing notice to the client that the coemployment**
53 **relationship will terminate. The PEO shall also provide such information to any future**
54 **client insurer, if requested by such client. The PEO shall notify the insurer of its intent to**
55 **terminate any client relationship prior to termination when feasible. When prior notice**
56 **is not feasible, the PEO shall notify its insurer within five business days following actual**
57 **termination.**

58 **6. Both the client and the PEO shall be considered the employer for purposes of**
59 **coverage under chapter 287. The protection of the exclusive remedy provision under**

60 section 287.120 shall apply to the PEO, the client, and to all covered employees and other
61 employees of the client irrespective of which coemployer obtains such workers'
62 compensation coverage. Nothing in this section shall be construed to exempt either the
63 client or the PEO from compliance with the provisions of chapter 287.

64 7. A client may request the information maintained under subsection 3 of this
65 section at any time and every PEO shall provide that information to such client within five
66 business days of receiving such a request.

67 8. In the case of a request for information by a third party requesting verification
68 of a client's experience modification factor for a client in the type of policy referenced
69 under the provisions of 20 CSR 500-6.800(5)(c)2, the PEO shall, within five business days
70 of receipt of receiving the client's consent, provide such third party with only the
71 information maintained by the PEO under subsection 3 of this section. If a client refuses
72 to grant consent to a request for information under this subsection, the PEO shall notify
73 the requesting third party that the client has refused to consent to the disclosure of the
74 information maintained by the PEO under subsection 3 of this section.

75 9. A client shall provide any prospective insurer with the information maintained
76 by the PEO under subsection 3 of this section upon receiving such information from the
77 PEO. Failure to provide a future insurer with such information shall be considered a
78 violation of subsection 6 of section 287.128.

79 10. (1) A client shall notify any prospective insurer of the client's previous or
80 current relationship with a PEO. Failure to provide a future insurer with such
81 information shall be considered a violation of subsection 6 of section 287.128.

82 (2) This subsection shall not apply if the PEO did not provide workers'
83 compensation coverage to a client during the coemployment relationship.

84 11. For purposes of chapter 288, a PEO registered under sections 285.700 to
85 285.750 shall be treated as a "lesser employing unit" under section 288.032.

285.750. 1. A person shall not knowingly:

2 (1) Offer or provide professional employer services or use the names PEO,
3 professional employer organization, staff leasing, employee leasing, administrative
4 employer, or other title representing professional employer services without first becoming
5 registered under sections 285.700 to 285.750; or

6 (2) Provide false or fraudulent information to the secretary of state in conjunction
7 with any registration, renewal, or in any report required under sections 285.700 to 285.750.

8 2. Disciplinary action shall be taken by the secretary of state for violation of this
9 section for:

10 **(1) The conviction of a professional employer organization or a controlling person**
 11 **of a PEO of a crime that relates to the operation of a PEO or the ability of the licensee or**
 12 **a controlling person of a licensee to operate a PEO;**

13 **(2) Knowingly making a material misrepresentation to the secretary of state or**
 14 **other governmental agency; or**

15 **(3) A willful violation of sections 285.700 to 285.750 or any order issued by the**
 16 **secretary of state under sections 285.700 to 285.750.**

17 **3. Upon finding, after notice and opportunity for hearing, that a PEO, a controlling**
 18 **person of a PEO, or a person offering PEO services has violated one or more provisions**
 19 **of this section and subject to appeal, the secretary of state may:**

20 **(1) Deny an application for a license;**

21 **(2) Revoke, restrict, or refuse to renew a license;**

22 **(3) Impose an administrative penalty in an amount not to exceed one thousand**
 23 **dollars for each material violation;**

24 **(4) Place the licensee on probation for the period and subject to conditions that the**
 25 **secretary of state specifies; or**

26 **(5) Issue a cease and desist order.**

324.013. 1. For purposes of this section, the following terms mean:

2 **(1) "License", a license, certificate, registration, permit, or accreditation that**
 3 **enables a person to legally practice an occupation, profession, or activity in the state;**

4 **(2) "Oversight body", any board, department, agency, or office of the state that**
 5 **issues licenses. The term "oversight body" shall not include any political subdivision.**

6 **2. An oversight body shall not deny any person eighteen years of age or older a**
 7 **license on the basis of age unless the license enables a person to operate a school bus owned**
 8 **by or under contract with a public school or the state board of education, transport**
 9 **hazardous material, use explosives, or engage in any activity associated with gaming.**

324.920. 1. The applicant for a statewide electrical contractor's license shall satisfy the
 2 **following requirements:**

3 **(1) ~~Be at least twenty-one years of age;~~**

4 **~~—(2) Provide proof of liability insurance in the amount of five hundred thousand dollars,~~**
 5 **and post a bond with each political subdivision in which he or she will perform work, as required**
 6 **by that political subdivision;**

7 **~~(3) Pass a standardized and nationally accredited electrical assessment examination~~**
 8 **that has been created and administered by a third party and that meets current national industry**
 9 **standards, as determined by the division;**

10 **~~(4) (3) Pay for the costs of such examination; and~~**

11 ~~[(5)]~~ (4) Have completed one of the following:

12 (a) Twelve thousand verifiable practical hours installing equipment and associated
13 wiring;

14 (b) Ten thousand verifiable practical hours installing equipment and associated wiring
15 and have received an electrical journeyman certificate from a United States Department of
16 Labor-approved electrical apprenticeship program;

17 (c) Eight thousand verifiable practical hours installing equipment and associated wiring
18 and have received an associate's degree from a state-accredited program; or

19 (d) Four thousand verifiable practical hours supervising the installation of equipment and
20 associated wiring and have received a four-year electrical engineering degree.

21 2. Electrical contractors who hold an electrical contractor license in good standing that
22 was issued by any authority in this state that required prior to January 1, 2018, the passing of a
23 standardized and nationally accredited written electrical assessment examination that is based
24 upon the National Electrical Code and who have completed twelve thousand hours of verifiable
25 practical experience shall be issued a statewide license. The provisions of this subsection shall
26 apply only to electrical contractor licenses issued by a political subdivision with the legal
27 authority to issue such licenses.

28 3. Each corporation, firm, institution, organization, company, or representative thereof
29 engaging in electrical contracting shall have in its employ, at a supervisory level, at least one
30 electrical contractor who possesses a statewide license in accordance with sections 324.900 to
31 324.945. A statewide licensed electrical contractor shall represent only one firm, company,
32 corporation, institution, or organization at one time.

33 4. Any person operating as an electrical contractor in a political subdivision that does
34 not require the contractor to hold a local license shall not be required to possess a statewide
35 license under sections 324.900 to 324.945 to continue to operate as an electrical contractor in
36 such political subdivision.

37 5. The division may negotiate reciprocal agreements with other states, the District of
38 Columbia, or territories of the United States which require standards for licensure, registration,
39 or certification considered to be equivalent or more stringent than the requirements for licensure
40 under sections 324.900 to 324.945.

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

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

- 7 (2) The name under which the applicant intends to conduct business;
- 8 (3) A statement as to the general nature of the business in which the applicant intends
9 to engage;
- 10 (4) A statement as to the classification or classifications under which the applicant
11 desires to be qualified;
- 12 (5) Two recent photographs of the applicant, of a type prescribed by the board, and two
13 classifiable sets of the applicant's fingerprints processed in a manner approved by the Missouri
14 state highway patrol, central repository, under section 43.543;
- 15 (6) A verified statement of the applicant's experience qualifications; and
- 16 (7) Such other information, evidence, statements, or documents as may be required by
17 the board.
- 18 2. Before an application for a license may be granted, the applicant shall:
- 19 (1) ~~Be at least twenty-one years of age;~~
- 20 ~~—(2) Be a citizen of the United States;~~
- 21 ~~[(3)]~~ (2) Provide proof of liability insurance with amount to be no less than two hundred
22 fifty thousand dollars in coverage and proof of workers' compensation insurance if required
23 under chapter 287. The board shall have the authority to raise the requirements as deemed
24 necessary; and
- 25 ~~[(4)]~~ (3) Comply with such other qualifications as the board adopts by rules and
26 regulations.

327.221. Any person may apply to the board for licensure as a professional engineer
2 ~~[who is over the age of twenty-one,]~~ who is of good moral character, and who is a graduate of
3 and holds a degree in engineering from an accredited school of engineering, or who possesses
4 an education which includes at the minimum a baccalaureate degree in engineering, and which
5 in the opinion of the board, equals or exceeds the education received by a graduate of an
6 accredited school, and has acquired at least four years of satisfactory engineering experience,
7 after such person has graduated and has received a degree or education as provided in this
8 section; provided that the board shall by rule provide what shall constitute satisfactory
9 engineering experience based upon recognized education and training equivalents, but in any
10 event such rule shall provide that no more than one year of satisfactory postgraduate work in
11 engineering subjects and that each year of satisfactory teaching of engineering subjects
12 accomplished after a person has graduated from and has received a degree from an accredited
13 school of engineering or after receiving an education as provided in this section shall count as
14 equivalent years of satisfactory engineering experience.

327.312. 1. Any person may apply to the board for enrollment as a land
2 surveyor-in-training ~~[who is over the age of twenty-one,]~~ who is of good moral character, who

3 is a high school graduate, or who holds a Missouri certificate of high school equivalence (GED),
4 and either:

5 (1) Has graduated and received a baccalaureate degree in an approved curriculum as
6 defined by board regulation which shall include at least twelve semester hours of approved
7 surveying course work as defined by board regulation of which at least two semester hours shall
8 be in the legal aspects of boundary surveying; or

9 (2) Has passed at least sixty hours of college credit which shall include credit for at least
10 twenty semester hours of approved surveying course work as defined by board regulation of
11 which at least two semester hours shall be in legal aspects of boundary surveying and present
12 evidence satisfactory to the board that in addition thereto such person has at least one year of
13 combined professional office and field experience in land surveying projects under the
14 immediate personal supervision of a professional land surveyor; or

15 (3) Has passed at least twelve semester hours of approved surveying course work as
16 defined by board regulation of which at least two semester hours shall be in legal aspects of land
17 surveying and in addition thereto has at least two years of combined professional office and field
18 experience in land surveying projects under the immediate personal supervision of a professional
19 land surveyor. Pursuant to this provision, not more than one year of satisfactory postsecondary
20 education work shall count as equivalent years of satisfactory land surveying work as
21 aforementioned.

22 2. The board shall issue a certificate of completion to each applicant who satisfies the
23 requirements of the aforementioned land surveyor-in-training program and passes such
24 examination or examinations as shall be required by the board.

330.030. Any person desiring to practice podiatric medicine in this state shall furnish the
2 board with satisfactory proof, including a statement under oath or affirmation that all
3 representations are true and correct to the best knowledge and belief of the person submitting and
4 signing same, subject to the penalties of making a false affidavit or declaration, that he or she is
5 ~~[twenty-one years of age or over, and]~~ of good moral character, and that he or she has received
6 at least four years of high school training, or the equivalent thereof, and has received a diploma
7 or certificate of graduation from an approved college of podiatric medicine, recognized and
8 approved by the board, having a minimum requirement of two years in an accredited college and
9 four years in a recognized college of podiatric medicine. Upon payment of the examination fee,
10 and making satisfactory proof as aforesaid, the applicant shall be examined by the board, or a
11 committee thereof, under such rules and regulations as said board may determine, and if found
12 qualified, shall be licensed, upon payment of the license fee, to practice podiatric medicine as
13 licensed; provided, that the board shall, under regulations established by the board, admit without
14 examination legally qualified practitioners of podiatric medicine who hold licenses to practice

15 podiatric medicine in any state or territory of the United States or the District of Columbia or any
16 foreign country with equal educational requirements to the state of Missouri upon the applicant
17 paying a fee equivalent to the license and examination fees required above.

331.030. 1. No person shall engage in the practice of chiropractic without having first
2 secured a chiropractic license as provided in this chapter.

3 2. Any person desiring to procure a license authorizing the person to practice chiropractic
4 in this state shall [~~be at least twenty-one years of age and shall~~] make application on the form
5 prescribed by the board. The application shall contain a statement that it is made under oath or
6 affirmation and that representations contained thereon are true and correct to the best knowledge
7 and belief of the person signing the application, subject to the penalties of making a false
8 affidavit or declaration, and shall give the applicant's name, address, age, sex, name of
9 chiropractic schools or colleges which the person attended or of which the person is a graduate,
10 and such other reasonable information as the board may require. The applicant shall give
11 evidence satisfactory to the board of the successful completion of the educational requirements
12 of this chapter, that the applicant is of good moral character, and that the chiropractic school or
13 college of which the applicant is a graduate is teaching chiropractic in accordance with the
14 requirements of this chapter. The board may make a final determination as to whether or not the
15 school from which the applicant graduated is so teaching.

16 3. Before an applicant shall be eligible for licensure, the applicant shall furnish evidence
17 satisfactory to the board that the applicant has received the minimum number of semester credit
18 hours, as required by the Council on Chiropractic Education, or its successor, prior to beginning
19 the doctoral course of study in chiropractic. The minimum number of semester credit hours
20 applicable at the time of enrollment in a doctoral course of study must be in those subjects, hours
21 and course content as may be provided for by the Council on Chiropractic Education or, in the
22 absence of the Council on Chiropractic Education or its provision for such subjects, such hours
23 and course content as adopted by rule of the board; however in no event shall fewer than ninety
24 semester credit hours be accepted as the minimum number of hours required prior to beginning
25 the doctoral course of study in chiropractic. The examination applicant shall also provide
26 evidence satisfactory to the board of having graduated from a chiropractic college having status
27 with the Commission on Accreditation of the Council on Chiropractic Education or its successor.
28 Any senior student in a chiropractic college having status with the Commission on Accreditation
29 on the Council on Chiropractic Education or its successor may take a practical examination
30 administered or approved by the board under such requirements and conditions as are adopted
31 by the board by rule, but no license shall be issued until all of the requirements for licensure have
32 been met.

33 4. Each applicant shall pay upon application an application or examination fee. All
34 moneys collected pursuant to the provisions of this chapter shall be nonrefundable and shall be
35 collected by the director of the division of professional registration who shall transmit it to the
36 department of revenue for deposit in the state treasury to the credit of the chiropractic board fund.
37 Any person failing to pass a practical examination administered or approved by the board may
38 be reexamined upon fulfilling such requirements, including the payment of a reexamination fee,
39 as the board may by rule prescribe.

40 5. Every applicant for licensure by examination shall have taken and successfully passed
41 all required and optional parts of the written examination given by the National Board of
42 Chiropractic Examiners, including the written clinical competency examination, under such
43 conditions as established by rule of the board, and all applicants for licensure by examination
44 shall successfully pass a practical examination administered or approved by the board and a
45 written examination testing the applicant's knowledge and understanding of the laws and
46 regulations regarding the practice of chiropractic in this state. The board shall issue to each
47 applicant who meets the standards and successful completion of the examinations, as established
48 by rule of the board, a license to practice chiropractic. The board shall not recognize any
49 correspondence work in any chiropractic school or college as credit for meeting the requirements
50 of this chapter.

51 6. The board shall issue a license without examination to persons who have been
52 regularly licensed to practice chiropractic in any other state, territory, or the District of Columbia,
53 or in any foreign country, provided that the regulations for securing a license in the other
54 jurisdiction are equivalent to those required for licensure in the state of Missouri, when the
55 applicant furnishes satisfactory evidence that the applicant has continuously practiced
56 chiropractic for at least one year immediately preceding the applicant's application to the board
57 and that the applicant is of good moral character, and upon the payment of the reciprocity license
58 fee as established by rule of the board. The board may require an applicant to successfully
59 complete the Special Purposes Examination for Chiropractic (SPEC) administered by the
60 National Board of Chiropractic Examiners if the requirements for securing a license in the other
61 jurisdiction are not equivalent to those required for licensure in the state of Missouri at the time
62 application is made for licensure under this subsection.

63 7. Any applicant who has failed any portion of the practical examination administered
64 or approved by the board three times shall be required to return to an accredited chiropractic
65 college for a semester of additional study in the subjects failed, as provided by rule of the board.

66 8. A chiropractic physician currently licensed in Missouri shall apply to the board for
67 certification prior to engaging in the practice of meridian therapy/acupressure/acupuncture. Each
68 such application shall be accompanied by the required fee. The board shall establish by rule the

69 minimum requirements for the specialty certification under this subsection. "Meridian
70 therapy/acupressure/acupuncture" shall mean methods of diagnosing and the treatment of a
71 patient by stimulating specific points on or within the body by various methods including but not
72 limited to manipulation, heat, cold, pressure, vibration, ultrasound, light, electrocurrent, and
73 short-needle insertion for the purpose of obtaining a biopositive reflex response by nerve
74 stimulation.

75 9. The board may through its rulemaking process authorize chiropractic physicians
76 holding a current Missouri license to apply for certification in a specialty as the board may deem
77 appropriate and charge a fee for application for certification, provided that:

78 (1) The board establishes minimum initial and continuing educational requirements
79 sufficient to ensure the competence of applicants seeking certification in the particular specialty;
80 and

81 (2) The board shall not establish any provision for certification of licensees in a
82 particular specialty which is not encompassed within the practice of chiropractic as defined in
83 section 331.010.

332.131. Any person who is [~~at least twenty-one years of age,~~] of good moral character
2 and reputation, and who is a graduate of and has a degree in dentistry from an accredited dental
3 school may apply to the board for examination and registration as a dentist in Missouri.

334.530. 1. A candidate for license to practice as a physical therapist shall [~~be at least~~
2 ~~twenty-one years of age. A candidate shall~~] furnish evidence of such person's good moral
3 character and the person's educational qualifications by submitting satisfactory evidence of
4 completion of a program of physical therapy education approved as reputable by the board. A
5 candidate who presents satisfactory evidence of the person's graduation from a school of physical
6 therapy approved as reputable by the American Medical Association or, if graduated before
7 1936, by the American Physical Therapy Association, or if graduated after 1988, the Commission
8 on Accreditation for Physical Therapy Education or its successor, is deemed to have complied
9 with the educational qualifications of this subsection.

10 2. Persons desiring to practice as physical therapists in this state shall appear before the
11 board at such time and place as the board may direct and be examined as to their fitness to
12 engage in such practice. Applications for examination shall be in writing, on a form furnished
13 by the board and shall include evidence satisfactory to the board that the applicant possesses the
14 qualifications set forth in subsection 1 of this section. Each application shall contain a statement
15 that it is made under oath or affirmation and that its representations are true and correct to the
16 best knowledge and belief of the applicant, subject to the penalties of making a false affidavit
17 or declaration.

18 3. The examination of qualified candidates for licenses to practice physical therapy shall
19 test entry-level competence as related to physical therapy theory, examination and evaluation,
20 physical therapy diagnosis, prognosis, treatment, intervention, prevention, and consultation.

21 4. The examination shall embrace, in relation to the human being, the subjects of
22 anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy
23 theory and procedures as related to medicine, surgery and psychiatry, and such other subjects,
24 including medical ethics, as the board deems useful to test the fitness of the candidate to practice
25 physical therapy.

26 5. The applicant shall pass a test administered by the board on the laws and rules related
27 to the practice of physical therapy in Missouri.

 334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall
2 ~~[be at least nineteen years of age. A candidate shall]~~ furnish evidence of the person's good moral
3 character and of the person's educational qualifications. The educational requirements for
4 licensure as a physical therapist assistant are:

5 (1) A certificate of graduation from an accredited high school or its equivalent; and

6 (2) Satisfactory evidence of completion of an associate degree program of physical
7 therapy education accredited by the commission on accreditation of physical therapy education.

8 2. Persons desiring to practice as a physical therapist assistant in this state shall appear
9 before the board at such time and place as the board may direct and be examined as to the
10 person's fitness to engage in such practice. Applications for examination shall be on a form
11 furnished by the board and shall include evidence satisfactory to the board that the applicant
12 possesses the qualifications provided in subsection 1 of this section. Each application shall
13 contain a statement that the statement is made under oath of affirmation and that its
14 representations are true and correct to the best knowledge and belief of the person signing the
15 statement, subject to the penalties of making a false affidavit or declaration.

16 3. The examination of qualified candidates for licensure to practice as physical therapist
17 assistants shall embrace an examination which shall cover the curriculum taught in accredited
18 associate degree programs of physical therapy assistant education. Such examination shall be
19 sufficient to test the qualification of the candidates as practitioners.

20 4. The examination shall include, as related to the human body, the subjects of anatomy,
21 kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as
22 related to medicine and such other subjects, including medical ethics, as the board deems useful
23 to test the fitness of the candidate to practice as a physical therapist assistant.

24 5. The applicant shall pass a test administered by the board on the laws and rules related
25 to the practice as a physical therapist assistant in this state.

26 6. The board shall license without examination any legally qualified person who is a
 27 resident of this state and who was actively engaged in practice as a physical therapist assistant
 28 on August 28, 1993. The board may license such person pursuant to this subsection until ninety
 29 days after the effective date of this section.

30 7. A candidate to practice as a physical therapist assistant who does not meet the
 31 educational qualifications may submit to the board an application for examination if such person
 32 can furnish written evidence to the board that the person has been employed in this state for at
 33 least three of the last five years under the supervision of a licensed physical therapist and such
 34 person possesses the knowledge and training equivalent to that obtained in an accredited school.
 35 The board may license such persons pursuant to this subsection until ninety days after rules
 36 developed by the state board of healing arts regarding physical therapist assistant licensing
 37 become effective.

336.030. 1. A person is qualified to receive a license as an optometrist:

- 2 (1) ~~[Who is at least twenty-one years of age;~~
 3 ~~——(2)]~~ Who is of good moral character;
 4 ~~[(3)]~~ (2) Who has graduated from a college or school of optometry approved by the
 5 board; and
 6 ~~[(4)]~~ (3) Who has met either of the following conditions:
 7 (a) Has passed an examination satisfactory to, conducted by, or approved by the board
 8 to determine his or her fitness to receive a license as an optometrist with pharmaceutical
 9 certification and met the requirements of licensure as may be required by rule and regulation; or
 10 (b) Has been licensed and has practiced for at least three years in the five years
 11 immediately preceding the date of application with pharmaceutical certification in another state,
 12 territory, country, or province in which the requirements are substantially equivalent to the
 13 requirements in this state and has satisfactorily completed any practical examination or any
 14 examination on Missouri laws as may be required by rule and regulation.

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

341.170. 1. Applicants for a master plumber's license shall ~~[be at least twenty-five years~~
 2 ~~of age and shall]~~ have had three years or more experience as a licensed journeyman plumber
 3 theretofore licensed by any county or city operating under plumbing laws or regulations equal
 4 to the requirements of sections 341.090 to 341.220. The applicant shall possess the ability to
 5 direct other persons in the installation of plumbing and drainage and shall be skilled in planning,
 6 designing and installing plumbing and drainage facilities and shall have a thorough knowledge
 7 of the accepted standards, principles and art of plumbing for the protection of the public health.

8 2. An applicant for a license as a journeyman plumber shall ~~[be at least twenty-one years~~
9 ~~of age and shall]~~ have had at least five years' experience as an apprentice under the direction and
10 supervision of a master plumber licensed under the provisions of sections 341.090 to 341.220
11 or a master plumber licensed under the plumbing laws and regulations of any county or city
12 operating under laws or regulations equal to the requirements of sections 341.090 to 341.220.
13 He **or she** shall have a practical knowledge of plumbing and shall be skilled in the art of
14 installing plumbing and drainage facilities and shall have knowledge of the accepted standards
15 and principles of plumbing and sewer or drainage facilities for the protection of the public health.

16 3. An applicant for a master drainlayer's license shall ~~[be at least twenty-five years of age~~
17 ~~and shall]~~ have had three years' or more experience as a licensed journeyman drainlayer
18 theretofore licensed by any county or city operating under plumbing laws or regulations equal
19 to the requirements of sections 341.090 to 341.220. The applicant shall possess the ability to
20 direct other persons in the installation of drains and sewers and shall be skilled in planning,
21 designing and installing sewer and drain facilities and shall have a thorough practical knowledge
22 of the accepted standards, principles and art of drainlaying for the protection of the public health.

23 4. An applicant for a journeyman drainlayer's license shall have worked at drainlaying
24 under the supervision of a licensed master plumber or master drainlayer for a period of at least
25 one year and shall possess a knowledge of drainlaying and the ability to lay drains and shall have
26 a thorough understanding of sewer and drain installation and shall have the ability to install all
27 types of sewers and drains conformable with standard engineering principles and specifications.

28 5. Any licensed master plumber or journeyman plumber desirous of engaging in the
29 business of drainlaying shall secure a drainlayer's license and no master plumber or journeyman
30 plumber shall engage in the business of drainlaying without first securing a drainlayer's license.

344.030. 1. An applicant for an initial license shall file a completed application with the
2 board on a form provided by the board, accompanied by an application fee as provided by rule
3 payable to the department of health and senior services. Information provided in the application
4 **shall be** attested by signature to be true and correct to the best of the applicant's knowledge and
5 belief.

6 2. No initial license shall be issued to a person as a nursing home administrator unless:

7 (1) The applicant provides the board satisfactory proof that the applicant is ~~[twenty-one~~
8 ~~years of age or over,]~~ of good moral character and a high school graduate or equivalent;

9 (2) The applicant provides the board satisfactory proof that the applicant has had a
10 minimum of three years' experience in health care administration or two years of postsecondary
11 education in health care administration or has satisfactorily completed a course of instruction and
12 training prescribed by the board, which includes instruction in the needs properly to be served
13 by nursing homes, the protection of the interests of residents therein, and the elements of good

14 nursing home administration, or has presented evidence satisfactory to the board of sufficient
15 education, training, or experience in the foregoing fields to administer, supervise and manage
16 a nursing home; and

17 (3) The applicant passes the examinations administered by the board. If an applicant
18 fails to make a passing grade on either of the examinations such applicant may make application
19 for reexamination on a form furnished by the board and may be retested. If an applicant fails
20 either of the examinations a third time, the applicant shall be required to complete a course of
21 instruction prescribed and approved by the board. After completion of the board-prescribed
22 course of instruction, the applicant may reapply for examination. With regard to the national
23 examination required for licensure, no examination scores from other states shall be recognized
24 by the board after the applicant has failed his or her third attempt at the national examination.
25 There shall be a separate, nonrefundable fee for each examination. The board shall set the
26 amount of the fee for examination by rules and regulations promulgated pursuant to section
27 536.021. The fee shall be set at a level to produce revenue which shall not substantially exceed
28 the cost and expense of administering the examination.

29 3. The board may issue a license through reciprocity to any person who is regularly
30 licensed as a nursing home administrator in any other state, territory, or the District of Columbia,
31 if the regulations for securing such license are equivalent to those required in the state of
32 Missouri. However, no license by reciprocity shall be issued until the applicant passes a special
33 examination approved by the board, which will examine the applicant's knowledge of specific
34 provisions of Missouri statutes and regulations pertaining to nursing homes. The applicant shall
35 furnish satisfactory evidence that such applicant is of good moral character and has acted in the
36 capacity of a nursing home administrator in such state, territory, or the District of Columbia at
37 least one year after the securing of the license. The board, in its discretion, may enter into
38 written reciprocal agreements pursuant to this section with other states which have equivalent
39 laws and regulations.

40 4. Nothing in sections 344.010 to 344.108, or the rules or regulations thereunder shall
41 be construed to require an applicant for a license as a nursing home administrator, who is
42 employed by an institution listed and certified by the Commission for Accreditation of Christian
43 Science Nursing Organizations/Facilities, Inc., to administer institutions certified by such
44 commission for the care and treatment of the sick in accordance with the creed or tenets of a
45 recognized church or religious denomination, to demonstrate proficiency in any techniques or
46 to meet any educational qualifications or standards not in accord with the remedial care and
47 treatment provided in such institutions. The applicant's license shall be endorsed to confine the
48 applicant's practice to such institutions.

49 5. The board may issue a temporary emergency license for a period not to exceed ninety
50 days to a person [~~twenty-one years of age or over,~~] of good moral character and a high school
51 graduate or equivalent to serve as an acting nursing home administrator, provided such person
52 is replacing a licensed nursing home administrator who has died, has been removed or has
53 vacated the nursing home administrator's position. No temporary emergency license may be
54 issued to a person who has had a nursing home administrator's license denied, suspended or
55 revoked. A temporary emergency license may be renewed for one additional ninety-day period
56 upon a showing that the person seeking the renewal of a temporary emergency license meets the
57 qualifications for licensure and has filed an application for a regular license, accompanied by the
58 application fee, and the applicant has taken the examination or examinations but the results have
59 not been received by the board. No temporary emergency license may be renewed more than one
60 time.

 374.715. 1. Applications for examination and licensure as a bail bond agent or general
2 bail bond agent shall be in writing and on forms prescribed and furnished by the department, and
3 shall contain such information as the department requires. Each application shall be
4 accompanied by proof satisfactory to the department that the applicant is a citizen of the United
5 States, [~~is at least twenty-one years of age,~~] has a high school diploma or general education
6 development certificate (GED), is of good moral character, and meets the qualifications for
7 surety on bail bonds as provided by supreme court rule. Each application shall be accompanied
8 by the examination and application fee set by the department. Individuals currently employed
9 as bail bond agents and general bail bond agents shall not be required to meet the education
10 requirements needed for licensure pursuant to this section.

11 2. In addition, each applicant for licensure as a general bail bond agent shall furnish
12 proof satisfactory to the department that the applicant or, if the applicant is a corporation, that
13 each officer thereof has completed at least two years as a bail bond agent, and that the applicant
14 possesses liquid assets of at least ten thousand dollars, along with a duly executed assignment
15 of ten thousand dollars to the state of Missouri. The assignment shall become effective upon the
16 applicant's violating any provision of sections 374.695 to 374.789. The assignment required by
17 this section shall be in the form and executed in the manner prescribed by the department. The
18 director may require by regulation conditions by which additional assignments of assets of the
19 general bail bond agent may occur when the circumstances of the business of the general bail
20 bond agent warrants additional funds. However, such additional funds shall not exceed
21 twenty-five thousand dollars.

 374.784. 1. Applications for examination and licensure as a surety recovery agent shall
2 be submitted on forms prescribed by the department and shall contain such information as the

3 department requires, along with a copy of the front and back of a photographic identification
4 card.

5 2. Each application shall be accompanied by proof satisfactory to the director that the
6 applicant is a citizen of the United States [~~is at least twenty-one years of age,~~] and has a high
7 school diploma or a general educational development certificate (GED). An applicant shall
8 furnish evidence of such person's qualifications by completing an approved surety recovery agent
9 course with at least twenty-four hours of initial minimum training. The director shall determine
10 which institutions, organizations, associations, and individuals shall be eligible to provide said
11 training. Said instructions and fees associated therewith shall be identical or similar to those
12 prescribed in section 374.710 for bail bond agents and general bail bond agents.

13 3. In addition to said twenty-four hours of initial minimum training, licensees shall be
14 required to receive eight hours of biennial continuing education of which said instructions and
15 fees shall be identical or similar to those prescribed in section 374.710 for bail bond agents and
16 general bail bond agents.

17 4. Applicants for surety recovery agents licensing shall be exempt from said
18 requirements of the twenty-four hours of initial minimum training if applicants provide proof of
19 prior training as a law enforcement officer with at least two years of such service within the ten
20 years prior to the application being submitted to the department.

21 5. The director may refuse to issue any license pursuant to sections 374.783 to 374.789,
22 for any one or any combination of causes stated in section 374.787. The director shall notify the
23 applicant in writing of the reason or reasons for refusal and shall advise the applicant of the right
24 to file a complaint with the administrative hearing commission to appeal the refusal as provided
25 by chapter 621.

632.005. As used in chapter 631 and this chapter, unless the context clearly requires
2 otherwise, the following terms shall mean:

3 (1) "Comprehensive psychiatric services", any one, or any combination of two or more,
4 of the following services to persons affected by mental disorders other than intellectual
5 disabilities or developmental disabilities: inpatient, outpatient, day program or other partial
6 hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education,
7 rehabilitation, prevention, screening, transitional living, medical prevention and treatment for
8 alcohol abuse, and medical prevention and treatment for drug abuse;

9 (2) "Council", the Missouri advisory council for comprehensive psychiatric services;

10 (3) "Court", the court which has jurisdiction over the respondent or patient;

11 (4) "Division", the division of comprehensive psychiatric services of the department of
12 mental health;

13 (5) "Division director", director of the division of comprehensive psychiatric services
14 of the department of mental health, or his designee;

15 (6) "Head of mental health facility", superintendent or other chief administrative officer
16 of a mental health facility, or his designee;

17 (7) "Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday when the
18 court is open for business, but excluding Saturdays, Sundays and legal holidays;

19 (8) "Licensed physician", a physician licensed pursuant to the provisions of chapter 334
20 or a person authorized to practice medicine in this state pursuant to the provisions of section
21 334.150;

22 (9) "Licensed professional counselor", a person licensed as a professional counselor
23 under chapter 337 and with a minimum of one year training or experience in providing
24 psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a
25 mental disorder;

26 (10) "Likelihood of serious harm" means any one or more of the following but does not
27 require actual physical injury to have occurred:

28 (a) A substantial risk that serious physical harm will be inflicted by a person upon his
29 own person, as evidenced by recent threats, including verbal threats, or attempts to commit
30 suicide or inflict physical harm on himself. Evidence of substantial risk may also include
31 information about patterns of behavior that historically have resulted in serious harm previously
32 being inflicted by a person upon himself;

33 (b) A substantial risk that serious physical harm to a person will result or is occurring
34 because of an impairment in his capacity to make decisions with respect to his hospitalization
35 and need for treatment as evidenced by his current mental disorder or mental illness which
36 results in an inability to provide for his own basic necessities of food, clothing, shelter, safety
37 or medical care or his inability to provide for his own mental health care which may result in a
38 substantial risk of serious physical harm. Evidence of that substantial risk may also include
39 information about patterns of behavior that historically have resulted in serious harm to the
40 person previously taking place because of a mental disorder or mental illness which resulted in
41 his inability to provide for his basic necessities of food, clothing, shelter, safety or medical or
42 mental health care; or

43 (c) A substantial risk that serious physical harm will be inflicted by a person upon
44 another as evidenced by recent overt acts, behavior or threats, including verbal threats, which
45 have caused such harm or which would place a reasonable person in reasonable fear of sustaining
46 such harm. Evidence of that substantial risk may also include information about patterns of
47 behavior that historically have resulted in physical harm previously being inflicted by a person
48 upon another person;

49 (11) "Mental health coordinator", a mental health professional who has knowledge of
50 the laws relating to hospital admissions and civil commitment and who is authorized by the
51 director of the department, or his designee, to serve a designated geographic area or mental
52 health facility and who has the powers, duties and responsibilities provided in this chapter;

53 (12) "Mental health facility", any residential facility, public or private, or any public or
54 private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering
55 from a mental disorder or mental illness and which is recognized as such by the department or
56 any outpatient treatment program certified by the department of mental health. No correctional
57 institution or facility, jail, regional center or developmental disability facility shall be a mental
58 health facility within the meaning of this chapter;

59 (13) "Mental health professional", a psychiatrist, resident in psychiatry, **psychiatric**
60 **physician assistant, psychiatric assistant physician, psychiatric advanced practice**
61 **registered nurse**, psychologist, psychiatric nurse, licensed professional counselor, or psychiatric
62 social worker;

63 (14) "Mental health program", any public or private residential facility, public or private
64 hospital, public or private specialized service or public or private day program that can provide
65 care, treatment, rehabilitation or services, either through its own staff or through contracted
66 providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness
67 or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the
68 department. No correctional institution or facility or jail may be a mental health program within
69 the meaning of this chapter;

70 (15) "Ninety-six hours" shall be construed and computed to exclude Saturdays, Sundays
71 and legal holidays which are observed either by the court or by the mental health facility where
72 the respondent is detained;

73 (16) "Peace officer", a sheriff, deputy sheriff, county or municipal police officer or
74 highway patrolman;

75 (17) **"Psychiatric advanced practice registered nurse", a registered nurse who is**
76 **currently recognized by the board of nursing as an advanced practice registered nurse,**
77 **who has at least two years of experience in providing psychiatric treatment to individuals**
78 **suffering from mental disorders;**

79 (18) **"Psychiatric assistant physician", a licensed assistant physician under chapter**
80 **334 and who has had at least two years of experience as an assistant physician in providing**
81 **psychiatric treatment to individuals suffering from mental health disorders;**

82 (19) "Psychiatric nurse", a registered professional nurse who is licensed under chapter
83 335 and who has had at least two years of experience as a registered professional nurse in
84 providing psychiatric nursing treatment to individuals suffering from mental disorders;

85 **(20) "Psychiatric physician assistant", a licensed physician assistant under chapter**
86 **334 and who has had at least two years of experience as a physician assistant in providing**
87 **psychiatric treatment to individuals suffering from mental health disorders or a graduate**
88 **of a postgraduate residency or fellowship for physician assistants in psychiatry or is**
89 **currently in a postgraduate physician assistant residency or fellowship in psychiatry;**

90 ~~[(18)]~~ **(21) "Psychiatric social worker", a person with a master's or further advanced**
91 **degree from an accredited school of social work, practicing pursuant to chapter 337, and with**
92 **a minimum of one year training or experience in providing psychiatric care, treatment or services**
93 **in a psychiatric setting to individuals suffering from a mental disorder;**

94 ~~[(19)]~~ **(22) "Psychiatrist", a licensed physician who in addition has successfully**
95 **completed a training program in psychiatry approved by the American Medical Association, the**
96 **American Osteopathic Association or other training program certified as equivalent by the**
97 **department;**

98 ~~[(20)]~~ **(23) "Psychologist", a person licensed to practice psychology under chapter 337**
99 **with a minimum of one year training or experience in providing treatment or services to mentally**
100 **disordered or mentally ill individuals;**

101 ~~[(21)]~~ **(24) "Resident in psychiatry", a licensed physician who is in a training program**
102 **in psychiatry approved by the American Medical Association, the American Osteopathic**
103 **Association or other training program certified as equivalent by the department;**

104 ~~[(22)]~~ **(25) "Respondent", an individual against whom involuntary civil detention**
105 **proceedings are instituted pursuant to this chapter;**

106 ~~[(23)]~~ **(26) "Treatment", any effort to accomplish a significant change in the mental or**
107 **emotional conditions or the behavior of the patient consistent with generally recognized**
108 **principles or standards in the mental health professions.**

✓