

## CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

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FOR

HOUSE BILL NO. 1719

AN ACT

1  
2  
3 To repeal sections 324.001, 324.200, 324.205, 324.210,  
4 324.406, 324.409, 324.412, 324.415, 324.421, 324.424,  
5 324.427, 324.430, 324.436, 324.920, 324.925, 324.1108,  
6 327.221, 327.312, 327.313, 327.321, 328.080, 328.100,  
7 329.010, 329.040, 329.050, 329.060, 329.070, 329.080,  
8 329.085, 329.130, 330.030, 331.030, 332.131, 332.321,  
9 334.530, 334.655, 335.036, 335.066, 335.067, 336.030,  
10 337.020, 337.025, 337.029, 337.033, 337.315, 337.320,  
11 337.507, 337.510, 337.612, 337.618, 337.662, 337.712,  
12 337.718, 338.315, 338.330, 338.333, 338.337, 338.340,  
13 344.030, 374.715, 374.784, and 632.005, RSMo, and to  
14 enact in lieu thereof ninety-one new sections relating  
15 to professional registration, with existing penalty  
16 provisions and a contingent effective date for certain  
17 sections.

18  
19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
21 AS FOLLOWS:

22  
23 Section A. Sections 324.001, 324.200, 324.205, 324.210,  
24 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427,  
25 324.430, 324.436, 324.920, 324.925, 324.1108, 327.221, 327.312,  
26 327.313, 327.321, 328.080, 328.100, 329.010, 329.040, 329.050,  
27 329.060, 329.070, 329.080, 329.085, 329.130, 330.030, 331.030,  
28 332.131, 332.321, 334.530, 334.655, 335.036, 335.066, 335.067,  
29 336.030, 337.020, 337.025, 337.029, 337.033, 337.315, 337.320,  
30 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, 337.718,

1 338.315, 338.330, 338.333, 338.337, 338.340, 344.030, 374.715,  
2 374.784, and 632.005, RSMo, are repealed and ninety-one new  
3 sections enacted in lieu thereof, to be known as sections  
4 285.700, 285.705, 285.710, 285.715, 285.720, 285.725, 285.730,  
5 285.740, 285.750, 324.001, 324.013, 324.046, 324.047, 324.200,  
6 324.205, 324.210, 324.406, 324.409, 324.412, 324.415, 324.421,  
7 324.424, 324.427, 324.430, 324.436, 324.920, 324.925, 324.1108,  
8 327.221, 327.312, 327.313, 327.321, 328.025, 328.080, 329.010,  
9 329.032, 329.033, 329.040, 329.050, 329.060, 329.070, 329.080,  
10 329.085, 329.130, 329.275, 330.030, 331.030, 332.131, 332.321,  
11 334.530, 334.655, 335.036, 335.066, 335.067, 336.030, 337.020,  
12 337.025, 337.029, 337.033, 337.100, 337.105, 337.110, 337.115,  
13 337.120, 337.125, 337.130, 337.135, 337.140, 337.145, 337.150,  
14 337.155, 337.160, 337.165, 337.315, 337.320, 337.507, 337.510,  
15 337.612, 337.618, 337.662, 337.712, 337.718, 338.315, 338.330,  
16 338.333, 338.337, 338.340, 344.030, 374.715, 374.784, and  
17 632.005, to read as follows:

18 285.700. 1. Sections 285.700 to 285.750 shall be known and  
19 may be cited as the "Professional Employer Organization Act".

20 2. The secretary of state or any person designated by the  
21 secretary of state may enforce the provisions of sections 285.700  
22 to 285.750.

23 285.705. As used in sections 285.700 to 285.750, the  
24 following terms mean:

25 (1) "Client", any person who enters into a professional  
26 employer agreement with a PEO;

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

28 (3) "Coemployment relationship", a relationship that is

1 intended to be an ongoing relationship rather than a temporary or  
2 project-specific relationship, wherein the rights, duties, and  
3 obligations of an employer that arise out of an employment  
4 relationship have been allocated between coemployers pursuant to  
5 a professional employer agreement and sections 285.700 to  
6 285.750. In such a coemployment relationship:

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

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

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

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

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

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

27  
28 Individuals who are officers, directors, shareholders, partners,

1 and managers of the client will be covered employees, except to  
2 the extent the PEO and the client have expressly agreed in the  
3 professional employer agreement that such individuals would not  
4 be covered employees, provided such individuals meet the criteria  
5 of this subdivision and act as operational managers or perform  
6 day-to-day operational services for the client;

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

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

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

15 (a) For the coemployment of covered employees;

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

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

21 (8) "Professional employer organization" or "PEO", any  
22 person engaged in the business of providing professional employer  
23 services. A person engaged in the business of providing  
24 professional employer services shall be subject to registration  
25 and regulation under sections 285.700 to 285.750 regardless of  
26 its use of the term or conducting business as a professional  
27 employer organization, staff leasing company, registered staff  
28 leasing company, employee leasing company, administrative

1 employer, or any other name. The following shall not be deemed  
2 to be professional employer organizations or the providing of  
3 professional employment services for the purposes of sections  
4 285.700 to 285.750:

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

10 (b) Independent contractor arrangements by which a person  
11 assumes responsibility for the product produced or service  
12 performed by such person or his or her agents and retains and  
13 exercises primary direction and control over the work performed  
14 by the individuals whose services are supplied under such  
15 arrangements; and

16 (c) Providing temporary help services;

17 (9) "Professional employer services", the service of  
18 entering into coemployment relationships under sections 285.700  
19 to 285.750 in which all or a majority of the employees providing  
20 services to a client or to a division or work unit of a client  
21 are covered employees;

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

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

26 (a) Recruiting and hiring its own employees;

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

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

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

9       285.710. 1. Nothing contained in sections 285.700 to  
10 285.750 or in any professional employer agreement shall affect,  
11 modify, or amend any collective bargaining agreement or the  
12 rights or obligations of any client, PEO, or covered employee  
13 under the federal National Labor Relations Act, the federal  
14 Railway Labor Act, or sections 105.500 to 105.530.

15       2. Nothing in sections 285.700 to 285.750 or in any  
16 professional employer agreement shall:

17       (1) Diminish, abolish, or remove rights of covered  
18 employees to a client or obligations of such client to a covered  
19 employee existing prior to the effective date of a professional  
20 employer agreement;

21       (2) Affect, modify, or amend any contractual relationship  
22 or restrictive covenant between a covered employee and any client  
23 in effect at the time a professional employer agreement becomes  
24 effective. A professional employer agreement shall also not  
25 prohibit or amend any contractual relationship or restrictive  
26 covenant that is entered into subsequently between a client or a  
27 covered employee. A PEO shall have no responsibility or  
28 liability in connection with, or arising out of, any such

1 existing or new contractual relationship or restrictive covenant  
2 unless the PEO has specifically agreed otherwise in writing; or

3 (3) Create any new or additional enforceable right of a  
4 covered employee against a PEO that is not specifically provided  
5 by the professional employer agreement or sections 285.700 to  
6 285.750.

7 3. Nothing contained in sections 285.700 to 285.750 or any  
8 professional employer agreement shall affect, modify, or amend  
9 any state, local, or federal licensing, registration, or  
10 certification requirement applicable to any client or covered  
11 employee.

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

16 5. A PEO shall not be deemed to engage in any occupation,  
17 trade, profession, or other activity that is subject to  
18 licensing, registration, or certification requirements, or is  
19 otherwise regulated by a governmental entity solely by entering  
20 into and maintaining a coemployment relationship with a covered  
21 employee who is subject to such requirements or regulation.

22 6. A client shall have the sole right of direction and  
23 control of the professional or licensed activities of covered  
24 employees and of the client's business. Such covered employees  
25 and clients shall remain subject to regulation by the regulatory  
26 or governmental entity responsible for licensing, registration,  
27 or certification of such covered employees or clients.

28 7. For purposes of the determination of tax credits,

1 economic incentives, or other benefits provided by this state or  
2 any other government entity and based on employment, covered  
3 employees shall be deemed employees solely of the client. A  
4 client shall be entitled to the benefit of any tax credit,  
5 economic incentive, or other benefit arising as the result of the  
6 employment of covered employees of such client. Notwithstanding  
7 that the PEO is the W-2 reporting employer, the client shall  
8 continue to qualify for such benefit, incentive, or credit. If  
9 the grant or amount of any such benefit, incentive, or credit is  
10 based on the number of employees, then each client shall be  
11 treated as employing only those covered employees coemployed by  
12 the client. Covered employees working for other clients of the  
13 PEO shall not be counted. Each PEO shall provide, upon request  
14 by a client or an agency or department of this state, employment  
15 information reasonably required by any agency or department of  
16 this state responsible for administration of any such tax credit,  
17 economic incentive, or other benefit that is necessary to support  
18 any request, claim, application, or other action by a client  
19 seeking any such tax credit, economic incentive, or other  
20 benefit.

21 8. With respect to a bid, contract, purchase order, or  
22 agreement entered into with the state or a political subdivision  
23 of the state, a client company's status or certification as a  
24 minority business enterprise or a women's business enterprise, as  
25 those terms are defined in section 37.020, shall not be affected  
26 because the client company has entered into an agreement with a  
27 PEO or uses the services of a PEO.

28 285.715. 1. Except as otherwise provided in sections

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

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

8 (1) The name or names under which the PEO conducts  
9 business;

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

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

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

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

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

26 (7) A financial statement setting forth the financial  
27 condition of the PEO or PEO group. At the time of application  
28 for a new license, the applicant shall submit the most recent

1 audit of the applicant, which shall not be older than thirteen  
2 months. Thereafter, a PEO or PEO group shall file on an annual  
3 basis, within one hundred eighty days after the end of the PEO's  
4 or PEO group's fiscal year, a succeeding audit. An applicant may  
5 apply for an extension with the secretary of state, but any such  
6 request shall be accompanied by a letter from the auditors  
7 stating the reasons for the delay and the anticipated audit  
8 completion date. The financial statement shall be prepared in  
9 accordance with generally accepted accounting principles and  
10 audited by an independent certified public accountant licensed to  
11 practice in the jurisdiction in which such accountant is located  
12 and shall be without qualification as to the going concern status  
13 of the PEO. A PEO or PEO group may submit combined or  
14 consolidated audited financial statements to meet the  
15 requirements of this section. A PEO that has not had sufficient  
16 operating history to have audited financials based upon at least  
17 twelve months of operating history shall meet the financial  
18 capacity requirements of sections 285.700 to 285.750 and present  
19 financial statements reviewed by a certified public accountant.

20 3. (1) Each PEO operating within this state as of the  
21 effective date of sections 285.700 to 285.750 shall complete its  
22 initial registration not later than one hundred eighty days after  
23 the effective date of sections 285.700 to 285.750. Such initial  
24 registration shall be valid until one hundred eighty days from  
25 the end of the PEO's first fiscal year that is more than one year  
26 after the effective date of sections 285.700 to 285.750.

27 (2) Each PEO not operating within this state as of the  
28 effective date of sections 285.700 to 285.750 shall complete its

1 initial registration prior to initiating operations within this  
2 state. In the event a PEO not registered in this state becomes  
3 aware that an existing client not based in this state has  
4 employees and operations in this state, the PEO shall either  
5 decline to provide PEO services for those employees or notify the  
6 secretary of state within five business days of its knowledge of  
7 this fact and file a limited registration application under  
8 subsection 6 of this section or a full business registration if  
9 there are more than fifty covered employees. The secretary of  
10 state may issue an interim operating permit for the period the  
11 registration applications are pending if the PEO is currently  
12 registered or licensed by another state and the secretary of  
13 state determines it to be in the best interest of the potential  
14 covered employees.

15 4. Within one hundred eighty days after the end of a  
16 registrant's fiscal year, such registrant shall renew its  
17 registration by notifying the secretary of state of any changes  
18 in the information provided in such registrant's most recent  
19 registration or renewal. A registrant's existing registration  
20 shall remain in effect during the pendency of a renewal  
21 application.

22 5. PEOs in a PEO group may satisfy the reporting and  
23 financial requirements of sections 285.700 to 285.750 on a  
24 combined or consolidated basis, provided that each member of the  
25 PEO group guarantees the financial capacity obligations under  
26 sections 285.700 to 285.750 of each other member of the PEO  
27 group. In the case of a PEO or PEO group that submits a combined  
28 or consolidated audited financial statement including entities

1 that are not PEOs or that are not in the PEO group, the  
2 controlling entity of the PEO group under the consolidated or  
3 combined statement shall guarantee the obligations of the PEOs in  
4 the PEO group.

5 6. (1) A PEO is eligible for a limited registration under  
6 sections 285.700 to 285.750 if such PEO:

7 (a) Submits a properly executed request for limited  
8 registration on a form provided by the secretary of state;

9 (b) Is domiciled outside this state and is licensed or  
10 registered as a professional employer organization in another  
11 state;

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

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

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

18 (3) A PEO seeking limited registration under this section  
19 shall provide the secretary of state with information and  
20 documentation necessary to show that the PEO qualifies for a  
21 limited registration.

22 (4) The provisions of section 285.725 shall not apply to  
23 applicants for limited registration.

24 7. The secretary of state shall maintain a list of  
25 professional employer organizations registered under sections  
26 285.700 to 285.750 that is readily available to the public by  
27 electronic or other means.

28 8. The secretary of state may produce forms necessary to

1 promote the efficient administration of this section.

2 9. The secretary of state shall, to the extent practical,  
3 permit the acceptance of electronic filings in conformance with  
4 sections 432.200 to 432.295, including applications, documents,  
5 reports, and other filings required by sections 285.700 to  
6 285.750. The secretary of state may provide for the acceptance  
7 of electronic filings and other assurance by an independent and  
8 qualified assurance organization approved by the secretary of  
9 state that provides satisfactory assurance of compliance  
10 acceptable to the secretary of state consistent with or in lieu  
11 of the requirements of sections 285.715 and 285.725 and other  
12 requirements of sections 285.700 to 285.750. The secretary of  
13 state shall permit a PEO to authorize such an approved assurance  
14 organization to act on the PEO's behalf in complying with the  
15 registration requirements of sections 285.700 to 285.750,  
16 including electronic filings of information and payment of  
17 registration fees. Use of such an approved assurance  
18 organization shall be optional and not mandatory for a  
19 registrant. Nothing in this subsection shall limit or change the  
20 secretary of state's authority to register or terminate  
21 registration of a professional employer organization or to  
22 investigate or enforce any provision of sections 285.700 to  
23 285.750.

24 10. All records, reports, and other information obtained  
25 from a PEO under sections 285.700 to 285.750, except to the  
26 extent necessary for the proper administration of sections  
27 285.700 to 285.750 by the secretary of state, shall be  
28 confidential and shall not be considered a "public record" as

1 that term is defined in section 610.010.

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

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

8 3. The secretary of state shall determine any fee to be  
9 charged for a group registration.

10 4. Each PEO seeking limited registration shall pay a fee in  
11 the amount not to exceed two hundred fifty dollars upon initial  
12 application for limited registration and upon each renewal of  
13 such limited registration.

14 5. No fee charged under sections 285.700 to 285.750 shall  
15 exceed the amount reasonably necessary for the administration of  
16 sections 285.700 to 285.750.

17 285.725. Except as provided by 285.715, each PEO or  
18 collectively each PEO group shall maintain either:

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

23 (2) A PEO or PEO group that does not have positive working  
24 capital may provide a bond, irrevocable letter of credit, or  
25 securities with a minimum market value equaling the deficiency  
26 plus one hundred thousand dollars to the secretary of state.  
27 Such bond is to be held by a depository designated by the  
28 secretary of state securing payment by the PEO of all taxes,

1 wages, benefits, or other entitlement due to or with respect to  
2 covered employees if the PEO does not make such payments when  
3 due.

4 285.730. 1. Except as specifically provided in sections  
5 285.700 to 285.750 or in the professional employer agreement, in  
6 each coemployment relationship:

7 (1) The client shall be entitled to exercise all rights,  
8 and shall be obligated to perform all duties and responsibilities  
9 otherwise applicable to an employer in an employment  
10 relationship;

11 (2) The PEO shall be entitled to exercise only those rights  
12 and obligated to perform only those duties and responsibilities  
13 specifically required under sections 285.700 to 285.750 or set  
14 forth in the professional employer agreement. The rights,  
15 duties, and obligations of the PEO as coemployer with respect to  
16 any covered employee shall be limited to those arising pursuant  
17 to the professional employer agreement and sections 285.700 to  
18 285.750 during the term of coemployment by the PEO of such  
19 covered employee; and

20 (3) Unless otherwise expressly agreed by the PEO and the  
21 client in a professional employer agreement, the client retains  
22 the exclusive right to direct and control the covered employees  
23 as is necessary to conduct the client's business, to discharge  
24 any of the client's fiduciary responsibilities, or to comply with  
25 any licensure requirements applicable to the client or to the  
26 covered employees.

27 2. Except as specifically provided under sections 285.700  
28 to 285.750, the coemployment relationship between the client and

1 the PEO and between each coemployer and each covered employee  
2 shall be governed by the professional employer agreement. Each  
3 professional employer agreement shall include the following:

4 (1) The allocation of rights, duties, and obligations as  
5 described in subsection 1 of this section;

6 (2) A requirement that the PEO shall have responsibility  
7 to:

8 (a) Pay wages to covered employees;

9 (b) Withhold, collect, report, and remit payroll-related  
10 and unemployment taxes; and

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

14  
15 As used in this section, the term "wages" does not include any  
16 obligation between a client and a covered employee for payments  
17 beyond or in addition to the covered employee's salary, draw, or  
18 regular rate of pay, such as bonuses, commissions, severance pay,  
19 deferred compensation, profit sharing, vacation, sick, or other  
20 paid-time off pay, unless the PEO has expressly agreed to assume  
21 liability for such payments in the professional employer  
22 agreement; and

23 (3) A requirement that the PEO shall have a right to hire,  
24 discipline, and terminate a covered employee as may be necessary  
25 to fulfill the PEO's responsibilities under sections 285.700 to  
26 285.750 and the professional employer agreement. The client  
27 shall have a right to hire, discipline, and terminate a covered  
28 employee.

1           3. With respect to each professional employer agreement  
2 entered into by a PEO, such PEO shall provide written notice to  
3 each covered employee affected by such agreement of the general  
4 nature of the coemployment relationship between and among the  
5 PEO, the client, and such covered employee.

6           4. Except to the extent otherwise expressly provided by the  
7 applicable professional employer agreement:

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

11           (2) A client shall be solely responsible for directing,  
12 supervising, training, and controlling the work of the covered  
13 employees with respect to the business activities of the client  
14 and solely responsible for the acts, errors, or omissions of the  
15 covered employees with regard to such activities;

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

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

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

27           (6) A covered employee is not, solely as the result of  
28 being a covered employee of a PEO, an employee of the PEO for

1 purposes of general liability insurance, fidelity bonds, surety  
2 bonds, employer's liability that is not covered by workers'  
3 compensation, or liquor liability insurance carried by the PEO  
4 unless the covered employees are included by specific reference  
5 in the professional employer agreement and applicable prearranged  
6 employment contract, insurance contract, or bond.

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

14 6. For purposes of this state or any county, municipality,  
15 or other political subdivision thereof:

16 (1) Any tax or assessment imposed upon professional  
17 employer services or any business license or other fee that is  
18 based upon "gross receipts" shall allow a deduction from the  
19 gross income or receipts of the business derived from performing  
20 professional employer services that is equal to that portion of  
21 the fee charged to a client that represents the actual cost of  
22 wages and salaries, benefits, payroll taxes, withholding, or  
23 other assessments paid to or on behalf of a covered employee by  
24 the professional employer organization under a professional  
25 employer agreement;

26 (2) Any tax assessed or assessment or mandated expenditure  
27 on a per capita or per employee basis shall be assessed against  
28 the client for covered employees and against the professional

1 employer organization for its employees who are not covered  
2 employees coemployed with a client. Benefits or monetary  
3 consideration that meet the requirements of mandates imposed on a  
4 client and that are received by covered employees through the PEO  
5 either through payroll or through benefit plans sponsored by the  
6 PEO shall be credited against the client's obligation to fulfill  
7 such mandates; and

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

13 285.740. 1. The responsibility to obtain workers'  
14 compensation coverage for covered employees in compliance with  
15 all applicable laws shall be specifically allocated in the  
16 professional employer agreement to either the client or the PEO.

17 2. (1) Coverage for both the directly employed workers of  
18 a client and the covered employees of that client shall be all in  
19 the residual or all in the voluntary market with the same  
20 carrier.

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

23 (a) The client through a standard workers' compensation  
24 policy or through duly authorized self-insurance under section  
25 287.280; or

26 (b) The PEO through duly authorized self insurance under  
27 section 287.280, through the type of policy referenced under the  
28 provisions of 20 CSR 500-6.800(5)(c)2 issued to the PEO by a

1 carrier authorized to do business in this state, or through a  
2 multiple coordinated workers' compensation policy issued by a  
3 carrier authorized to do business in this state in the name of  
4 the PEO or the client.

5  
6 A PEO authorized to self-insure under section 287.280 shall  
7 report to the insurer or the appropriate state and rating  
8 authorities such client-based information as is necessary to  
9 maintain the client's experience rating.

10 (3) Workers' compensation for covered employees in the  
11 residual market may be obtained by the client through a residual  
12 market policy or by the PEO through a multiple coordinated policy  
13 in either the name of the PEO or the client that provides to the  
14 appropriate state and rating authorities the client-based  
15 information satisfactory to maintain the client's experience  
16 rating.

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

27 (1) The client's corporate name;

28 (2) The client's taxpayer or employer identification

1 number;

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

5 (4) Claims information grouped by client, and any other  
6 information maintained by or readily available to the PEO that is  
7 necessary for the calculation of an experience modification  
8 factor for each client.

9 4. In addition to any other provision of chapter 287, any  
10 material violations of this section by a PEO is grounds for  
11 cancellation or nonrenewal of the PEO's insurance policy by the  
12 insurer. If a PEO has received notice that its workers'  
13 compensation insurance policy will be canceled or nonrenewed, the  
14 PEO shall notify by certified mail, within ten days after the  
15 receipt of the notice, all of the clients for which there is a  
16 coemployment relationship covered under the policy to be  
17 canceled, provided that notice shall not be required if the PEO  
18 has obtained another insurance policy from a carrier authorized  
19 to do business in this state, with an effective date that is the  
20 same as the date of cancellation or nonrenewal.

21 5. If the coemployment relationship with a client is  
22 terminated, the client shall utilize an experience modification  
23 factor which reflects its individual experience, including, if  
24 applicable, experience incurred for covered employees under the  
25 professional employer agreement. The PEO shall provide to the  
26 client the client's information that is maintained under  
27 subsection 3 of this section within five business days of  
28 receiving notice from the client or within five business days of

1 providing notice to the client that the coemployment relationship  
2 will terminate. The PEO shall also provide such information to  
3 any future client insurer, if requested by such client. The PEO  
4 shall notify the insurer of its intent to terminate any client  
5 relationship prior to termination when feasible. When prior  
6 notice is not feasible, the PEO shall notify its insurer within  
7 five business days following actual termination.

8 6. Both the client and the PEO shall be considered the  
9 employer for purposes of coverage under chapter 287. The  
10 protection of the exclusive remedy provision under section  
11 287.120 shall apply to the PEO, the client, and to all covered  
12 employees and other employees of the client irrespective of which  
13 coemployer obtains such workers' compensation coverage. Nothing  
14 in this section shall be construed to exempt either the client or  
15 the PEO from compliance with the provisions of chapter 287.

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

20 8. In the case of a request for information by a third  
21 party requesting verification of a client's experience  
22 modification factor for a client in the type of policy referenced  
23 under the provisions of 20 CSR 500-6.800(5)(c)2, the PEO shall,  
24 within five business days of receipt of receiving the client's  
25 consent, provide such third party with only the information  
26 maintained by the PEO under subsection 3 of this section. If a  
27 client refuses to grant consent to a request for information  
28 under this subsection, the PEO shall notify the requesting third

1 party that the client has refused to consent to the disclosure of  
2 the information maintained by the PEO under subsection 3 of this  
3 section.

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

9 10. (1) A client shall notify any prospective insurer of  
10 the client's previous or current relationship with a PEO.  
11 Failure to provide a future insurer with such information shall  
12 be considered a violation of subsection 6 of section 287.128.

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

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

19 285.750. 1. A person shall not knowingly:

20 (1) Offer or provide professional employer services or use  
21 the names PEO, professional employer organization, staff leasing,  
22 employee leasing, administrative employer, or other title  
23 representing professional employer services without first  
24 becoming registered under sections 285.700 to 285.750; or

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

28 2. Disciplinary action shall be taken by the secretary of

1 state for violation of this section for:

2 (1) The conviction of a professional employer organization  
3 or a controlling person of a PEO of a crime that relates to the  
4 operation of a PEO or the ability of the licensee or a  
5 controlling person of a licensee to operate a PEO;

6 (2) Knowingly making a material misrepresentation to the  
7 secretary of state or other governmental agency; or

8 (3) A willful violation of sections 285.700 to 285.750 or  
9 any order issued by the secretary of state under sections 285.700  
10 to 285.750.

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

15 (1) Deny an application for a license;

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

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

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

21 (5) Issue a cease and desist order.

22 324.001. 1. For the purposes of this section, the  
23 following terms mean:

24 (1) "Department", the department of insurance, financial  
25 institutions and professional registration;

26 (2) "Director", the director of the division of  
27 professional registration; and

28 (3) "Division", the division of professional registration.

1           2. There is hereby established a "Division of Professional  
2 Registration" assigned to the department of insurance, financial  
3 institutions and professional registration as a type III  
4 transfer, headed by a director appointed by the governor with the  
5 advice and consent of the senate. All of the general provisions,  
6 definitions and powers enumerated in section 1 of the Omnibus  
7 State Reorganization Act of 1974 and Executive Order 06-04 shall  
8 apply to this department and its divisions, agencies, and  
9 personnel.

10           3. The director of the division of professional  
11 registration shall promulgate rules and regulations which  
12 designate for each board or commission assigned to the division  
13 the renewal date for licenses or certificates. After the initial  
14 establishment of renewal dates, no director of the division shall  
15 promulgate a rule or regulation which would change the renewal  
16 date for licenses or certificates if such change in renewal date  
17 would occur prior to the date on which the renewal date in effect  
18 at the time such new renewal date is specified next occurs. Each  
19 board or commission shall by rule or regulation establish  
20 licensing periods of one, two, or three years. Registration fees  
21 set by a board or commission shall be effective for the entire  
22 licensing period involved, and shall not be increased during any  
23 current licensing period. Persons who are required to pay their  
24 first registration fees shall be allowed to pay the pro rata  
25 share of such fees for the remainder of the period remaining at  
26 the time the fees are paid. Each board or commission shall  
27 provide the necessary forms for initial registration, and  
28 thereafter the director may prescribe standard forms for renewal

1 of licenses and certificates. Each board or commission shall by  
2 rule and regulation require each applicant to provide the  
3 information which is required to keep the board's records  
4 current. Each board or commission shall have the authority to  
5 collect and analyze information required to support workforce  
6 planning and policy development. Such information shall not be  
7 publicly disclosed so as to identify a specific health care  
8 provider, as defined in section 376.1350. Each board or  
9 commission shall issue the original license or certificate.

10 4. The division shall provide clerical and other staff  
11 services relating to the issuance and renewal of licenses for all  
12 the professional licensing and regulating boards and commissions  
13 assigned to the division. The division shall perform the  
14 financial management and clerical functions as they each relate  
15 to issuance and renewal of licenses and certificates. "Issuance  
16 and renewal of licenses and certificates" means the ministerial  
17 function of preparing and delivering licenses or certificates,  
18 and obtaining material and information for the board or  
19 commission in connection with the renewal thereof to include  
20 verifying if the applicant has submitted all required  
21 documentation and that the documentation is legible. It does not  
22 include any discretionary authority with regard to the original  
23 review of an applicant's qualifications for licensure or  
24 certification, or the subsequent review of licensee's or  
25 certificate holder's qualifications, or any disciplinary action  
26 contemplated against the licensee or certificate holder. The  
27 division may develop and implement microfilming systems and  
28 automated or manual management information systems.

1           5. The director of the division shall maintain a system of  
2 accounting and budgeting, in cooperation with the director of the  
3 department, the office of administration, and the state auditor's  
4 office, to ensure proper charges are made to the various boards  
5 for services rendered to them. The general assembly shall  
6 appropriate to the division and other state agencies from each  
7 board's funds moneys sufficient to reimburse the division and  
8 other state agencies for all services rendered and all facilities  
9 and supplies furnished to that board.

10           6. For accounting purposes, the appropriation to the  
11 division and to the office of administration for the payment of  
12 rent for quarters provided for the division shall be made from  
13 the "Professional Registration Fees Fund", which is hereby  
14 created, and is to be used solely for the purpose defined in  
15 subsection 5 of this section. The fund shall consist of moneys  
16 deposited into it from each board's fund. Each board shall  
17 contribute a prorated amount necessary to fund the division for  
18 services rendered and rent based upon the system of accounting  
19 and budgeting established by the director of the division as  
20 provided in subsection 5 of this section. Transfers of funds to  
21 the professional registration fees fund shall be made by each  
22 board on July first of each year; provided, however, that the  
23 director of the division may establish an alternative date or  
24 dates of transfers at the request of any board. Such transfers  
25 shall be made until they equal the prorated amount for services  
26 rendered and rent by the division. The provisions of section  
27 33.080 to the contrary notwithstanding, money in this fund shall  
28 not be transferred and placed to the credit of general revenue.

1           7. The director of the division shall be responsible for  
2 collecting and accounting for all moneys received by the division  
3 or its component agencies. Any money received by a board or  
4 commission shall be promptly given, identified by type and  
5 source, to the director. The director shall keep a record by  
6 board and state accounting system classification of the amount of  
7 revenue the director receives. The director shall promptly  
8 transmit all receipts to the department of revenue for deposit in  
9 the state treasury to the credit of the appropriate fund. The  
10 director shall provide each board with all relevant financial  
11 information in a timely fashion. Each board shall cooperate with  
12 the director by providing necessary information.

13           8. All educational transcripts, test scores, complaints,  
14 investigatory reports, and information pertaining to any person  
15 who is an applicant or licensee of any agency assigned to the  
16 division of professional registration by statute or by the  
17 department are confidential and may not be disclosed to the  
18 public or any member of the public, except with the written  
19 consent of the person whose records are involved. The agency  
20 which possesses the records or information shall disclose the  
21 records or information if the person whose records or information  
22 is involved has consented to the disclosure. Each agency is  
23 entitled to the attorney-client privilege and work-product  
24 privilege to the same extent as any other person. Provided,  
25 however, that any board may disclose confidential information  
26 without the consent of the person involved in the course of  
27 voluntary interstate exchange of information, or in the course of  
28 any litigation concerning that person, or pursuant to a lawful

1 request, or to other administrative or law enforcement agencies  
2 acting within the scope of their statutory authority.

3 Information regarding identity, including names and addresses,  
4 registration, and currency of the license of the persons  
5 possessing licenses to engage in a professional occupation and  
6 the names and addresses of applicants for such licenses is not  
7 confidential information.

8 9. Any deliberations conducted and votes taken in rendering  
9 a final decision after a hearing before an agency assigned to the  
10 division shall be closed to the parties and the public. Once a  
11 final decision is rendered, that decision shall be made available  
12 to the parties and the public.

13 10. A compelling governmental interest shall be deemed to  
14 exist for the purposes of section 536.025 for licensure fees to  
15 be reduced by emergency rule, if the projected fund balance of  
16 any agency assigned to the division of professional registration  
17 is reasonably expected to exceed an amount that would require  
18 transfer from that fund to general revenue.

19 11. (1) The following boards and commissions are assigned  
20 by specific type transfers to the division of professional  
21 registration: Missouri state board of accountancy, chapter 326;  
22 board of cosmetology and barber examiners, chapters 328 and 329;  
23 Missouri board for architects, professional engineers,  
24 professional land surveyors and landscape architects, chapter  
25 327; Missouri state board of chiropractic examiners, chapter 331;  
26 state board of registration for the healing arts, chapter 334;  
27 Missouri dental board, chapter 332; state board of embalmers and  
28 funeral directors, chapter 333; state board of optometry, chapter

1 336; Missouri state board of nursing, chapter 335; board of  
2 pharmacy, chapter 338; state board of podiatric medicine, chapter  
3 330; Missouri real estate appraisers commission, chapter 339; and  
4 Missouri veterinary medical board, chapter 340. The governor  
5 shall appoint members of these boards by and with the advice and  
6 consent of the senate.

7 (2) The boards and commissions assigned to the division  
8 shall exercise all their respective statutory duties and powers,  
9 except those clerical and other staff services involving  
10 collecting and accounting for moneys and financial management  
11 relating to the issuance and renewal of licenses, which services  
12 shall be provided by the division, within the appropriation  
13 therefor. Nothing herein shall prohibit employment of  
14 professional examining or testing services from professional  
15 associations or others as required by the boards or commissions  
16 on contract. Nothing herein shall be construed to affect the  
17 power of a board or commission to expend its funds as  
18 appropriated. However, the division shall review the expense  
19 vouchers of each board. The results of such review shall be  
20 submitted to the board reviewed and to the house and senate  
21 appropriations committees annually.

22 (3) Notwithstanding any other provisions of law, the  
23 director of the division shall exercise only those management  
24 functions of the boards and commissions specifically provided in  
25 the Reorganization Act of 1974, and those relating to the  
26 allocation and assignment of space, personnel other than board  
27 personnel, and equipment.

28 (4) "Board personnel", as used in this section or chapters

1 317, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337,  
2 338, 339, 340, and 345, shall mean personnel whose functions and  
3 responsibilities are in areas not related to the clerical duties  
4 involving the issuance and renewal of licenses, to the collecting  
5 and accounting for moneys, or to financial management relating to  
6 issuance and renewal of licenses; specifically included are  
7 executive secretaries (or comparable positions), consultants,  
8 inspectors, investigators, counsel, and secretarial support staff  
9 for these positions; and such other positions as are established  
10 and authorized by statute for a particular board or commission.  
11 Boards and commissions may employ legal counsel, if authorized by  
12 law, and temporary personnel if the board is unable to meet its  
13 responsibilities with the employees authorized above. Any board  
14 or commission which hires temporary employees shall annually  
15 provide the division director and the appropriation committees of  
16 the general assembly with a complete list of all persons employed  
17 in the previous year, the length of their employment, the amount  
18 of their remuneration, and a description of their  
19 responsibilities.

20 (5) Board personnel for each board or commission shall be  
21 employed by and serve at the pleasure of the board or commission,  
22 shall be supervised as the board or commission designates, and  
23 shall have their duties and compensation prescribed by the board  
24 or commission, within appropriations for that purpose, except  
25 that compensation for board personnel shall not exceed that  
26 established for comparable positions as determined by the board  
27 or commission pursuant to the job and pay plan of the department  
28 of insurance, financial institutions and professional

1 registration. Nothing herein shall be construed to permit  
2 salaries for any board personnel to be lowered except by board  
3 action.

4 12. All the powers, duties, and functions of the division  
5 of athletics, chapter 317, and others, are assigned by type I  
6 transfer to the division of professional registration.

7 13. Wherever the laws, rules, or regulations of this state  
8 make reference to the division of professional registration of  
9 the department of economic development, such references shall be  
10 deemed to refer to the division of professional registration.

11 14. (1) The state board of nursing, board of pharmacy,  
12 Missouri dental board, state committee of psychologists, state  
13 board of chiropractic examiners, state board of optometry,  
14 Missouri board of occupational therapy, or state board of  
15 registration for the healing arts may individually or  
16 collectively enter into a contractual agreement with the  
17 department of health and senior services, a public institution of  
18 higher education, or a nonprofit entity for the purpose of  
19 collecting and analyzing workforce data from its licensees,  
20 registrants, or permit holders for future workforce planning and  
21 to assess the accessibility and availability of qualified health  
22 care services and practitioners in Missouri. The boards shall  
23 work collaboratively with other state governmental entities to  
24 ensure coordination and avoid duplication of efforts.

25 (2) The boards may expend appropriated funds necessary for  
26 operational expenses of the program formed under this subsection.  
27 Each board is authorized to accept grants to fund the collection  
28 or analysis authorized in this subsection. Any such funds shall

1 be deposited in the respective board's fund.

2 (3) Data collection shall be controlled and approved by the  
3 applicable state board conducting or requesting the collection.  
4 Notwithstanding the provisions of sections 324.010 and 334.001,  
5 the boards may release identifying data to the contractor to  
6 facilitate data analysis of the health care workforce including,  
7 but not limited to, geographic, demographic, and practice or  
8 professional characteristics of licensees. The state board shall  
9 not request or be authorized to collect income or other financial  
10 earnings data.

11 (4) Data collected under this subsection shall be deemed  
12 the property of the state board requesting the data. Data shall  
13 be maintained by the state board in accordance with chapter 610,  
14 provided that any information deemed closed or confidential under  
15 subsection 8 of this section or any other provision of state law  
16 shall not be disclosed without consent of the applicable licensee  
17 or entity or as otherwise authorized by law. Data shall only be  
18 released in an aggregate form by geography, profession or  
19 professional specialization, or population characteristic in a  
20 manner that cannot be used to identify a specific individual or  
21 entity. Data suppression standards shall be addressed and  
22 established in the contractual agreement.

23 (5) Contractors shall maintain the security and  
24 confidentiality of data received or collected under this  
25 subsection and shall not use, disclose, or release any data  
26 without approval of the applicable state board. The contractual  
27 agreement between the applicable state board and contractor shall  
28 establish a data release and research review policy to include

1 legal and institutional review board, or agency-equivalent,  
2 approval.

3 (6) Each board may promulgate rules subject to the  
4 provisions of this subsection and chapter 536 to effectuate and  
5 implement the workforce data collection and analysis authorized  
6 by this subsection. Any rule or portion of a rule, as that term  
7 is defined in section 536.010, that is created under the  
8 authority delegated in this section shall become effective only  
9 if it complies with and is subject to all of the provisions of  
10 chapter 536 and, if applicable, section 536.028. This section  
11 and chapter 536 are nonseverable and if any of the powers vested  
12 with the general assembly under chapter 536 to review, to delay  
13 the effective date, or to disapprove and annul a rule are  
14 subsequently held unconstitutional, then the grant of rulemaking  
15 authority and any rule proposed or adopted after August 28, 2016,  
16 shall be invalid and void.

17 324.013. 1. For purposes of this section, the following  
18 terms mean:

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

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

25 2. An oversight body shall not deny any person eighteen  
26 years of age or older a license on the basis of age unless the  
27 license enables a person to operate a school bus owned by or  
28 under contract with a public school or the state board of

1 education, transport hazardous material, use explosives, or  
2 engage in any activity associated with gaming.

3 324.046. 1. For the purposes of this section, the term  
4 "health care professional" shall mean a physician, other health  
5 care practitioner, or mental health professional licensed,  
6 accredited, or certified by the state of Missouri to perform  
7 specified health services.

8 2. Any health care professional in the state of Missouri  
9 may annually complete training in the areas of suicide  
10 assessment, referral, treatment, and management, which may  
11 qualify as part of the continuing education requirements for his  
12 or her licensure.

13 324.047. 1. The purpose of this section is to promote  
14 general welfare by establishing guidelines for the regulation of  
15 occupations and professions not regulated prior to January 1,  
16 2019, and guidelines for combining any additional occupations or  
17 professions under a single license regulated by the state prior  
18 to January 1, 2019.

19 2. For purposes of this section, the following terms mean:

20 (1) "Applicant group", any occupational or professional  
21 group or organization, any individual, or any other interested  
22 party that seeks to be licensed or further regulated or supports  
23 any bill that proposes to combine any additional occupations or  
24 professions under a single license regulated by the state prior  
25 to January 1, 2019;

26 (2) "Certification", a program in which the government  
27 grants nontransferable recognition to an individual who meets  
28 personal qualifications established by a regulatory entity. Upon

1 approval, the individual may use "certified" as a designated  
2 title. This term shall not be synonymous with an occupational  
3 license;

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

6 (4) "Director", the director of the division of  
7 professional registration;

8 (5) "Division", the division of professional registration;

9 (6) "General welfare", the concern of the government for  
10 the health, peace, morality, and safety of its residents;

11 (7) "Lawful occupation", a course of conduct, pursuit, or  
12 profession that includes the sale of goods or services that are  
13 not themselves illegal to sell irrespective of whether the  
14 individual selling them is subject to an occupational regulation;

15 (8) "Least restrictive type of occupational regulation",  
16 the regulation that is least restrictive, in which the following  
17 list of regulations in order from least to most restrictive is  
18 used to make such determination:

19 (a) Bonding or insurance;

20 (b) Registration;

21 (c) Certification;

22 (d) Occupational license;

23 (9) "Occupational license", a nontransferable authorization  
24 in law for an individual to perform a lawful occupation for  
25 compensation based on meeting personal qualifications established  
26 by a regulatory entity and that, if not possessed, prohibits the  
27 individual from performing the occupation for compensation;

28 (10) "Occupational regulation", a statute, ordinance, rule,

1 practice, policy, or other law requiring an individual to possess  
2 certain personal qualifications to work in a lawful occupation;

3 (11) "Personal qualifications", criteria related to an  
4 individual's personal background, including completion of an  
5 approved educational program, satisfactory performance on an  
6 examination, work experience, criminal history, and completion of  
7 continuing education;

8 (12) "Practitioner", an individual who has achieved  
9 knowledge and skill by practice and is actively engaged in a  
10 specified occupation or profession;

11 (13) "Registration", a requirement established by the  
12 general assembly in which an individual:

13 (a) Submits notification to a state agency; and

14 (b) May use "registered" as a designated title.

15  
16 Notification may include the individual's name and address, the  
17 individual's agent for service of process, the location of the  
18 activity to be performed, and a description of the service the  
19 individual provides. Registration may include a requirement to  
20 post a bond but does not include education or experience  
21 requirements. If the requirement of registration is not met, the  
22 individual is prohibited from performing the occupation for  
23 compensation or using "registered" as a designated title. The  
24 term "registration" shall not be synonymous with an occupational  
25 license;

26 (14) "Regulatory entity", any board, commission, agency,  
27 division, or other unit or subunit of state government that  
28 regulates one or more professions, occupations, industries,

1 businesses, or other endeavors in this state;

2 (15) "State agency", every state office, department, board,  
3 commission, regulatory entity, and agency of the state. The term  
4 "state agency" includes, if provided by law, programs and  
5 activities involving less than the full responsibility of a state  
6 agency;

7 (16) "Substantial burden", a requirement in an occupational  
8 regulation that imposes significant difficulty or cost on an  
9 individual seeking to enter into or continue in a lawful  
10 occupation and is more than an incidental burden.

11 3. All individuals may engage in the occupation of their  
12 choice, free from unreasonable government regulation. The state  
13 shall not impose a substantial burden on an individual's pursuit  
14 of his or her occupation or profession unless there is a  
15 reasonable interest for the state to protect the general welfare.  
16 If such an interest exists, the regulation adopted by the state  
17 shall be the least restrictive type of occupational regulation  
18 consistent with the public interest to be protected.

19 4. All bills introduced in the general assembly to  
20 regulate, pursuant to subsection 6 of this section, an occupation  
21 or profession shall be reviewed according to the following  
22 criteria. An occupation or profession shall be regulated by the  
23 state if:

24 (1) Unregulated practice could cause harm and endanger the  
25 general welfare, and the potential for further harm and  
26 endangerment is recognizable;

27 (2) The public can reasonably be expected to benefit from  
28 an assurance of personal qualifications; and

1       (3) The general welfare cannot be sufficiently protected by  
2 other means.

3       5. After evaluating the criteria in subdivision (3) of this  
4 subsection and considering governmental, economic, and societal  
5 costs and benefits, if the general assembly finds that the state  
6 has a reasonable interest in regulating, pursuant to subsection 6  
7 of this section, an occupation or profession not previously  
8 regulated by law, the most efficient form of regulation shall be  
9 implemented, consistent with this section and with the need to  
10 protect the general welfare, as follows:

11       (1) If the threat to the general welfare resulting from the  
12 practitioner's services is easily predictable, the regulation  
13 shall implement a system of insurance, bonding, or registration;

14       (2) If the consumer has challenges accessing credentialing  
15 information or possesses significantly less information on how to  
16 report abuses such that the practitioner puts the consumer in a  
17 disadvantageous position relative to the practitioner to judge  
18 the quality of the practitioner's services, the regulation shall  
19 implement a system of certification; and

20       (3) If other regulatory structures, such as bonding,  
21 insurance, registration, and certification, insufficiently  
22 protect the general welfare from recognizable harm, the  
23 regulation shall implement a system of licensing.

24       6. After January 1, 2019, any relevant regulatory entity  
25 shall report, and the department shall make available to the  
26 general assembly, upon the filing of a bill that proposes  
27 additional regulation of a profession or occupation currently  
28 regulated by the regulatory entity, the following factors to the

1 department:

2 (1) A description of the professional or occupational group  
3 proposed for expansion of regulation, including the number of  
4 individuals or business entities that would be subject to  
5 regulation to the extent that such information is available; the  
6 names and addresses of associations, organizations, and other  
7 groups representing the practitioners; and an estimate of the  
8 number of practitioners in each group;

9 (2) Whether practice of the profession or occupation  
10 proposed for expansion of regulation requires such a specialized  
11 skill that the public is not qualified to select a competent  
12 practitioner without assurances that minimum qualifications have  
13 been met;

14 (3) The nature and extent of potential harm to the public  
15 if the profession or occupation is not regulated as described in  
16 the bill, the extent to which there is a threat to the general  
17 welfare, and production of evidence of potential harm, including  
18 a description of any complaints filed with state law enforcement  
19 authorities, courts, departmental agencies, professional or  
20 occupational boards, and professional and occupational  
21 associations that have been lodged against practitioners of the  
22 profession or occupation in this state within the past five  
23 years. Notwithstanding the provisions of this section or any  
24 other section, the relevant regulatory entity shall provide, and  
25 the department shall make available to the general assembly, the  
26 information relating to such complaints even if the information  
27 is considered a closed record or otherwise confidential; except  
28 that, the regulatory entity and the department shall redact names

1 and other personally identifiable information from the  
2 information released;

3 (4) A description of the voluntary efforts made by  
4 practitioners of the profession or occupation to protect the  
5 public through self-regulation, private certifications,  
6 membership in professional or occupational associations, or  
7 academic credentials and a statement of why these efforts are  
8 inadequate to protect the public;

9 (5) The extent to which expansion of regulation of the  
10 profession or occupation will increase the cost of goods or  
11 services provided by practitioners and the overall cost-  
12 effectiveness and economic impact of the proposed regulation,  
13 including the direct cost to the government and the indirect  
14 costs to consumers;

15 (6) The extent to which expansion of regulation of the  
16 profession or occupation would increase or decrease the  
17 availability of services to the public;

18 (7) The extent to which existing legal remedies are  
19 inadequate to prevent or redress the kinds of harm potentially  
20 resulting from the lack of the requirements outlined in the bill;

21 (8) Why bonding and insurance, registration, certification,  
22 occupational license to practice, or another type of regulation  
23 is being proposed, why that regulatory alternative was chosen,  
24 and whether the proposed method of regulation is appropriate;

25 (9) A list of other states that regulate the profession or  
26 occupation, the type of regulation, copies of other states' laws,  
27 and available evidence from those states of the effect of  
28 regulation on the profession or occupation in terms of a

1 before-and-after analysis;

2 (10) The details of any previous efforts in this state to  
3 implement regulation of the profession or occupation;

4 (11) Whether the proposed requirements for regulation  
5 exceed the national industry standards of minimal competence, if  
6 such standards exist, and what those standards are if they exist;  
7 and

8 (12) The method proposed to finance the proposed regulation  
9 and financial data pertaining to whether the proposed regulation  
10 can be reasonably financed by current or proposed licensees  
11 through dedicated revenue mechanisms.

12 7. If no existing regulatory entity regulates the  
13 occupation or profession to be regulated in the bill, the  
14 department shall report and make available to the general  
15 assembly, upon the filing of a bill after January 1, 2019, that  
16 proposes new regulation of a profession or occupation, the  
17 following factors:

18 (1) A description of the professional or occupational group  
19 proposed for regulation, including the number of individuals or  
20 business entities that would be subject to regulation to the  
21 extent that such information is available; the names and  
22 addresses of associations, organizations, and other groups  
23 representing the practitioners; and an estimate of the number of  
24 practitioners in each group;

25 (2) The nature and extent of potential harm to the public  
26 if the profession or occupation is not regulated, the extent to  
27 which there is a threat to the general welfare, and production of  
28 evidence of potential harm, including a description of any

1 complaints filed with state law enforcement authorities, courts,  
2 departmental agencies, professional or occupational boards, and  
3 professional and occupational associations that have been lodged  
4 against practitioners of the profession or occupation in this  
5 state within the past five years. Notwithstanding the provisions  
6 of this section or any other section, the department shall  
7 release the information relating to such complaints even if the  
8 information is considered a closed record or otherwise  
9 confidential; except that, the department shall redact names and  
10 other personally identifiable information from the information  
11 released;

12 (3) A list of other states that regulate the profession or  
13 occupation, the type of regulation, copies of other states' laws,  
14 and available evidence from those states of the effect of  
15 regulation on the profession or occupation in terms of a  
16 before-and-after analysis;

17 (4) The details of any previous efforts in this state to  
18 implement regulation of the profession or occupation; and

19 (5) Whether the proposed requirements for regulation exceed  
20 the national industry standards of minimal competence, if such  
21 standards exist, and what those standards are if they exist.

22 8. After January 1, 2019, applicant groups may report to  
23 the department, and the department shall make available to the  
24 general assembly, any of the information required in subsection 6  
25 or 7 of this section and whether the profession or occupation  
26 plans to apply for mandated benefits.

27 324.200. 1. Sections 324.200 to 324.225 shall be known and  
28 may be cited as the "Dietitian Practice Act".

1           2. As used in sections 324.200 to 324.225, the following  
2 terms shall mean:

3           (1) "~~Commission on Accreditation for Dietetics Education~~  
4 ~~(CADE)", the American Dietetic Association's]~~ Accreditation  
5 Council for Education in Nutrition and Dietetics" or "ACEND", the  
6 Academy of Nutrition and Dietetics accrediting agency for  
7 education programs preparing students for professions as  
8 registered dietitians;

9           (2) "Committee", the state committee of dietitians  
10 established in section 324.203;

11           (3) "Dietetics practice", the application of principles  
12 derived from integrating knowledge of food, nutrition,  
13 biochemistry, physiology, management, and behavioral and social  
14 science to achieve and maintain the health of people by providing  
15 nutrition assessment and nutrition care services. The primary  
16 function of dietetic practice is the provision of nutrition care  
17 services that shall include, but not be limited to:

18           (a) Assessing the nutrition needs of individuals and groups  
19 and determining resources and constraints in the practice  
20 setting;

21           (b) Establishing priorities, goals, and objectives that  
22 meet nutrition needs and are consistent with available resources  
23 and constraints;

24           (c) Providing nutrition counseling or education in health  
25 and disease;

26           (d) Developing, implementing, and managing nutrition care  
27 systems;

28           (e) Evaluating, making changes in, and maintaining

1 appropriate standards of quality and safety in food and in  
2 nutrition services;

3 (f) Engaged in medical nutritional therapy as defined in  
4 subdivision (8) of this section;

5 (4) "Dietitian", one engaged in dietetic practice as  
6 defined in subdivision (3) of this section;

7 (5) "Director", the director of the division of  
8 professional registration;

9 (6) "Division", the division of professional registration;

10 (7) "Licensed dietitian", a person who is licensed pursuant  
11 to the provisions of sections 324.200 to 324.225 to engage in the  
12 practice of dietetics or medical nutrition therapy;

13 (8) "Medical nutrition therapy", nutritional diagnostic,  
14 therapy, and counseling services which are furnished by a  
15 registered dietitian or registered dietitian nutritionist;

16 (9) "Registered dietitian" or "registered dietitian  
17 nutritionist", a person who:

18 (a) Has completed a minimum of a baccalaureate degree  
19 granted by a United States regionally accredited college or  
20 university or foreign equivalent;

21 (b) Completed the academic requirements of a didactic  
22 program in dietetics, as approved by ~~[CADE]~~ ACEND;

23 (c) Successfully completed the registration examination for  
24 dietitians; and

25 (d) Accrued seventy-five hours of approved continuing  
26 professional units every five years; as determined by the  
27 committee on dietetic registration.

28 324.205. 1. Any person who holds a license to practice

1 dietetics in this state may use the title "Dietitian" or the  
2 abbreviation "L.D." or "L.D.N.". No other person may use the  
3 title "Dietitian" or the abbreviation "L.D." or "L.D.N.". No  
4 other person shall assume any title or use any title or use any  
5 abbreviation or any other words, letters, signs, or devices to  
6 indicate that the person using the same is a licensed dietitian.

7 2. No person shall practice or offer to practice dietetics  
8 in this state for compensation or use any title, sign,  
9 abbreviation, card, or device to indicate that such person is  
10 practicing dietetics unless he or she has been duly licensed  
11 pursuant to the provisions of sections 324.200 to 324.225.

12 3. Any person who violates the provisions of subsection 1  
13 of this section is guilty of a class A misdemeanor.

14 324.210. 1. An applicant for licensure as a dietitian  
15 shall be at least twenty-one years of age.

16 2. Each applicant shall furnish evidence to the committee  
17 that:

18 (1) The applicant has completed a didactic program in  
19 dietetics which is approved or accredited by the [~~commission on~~  
20 ~~accreditation for dietetics education~~] Accreditation Council for  
21 Education in Nutrition and Dietetics and a minimum of a  
22 baccalaureate degree from an acceptable educational institution  
23 accredited by a regional accrediting body or accredited by an  
24 accrediting body which has been approved by the United States  
25 Department of Education. Applicants who have obtained their  
26 education outside of the United States and its territories must  
27 have their academic degrees validated as equivalent to the  
28 baccalaureate or master's degree conferred by a regionally

1 accredited college or university in the United States.

2 Validation of a foreign degree does not eliminate the need for a  
3 verification statement of completion of a didactic program in  
4 dietetics;

5 (2) The applicant has completed a supervised practice  
6 requirement from an institution that is certified by a nationally  
7 recognized professional organization as having a dietetics  
8 specialty or who meets criteria for dietetics education  
9 established by the committee. The committee may specify those  
10 professional organization certifications which are to be  
11 recognized and may set standards for education training and  
12 experience required for those without such specialty  
13 certification to become dietitians.

14 3. The applicant shall successfully pass an examination as  
15 determined by the committee and possess a current registration  
16 with the Commission on Dietetic Registration. The committee may  
17 waive the examination requirement and grant licensure to an  
18 applicant for a license as a dietitian who presents satisfactory  
19 evidence to the committee of current registration as a dietitian  
20 with the commission on dietetic registration.

21 4. Prior to July 1, 2000, a person may apply for licensure  
22 without examination and shall be exempt from the academic  
23 requirements of this section if the committee is satisfied that  
24 the applicant has a bachelor's degree in a program approved by  
25 the committee and has work experience approved by the committee.

26 5. The committee may determine the type of documentation  
27 needed to verify that an applicant meets the qualifications  
28 provided in subsection 3 of this section.

1           324.406. 1. There is hereby created within the division of  
2 professional registration a council to be known as the "Interior  
3 Design Council". The council shall consist of four interior  
4 designers and one public member appointed by the ~~governor with~~  
5 ~~the advice and consent of the senate~~ director of the division.  
6 The ~~governor~~ director shall give due consideration to the  
7 recommendations by state organizations of the interior design  
8 profession for the appointment of the interior design members to  
9 the council. Council members shall be appointed to serve a term  
10 of four years; except that of the members first appointed, one  
11 interior design member and the public member shall be appointed  
12 for terms of four years, one member shall be appointed for a term  
13 of three years, one member shall be appointed for a term of two  
14 years and one member shall be appointed for a term of one year.  
15 No member of the council shall serve more than two terms.

16           2. Each council member, other than the public member, shall  
17 be a citizen of the United States, a resident of the state of  
18 Missouri for at least one year, meet the qualifications for  
19 professional registration, practice interior design as the  
20 person's principal livelihood and, except for the first members  
21 appointed, be registered pursuant to sections 324.400 to 324.439  
22 as an interior designer.

23           3. The public member shall be, at the time of such person's  
24 appointment, a citizen of the United States, a registered voter,  
25 a person who is not and never was a member of the profession  
26 regulated by sections 324.400 to 324.439 or the spouse of such a  
27 person and a person who does not have and never has had a  
28 material financial interest in the providing of the professional

1 services regulated by sections 324.400 to 324.439. The duties of  
2 the public member shall not include the determination of the  
3 technical requirements for the registration of persons as  
4 interior designers.

5 4. The provisions of section 324.028 pertaining to ~~[public]~~  
6 members of certain state boards and commissions shall apply to  
7 ~~[the public member]~~ all members of the council.

8 ~~[4.]~~ 5. Members of the council may be removed from office  
9 for cause. Upon the death, resignation or removal from office of  
10 any member of the council, the appointment to fill the vacancy  
11 shall be for the unexpired portion of the term so vacated and  
12 shall be filled in the same manner as the first appointment and  
13 due notice be given to the state organizations of the interior  
14 design profession prior to the appointment.

15 ~~[5.]~~ 6. Each member of the council may receive as  
16 compensation an amount set by the division not to exceed fifty  
17 dollars per day and shall be reimbursed for the member's  
18 reasonable and necessary expenses incurred in the official  
19 performance of the member's duties as a member of the council.  
20 The director shall establish by rule guidelines for payment.

21 ~~[6.]~~ 7. The council shall meet at least twice each year and  
22 guide, advise, and make recommendations to the division on  
23 matters within the scope of sections 324.400 to 324.439. The  
24 organization of the council shall be established by the members  
25 of the council.

26 ~~[7. The council may sue and be sued as the interior design~~  
27 ~~council and the council members need not be named as parties.~~  
28 ~~Members of the council shall not be personally liable either~~

1 ~~jointly or severally for any act committed in the performance of~~  
2 ~~their official duties as council members. No council member~~  
3 ~~shall be personally liable for any costs which accrue in any~~  
4 ~~action by or against the council.]~~

5 324.409. 1. To be a registered interior designer, a  
6 person:

7 (1) Shall take and pass or have passed the examination  
8 administered by the National Council for Interior Design  
9 Qualification or an equivalent examination approved by the  
10 ~~[council]~~ division. In addition to proof of passage of the  
11 examination, the application shall provide substantial evidence  
12 to the ~~[council]~~ division that the applicant:

13 (a) Is a graduate of a five-year or four-year interior  
14 design program from an accredited institution and has completed  
15 at least two years of diversified and appropriate interior design  
16 experience; or

17 (b) Has completed at least three years of an interior  
18 design curriculum from an accredited institution and has  
19 completed at least three years of diversified and appropriate  
20 interior design experience; or

21 (c) Is a graduate of a two-year interior design program  
22 from an accredited institution and has completed at least four  
23 years of diversified and appropriate interior design experience;  
24 or

25 (2) May qualify who is currently registered pursuant to  
26 sections 327.091 to 327.171, and section 327.401 pertaining to  
27 the practice of architecture and registered with the ~~[council]~~  
28 division. Such applicant shall give authorization to the

1 ~~[council]~~ division in order to verify current registration with  
2 sections 327.091 to 327.171 and section 327.401 pertaining to the  
3 practice of architecture.

4 2. ~~[Verification of experience required pursuant to this  
5 section shall be based on a minimum of two client references,  
6 business or employment verification and three industry  
7 references, submitted to the council.]~~

8 ~~—3.]~~ The ~~[council]~~ division shall verify if an applicant has  
9 complied with the provisions of this section and has paid the  
10 required fees, then the ~~[council]~~ division shall recommend such  
11 applicant be registered as a registered interior designer by the  
12 ~~[council]~~ division.

13 324.412. ~~[1.]~~ The division shall:

14 (1) Employ, within the limits of the appropriations for  
15 that purpose, such employees as are necessary to carry out the  
16 provisions of sections 324.400 to 324.439;

17 (2) Exercise all budgeting, purchasing, reporting and other  
18 related management functions~~[-~~

19 ~~—2. The council shall:]~~;

20 ~~[-1-]~~ (3) Recommend prosecution for violations of sections  
21 324.400 to 324.439 to the appropriate prosecuting or circuit  
22 attorney;

23 ~~[-2-]~~ (4) Promulgate such rules and regulations as are  
24 necessary to administer the provisions of sections 324.400 to  
25 324.439. Any rule or portion of a rule, as that term is defined  
26 in section 536.010, that is promulgated to administer and enforce  
27 sections 324.400 to 324.439, shall become effective only if the  
28 agency has fully complied with all of the requirements of chapter

1 536, including but not limited to, section 536.028, if  
2 applicable, after August 28, 1998. If the provisions of section  
3 536.028 apply, the provisions of this section are nonseverable  
4 and if any of the powers vested with the general assembly  
5 pursuant to section 536.028 to review, to delay the effective  
6 date, or to disapprove and annul a rule or portion of a rule are  
7 held unconstitutional or invalid, the purported grant of  
8 rulemaking authority and any rule so proposed and contained in  
9 the order of rulemaking shall be invalid and void, except that  
10 nothing in this section shall affect the validity of any rule  
11 adopted and promulgated prior to August 28, 1998.

12 324.415. Applications for registration as a registered  
13 interior designer shall be typewritten on forms prescribed by the  
14 ~~[council]~~ division and furnished to the applicant. The  
15 application shall contain the applicant's statements showing the  
16 applicant's education, experience, results of previous interior  
17 design certification, registration or licensing examinations, if  
18 any, and such other pertinent information as the ~~[council]~~  
19 division may require, or architect's registration number and such  
20 other pertinent information as the ~~[council]~~ division may  
21 require. Each application shall contain a statement that is made  
22 under oath or affirmation and that the representations are true  
23 and correct to the best knowledge and belief of the person  
24 signing the application. The person shall be subject to the  
25 penalties for making a false affidavit or declaration and shall  
26 be accompanied by the required fee.

27 324.421. The ~~[council]~~ division shall register without  
28 examination any interior designer certified, licensed or

1 registered in another state or territory of the United States or  
2 foreign country if the applicant has qualifications which are at  
3 least equivalent to the requirements for registration as a  
4 registered interior designer in this state and such applicant  
5 pays the required fees.

6 324.424. 1. The [~~council~~] division shall set the amount of  
7 the fees authorized by sections 324.400 to 324.439 by rules and  
8 regulations. The fees shall be set at a level to produce revenue  
9 which shall not substantially exceed the cost and expense of  
10 administering sections 324.400 to 324.439. All fees required  
11 pursuant to sections 324.400 to 324.439 shall be paid to and  
12 collected by the division of professional registration and  
13 transmitted to the department of revenue for deposit in the state  
14 treasury to the credit of the "Interior Designer Council Fund",  
15 which is hereby created.

16 2. Notwithstanding the provisions of section 33.080 to the  
17 contrary, money in the fund shall not be transferred and placed  
18 to the credit of general revenue until the amount in the fund at  
19 the end of the biennium exceeds three times the amount of the  
20 appropriation to the council for the preceding fiscal year. The  
21 amount, if any, in the fund which shall lapse is the amount in  
22 the fund which exceeds the appropriate multiple of the  
23 appropriations to the council for the preceding fiscal year.

24 324.427. It is unlawful for any person to advertise or  
25 indicate to the public that the person is a registered interior  
26 designer in this state, unless such person is registered as a  
27 registered interior designer by the [~~council~~] division and is in  
28 good standing pursuant to sections 324.400 to 324.439.

1           324.430. No person may use the designation registered  
2 interior designer in Missouri, unless the [~~council~~] division has  
3 issued a current certificate of registration certifying that the  
4 person has been duly registered as a registered interior designer  
5 in Missouri and unless such registration has been renewed or  
6 reinstated as provided in section 324.418.

7           324.436. 1. The [~~council~~] division may refuse to issue any  
8 certificate required pursuant to sections 324.400 to 324.439, or  
9 renew or reinstate any such certificate, for any one or any  
10 combination of the reasons stated in subsection 2 of this  
11 section. The [~~council~~] division shall notify the applicant in  
12 writing of the reasons for the refusal and shall advise the  
13 applicant of the person's right to file a complaint with the  
14 administrative hearing commission as provided in chapter 621.

15           2. The [~~council~~] division may cause a complaint to be filed  
16 with the administrative hearing commission as provided by chapter  
17 621 against any holder of a certificate of registration required  
18 by sections 324.400 to 324.439 or any person who has failed to  
19 renew or has surrendered the person's certificate of registration  
20 for any one or combination of the following reasons:

21           (1) The person has been finally adjudicated and found  
22 guilty, or entered a plea of guilty or nolo contendere, in a  
23 criminal prosecution under the laws of this state or any other  
24 state or of the United States, for any offense reasonably related  
25 to the qualifications, functions or duties of the profession  
26 regulated by sections 324.400 to 324.439; for any offense for  
27 which an essential element is fraud, dishonesty or an act of  
28 violence; or for a felony, whether or not sentence is imposed;

1           (2) Use of fraud, deception, misrepresentation or bribery  
2 in securing any certificate of registration issued pursuant to  
3 sections 324.400 to 324.439 or in obtaining permission to take  
4 any examination given or required pursuant to sections 324.400 to  
5 324.439;

6           (3) Obtaining or attempting to obtain any fee, charge,  
7 tuition or other compensation by fraud, deception or  
8 misrepresentation;

9           (4) Incompetency, misconduct, gross negligence, fraud,  
10 misrepresentation or dishonesty in the performance of the  
11 functions or duties of the profession regulated by sections  
12 324.400 to 324.439;

13           (5) Violation of, or assisting or enabling any person to  
14 violate, any provision of sections 324.400 to 324.439, or of any  
15 lawful rule or regulation adopted pursuant to such sections;

16           (6) Impersonation of any person holding a certificate of  
17 registration or authority, permit or license or allowing any  
18 person to use the person's certificate or diploma from any  
19 school;

20           (7) Disciplinary action against the holder of a certificate  
21 of registration or other right to perform the profession  
22 regulated by sections 324.400 to 324.439 granted by another  
23 state, territory, federal agency or country upon grounds for  
24 which revocation or suspension is authorized in this state;

25           (8) A person is finally adjudged insane or incompetent by a  
26 court of competent jurisdiction;

27           (9) Issuance of a certificate of registration based upon a  
28 material mistake of fact;

1           (10) Use of any advertisement or solicitation which is  
2 false, misleading or deceptive to the general public or persons  
3 to whom the advertisement or solicitation is primarily directed,  
4 as it relates to the interior design profession.

5           3. After the filing of a complaint pursuant to subsection 2  
6 of this section, the proceedings shall be conducted in accordance  
7 with the provisions of chapter 536 and chapter 621. Upon a  
8 finding by the administrative hearing commission that the  
9 grounds, provided in subsection 2 of this section, for  
10 disciplinary action are met, the ~~[council]~~ division shall censure  
11 or place the person named in the complaint on probation for a  
12 period not to exceed five years or may suspend the person's  
13 certificate for a period not to exceed three years or may revoke  
14 the person's certificate of registration.

15           324.920. 1. The applicant for a statewide electrical  
16 contractor's license shall satisfy the following requirements:

17           (1) ~~[Be at least twenty one years of age;~~  
18 ~~—(2)]~~ Provide proof of liability insurance in the amount of  
19 five hundred thousand dollars, and post a bond with each  
20 political subdivision in which he or she will perform work, as  
21 required by that political subdivision;

22           ~~[(3)]~~ (2) Pass a standardized and nationally accredited  
23 electrical assessment examination that has been created and  
24 administered by a third party and that meets current national  
25 industry standards, as determined by the division;

26           ~~[(4)]~~ (3) Pay for the costs of such examination; and

27           ~~[(5)]~~ (4) Have completed one of the following:

28           (a) Twelve thousand verifiable practical hours installing

1 equipment and associated wiring;

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

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

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

12 2. Electrical contractors who hold an electrical contractor  
13 or master electrician occupational or business license ~~[in good~~  
14 ~~standing that was]~~ issued by any ~~[authority]~~ political  
15 subdivision in this state ~~[that required prior to January 1,~~  
16 ~~2018, the passing of a]~~ shall be eligible for a statewide license  
17 if the applicant:

18 (1) Provides evidence of having passed a standardized ~~[and~~  
19 ~~nationally accredited]~~ written electrical assessment examination  
20 that is based upon the National Electrical Code and administered  
21 by an independent competent professional testing agency not  
22 affiliated with a political subdivision or the state of Missouri;  
23 ~~[and who have completed]~~

24 (2) Provides evidence of twelve thousand hours of  
25 verifiable practical experience ~~[shall be issued a statewide~~  
26 ~~license]~~ or evidence of having been licensed by any Missouri  
27 political subdivision that requires examination as specified in  
28 subdivision (1) of this subsection as an electrical contractor or

1 master electrician for six of the previous eight calendar years;

2 (3) Provides proof of insurance as required by this  
3 chapter; and

4 (4) Provides proof that the local license was current and  
5 active and not subject to discipline on the date the applicant  
6 applied for a statewide license.

7  
8 The provisions of this subsection shall apply only to electrical  
9 contractor licenses issued by a political subdivision with the  
10 legal authority to issue such licenses.

11 3. ~~Each~~ If a corporation, firm, institution,  
12 organization, company, or representative thereof ~~engaging~~  
13 desires to engage in electrical contracting licensed under this  
14 chapter, then it shall have in its employ, at a supervisory  
15 level, at least one electrical contractor who possesses a  
16 statewide license in accordance with sections 324.900 to 324.945.  
17 A statewide licensed electrical contractor shall represent only  
18 one firm, company, corporation, institution, or organization at  
19 one time.

20 4. Any person operating as an electrical contractor in a  
21 political subdivision that does not require the contractor to  
22 hold a local license, or that operates as an electrical  
23 contractor in a political subdivision that requires a local  
24 license possessed by that person, shall not be required to  
25 possess a statewide license under sections 324.900 to 324.945 to  
26 continue to operate as an electrical contractor in such political  
27 subdivision.

28 5. The division may negotiate reciprocal agreements with

1 other states, the District of Columbia, or territories of the  
2 United States which require standards for licensure,  
3 registration, or certification considered to be equivalent or  
4 more stringent than the requirements for licensure under sections  
5 324.900 to 324.945.

6 324.925. 1. Political subdivisions shall not be prohibited  
7 from establishing their own local electrical contractor's  
8 license, but shall recognize a statewide license in lieu of a  
9 local license for the purposes of performing contracting work or  
10 obtaining permits to perform work within such political  
11 subdivision. No political subdivision shall require the holder  
12 of a statewide license to obtain a local business or occupation  
13 license that requires passing of any examination or any special  
14 requirements to assess proficiency or mastery of the electrical  
15 trades. The holder of a statewide license shall be deemed  
16 eligible to perform electrical contracting work and to obtain  
17 permits to perform said work from any political subdivision  
18 within the state of Missouri.

19 2. If a political subdivision does not recognize a  
20 statewide license in lieu of a local license for the purposes of  
21 performing contracting work or obtaining permits to perform work  
22 within the political subdivision, then a statewide licensee may  
23 file a complaint with the division. The division shall perform  
24 an investigation into the complaint, and if the division finds  
25 that the political subdivision failed to recognize a statewide  
26 license in accordance with this section, then the division shall  
27 notify the political subdivision that the political subdivision  
28 has violated the provisions of this section and has thirty days

1 to comply with the law. If after thirty days the political  
2 subdivision still does not recognize a statewide license, then  
3 the division shall notify the director of the department of  
4 revenue who shall withhold any moneys the noncompliant political  
5 subdivision would otherwise be entitled to from local sales tax  
6 as defined in section 32.085 until the director has received  
7 notice from the division that the political subdivision is in  
8 compliance with this section. Upon the political subdivision  
9 coming into compliance with the provisions of this section, the  
10 division shall notify the director of the department of revenue  
11 who shall disburse all funds held under this subsection. Moneys  
12 held by the director of the department of revenue under this  
13 subsection shall not be deemed to be state funds and shall not be  
14 commingled with any funds of the state.

15 3. The provisions of this section shall not prohibit any  
16 political subdivision in this state from:

- 17 (1) Enforcing any code or law contained in this section;
- 18 (2) Implementing an electrical code based upon the National  
19 Electrical Code;
- 20 (3) Issuing an electrical contractor license or  
21 communication contractor license valid for that political  
22 subdivision;
- 23 (4) Requiring a business license to perform electrical  
24 contracting work;
- 25 (5) Issuing electrical contracting permits;
- 26 (6) Enforcing codes of the political subdivision;
- 27 (7) Inspecting the work of a statewide license holder; and
- 28 (8) Licensing electricians provided that such licenses are

1 based upon professional experience and passage of a nationally  
2 accredited Electrical Assessment Examination that is administered  
3 on a routine and accessible schedule.

4 4. Political subdivisions that do not have the authority to  
5 issue or require electrical licenses prior to August 28, 2017,  
6 shall not be granted such authority under the provisions of this  
7 section.

8 324.1108. 1. Every person desiring to be licensed in this  
9 state as a private investigator, private investigator agency,  
10 private fire investigator, or private fire investigator agency  
11 shall make application therefor to the board. An application for  
12 a license under the provisions of sections 324.1100 to 324.1148  
13 shall be on a form prescribed by the board and accompanied by the  
14 required application fee. An application shall be verified and  
15 shall include:

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

17 (2) The name under which the applicant intends to conduct  
18 business;

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

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

23 (5) Two recent photographs of the applicant, of a type  
24 prescribed by the board, and two classifiable sets of the  
25 applicant's fingerprints processed in a manner approved by the  
26 Missouri state highway patrol, central repository, under section  
27 43.543;

28 (6) A verified statement of the applicant's experience

1 qualifications; and

2 (7) Such other information, evidence, statements, or  
3 documents as may be required by the board.

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

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

7 ~~(2)]~~ Be a citizen of the United States;

8 ~~[(3)]~~ (2) Provide proof of liability insurance with amount  
9 to be no less than two hundred fifty thousand dollars in coverage  
10 and proof of workers' compensation insurance if required under  
11 chapter 287. The board shall have the authority to raise the  
12 requirements as deemed necessary; and

13 ~~[(4)]~~ (3) Comply with such other qualifications as the  
14 board adopts by rules and regulations.

15 327.221. Any person may apply to the board for licensure as  
16 a professional engineer ~~[who is over the age of twenty-one,]~~ who  
17 is of good moral character, and who is a graduate of and holds a  
18 degree in engineering from an accredited school of engineering,  
19 or who possesses an education which includes at the minimum a  
20 baccalaureate degree in engineering, and which in the opinion of  
21 the board, equals or exceeds the education received by a graduate  
22 of an accredited school, and has acquired at least four years of  
23 satisfactory engineering experience, after such person has  
24 graduated and has received a degree or education as provided in  
25 this section; provided that the board shall by rule provide what  
26 shall constitute satisfactory engineering experience based upon  
27 recognized education and training equivalents, but in any event  
28 such rule shall provide that no more than one year of

1 satisfactory postgraduate work in engineering subjects and that  
2 each year of satisfactory teaching of engineering subjects  
3 accomplished after a person has graduated from and has received a  
4 degree from an accredited school of engineering or after  
5 receiving an education as provided in this section shall count as  
6 equivalent years of satisfactory engineering experience.

7 327.312. 1. Any person may apply to the board for  
8 enrollment as a land surveyor-in-training [~~who is over the age of~~  
9 ~~twenty-one,~~] who is of good moral character, who is a high school  
10 graduate, or who holds a Missouri certificate of high school  
11 equivalence (GED), and either:

12 (1) Has graduated and received a baccalaureate degree in an  
13 approved curriculum as defined by board regulation which shall  
14 include at least twelve semester hours of approved surveying  
15 course work as defined by board regulation of which at least two  
16 semester hours shall be in the legal aspects of boundary  
17 surveying; or

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

27 (3) Has passed at least twelve semester hours of approved  
28 surveying course work as defined by board regulation of which at

1 least two semester hours shall be in legal aspects of land  
2 surveying and in addition thereto has at least two years of  
3 combined professional office and field experience in land  
4 surveying projects under the immediate personal supervision of a  
5 professional land surveyor. Pursuant to this provision, not more  
6 than one year of satisfactory postsecondary education work shall  
7 count as equivalent years of satisfactory land surveying work as  
8 aforementioned.

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

13 327.313. Applications for enrollment as a land  
14 surveyor-in-training shall be typewritten on prescribed forms  
15 furnished to the applicant. The application shall contain  
16 applicant's statements showing the applicant's education,  
17 experience, and such other pertinent information as the board may  
18 require [~~, including but not limited to three letters of~~  
19 ~~reference, one of which shall be from a professional land~~  
20 ~~surveyor who has personal knowledge of the applicant's land~~  
21 ~~surveying education or experience] . Each application shall  
22 contain a statement that it is made under oath or affirmation and  
23 that the representations are true and correct to the best  
24 knowledge and belief of the applicant, subject to the penalties  
25 of making a false affidavit or declaration and shall be  
26 accompanied by the required fee.~~

27 327.321. Applications for licensure as a professional land  
28 surveyor shall be typewritten on prescribed forms furnished to

1 the applicant. The application shall contain the applicant's  
2 statements showing the applicant's education, experience, results  
3 of prior land surveying examinations, if any, and such other  
4 pertinent information as the board may require [~~, including but~~  
5 ~~not limited to three letters of reference from professional land~~  
6 ~~surveyors with personal knowledge of the experience of the~~  
7 ~~applicant's land surveying education or experience~~]. Each  
8 application shall contain a statement that it is made under oath  
9 or affirmation and that its representations are true and correct  
10 to the best knowledge and belief of the person signing same,  
11 subject to the penalties of making a false affidavit or  
12 declaration and shall be accompanied by the required fee.

13 328.025. If a license issued under this chapter has been  
14 destroyed, lost, mutilated beyond practical usage, or was never  
15 received, the licensee shall obtain a duplicate license from the  
16 board by appearing in person at the board's office or mailing, by  
17 certified mail, return receipt requested, a notarized affidavit  
18 stating that the license has been destroyed, lost, mutilated  
19 beyond practical usage, or was never received.

20 328.080. 1. Any person desiring to practice barbering in  
21 this state shall make application for a license to the board and  
22 shall pay the required barber examination fee.

23 2. The board shall examine each qualified applicant and,  
24 upon successful completion of the examination and payment of the  
25 required license fee, shall issue the applicant a license  
26 authorizing him or her to practice the occupation of barber in  
27 this state. The board shall admit an applicant to the  
28 examination, if it finds that he or she:

1 (1) Is seventeen years of age or older [~~and of good moral~~  
2 ~~character~~];

3 (2) Is free of contagious or infectious diseases that are  
4 capable of being transmitted during the ordinary course of  
5 business for a person licensed under this chapter;

6 (3) Has studied for at least one thousand hours in a period  
7 of not less than six months in a properly appointed and conducted  
8 barber school under the direct supervision of a licensed  
9 instructor; or, if the applicant is an apprentice, the applicant  
10 shall have served and completed no less than two thousand hours  
11 under the direct supervision of a licensed barber apprentice  
12 supervisor;

13 (4) Is possessed of requisite skill in the trade of  
14 barbering to properly perform the duties thereof, including the  
15 preparation of tools, shaving, haircutting and all the duties and  
16 services incident thereto; and

17 (5) Has sufficient knowledge of the common diseases of the  
18 face and skin to avoid the aggravation and spread thereof in the  
19 practice of barbering.

20 3. The board shall be the judge of whether the barber  
21 school, the barber apprenticeship, or college is properly  
22 appointed and conducted under proper instruction to give  
23 sufficient training in the trade.

24 4. The sufficiency of the qualifications of applicants  
25 shall be determined by the board.

26 [~~5. For the purposes of meeting the minimum requirements~~  
27 ~~for examination, the apprentice training shall be recognized by~~  
28 ~~the board for a period not to exceed five years.]~~

1           329.010. As used in this chapter, unless the context  
2 clearly indicates otherwise, the following words and terms mean:

3           (1) "Accredited school of cosmetology or school of  
4 manicuring", an establishment operated for the purpose of  
5 teaching cosmetology as defined in this section and meeting the  
6 criteria set forth under 34 C.F.R. Part 600, sections 600.1 and  
7 600.2;

8           (2) "Apprentice" or "student", a person who is engaged in  
9 training within a cosmetology establishment or school, and while  
10 so training performs any of the practices of the classified  
11 occupations within this chapter under the immediate direction and  
12 supervision of a licensed cosmetologist or instructor;

13           (3) "Board", the state board of cosmetology and barber  
14 examiners;

15           (4) "Cosmetologist", any person who, for compensation,  
16 engages in the practice of cosmetology, as defined in subdivision  
17 (5) of this section;

18           (5) "Cosmetology" includes performing or offering to engage  
19 in any acts of the classified occupations of cosmetology for  
20 compensation, which shall include:

21           (a) "Class CH - hairdresser" includes arranging, dressing,  
22 curling, singeing, waving, permanent waving, cleansing, cutting,  
23 bleaching, tinting, coloring or similar work upon the hair of any  
24 person by any means; or removing superfluous hair from the body  
25 of any person by means other than electricity, or any other means  
26 of arching or tinting eyebrows or tinting eyelashes. Class CH -  
27 hairdresser also includes any person who either with the person's  
28 hands or with mechanical or electrical apparatuses or appliances,

1 or by the use of cosmetic preparations, antiseptics, tonics,  
2 lotions or creams engages for compensation in any one or any  
3 combination of the following: massaging, cleaning, stimulating,  
4 manipulating, exercising, beautifying or similar work upon the  
5 scalp, face, neck, arms or bust;

6 (b) "Class MO - manicurist" includes cutting, trimming,  
7 polishing, coloring, tinting, cleaning or otherwise beautifying a  
8 person's fingernails, applying artificial fingernails, massaging,  
9 cleaning a person's hands and arms; pedicuring, which includes  
10 cutting, trimming, polishing, coloring, tinting, cleaning or  
11 otherwise beautifying a person's toenails, applying artificial  
12 toenails, massaging and cleaning a person's legs and feet;

13 (c) "Class CA - hairdressing and manicuring" includes all  
14 practices of cosmetology, as defined in paragraphs (a) and (b) of  
15 this subdivision;

16 (d) "Class E - estheticians" includes the use of  
17 mechanical, electrical apparatuses or appliances, or by the use  
18 of cosmetic preparations, antiseptics, tonics, lotions or creams,  
19 not to exceed ten percent phenol, engages for compensation,  
20 either directly or indirectly, in any one, or any combination, of  
21 the following practices: massaging, cleansing, stimulating,  
22 manipulating, exercising, beautifying or similar work upon the  
23 scalp, face, neck, ears, arms, hands, bust, torso, legs or feet  
24 and removing superfluous hair by means other than electric needle  
25 or any other means of arching or tinting eyebrows or tinting  
26 eyelashes, of any person;

27 (6) "Cosmetology establishment", that part of any building  
28 wherein or whereupon any of the classified occupations are

1 practiced including any space rented within a licensed  
2 establishment by a person licensed under this chapter, for the  
3 purpose of rendering cosmetology services;

4 (7) "Cross-over license", a license that is issued to any  
5 person who has met the licensure and examination requirements for  
6 both barbering and cosmetology;

7 (8) "Hair braider", any person who, for compensation,  
8 engages in the practice of hair braiding;

9 (9) "Hair braiding", in accordance with the requirements of  
10 section 329.275, the use of techniques that result in tension on  
11 hair strands or roots by twisting, wrapping, waving, extending,  
12 locking, or braiding of the hair by hand or mechanical device,  
13 but does not include the application of dyes, reactive chemicals,  
14 or other preparations to alter the color of the hair or to  
15 straighten, curl, or alter the structure of the hair;

16 (10) "Hairdresser", any person who, for compensation,  
17 engages in the practice of cosmetology as defined in paragraph  
18 (a) of subdivision (5) of this section;

19 [~~(9)~~] (11) "Instructor", any person who is licensed to  
20 teach cosmetology or any practices of cosmetology pursuant to  
21 this chapter;

22 [~~(10)~~] (12) "Manicurist", any person who, for compensation,  
23 engages in any or all of the practices in paragraph (b) of  
24 subdivision (5) of this section;

25 [~~(11)~~] (13) "Parental consent", the written informed  
26 consent of a minor's parent or legal guardian that must be  
27 obtained prior to providing body waxing on or near the genitalia;

28 [~~(12)~~] (14) "School of cosmetology" or "school of

1 manicuring", an establishment operated for the purpose of  
2 teaching cosmetology as defined in subdivision (5) of this  
3 section.

4 329.032. 1. Nothing in this chapter shall apply to  
5 hairdressing, manicuring, or facial treatments given in the home  
6 to members of a person's family or friends for which no charge is  
7 made.

8 2. Nothing in this chapter or chapter 328, except for the  
9 provisions of sections 329.010 and 329.275, shall apply to  
10 persons engaged in the practice of hair braiding who have met the  
11 requirements in section 329.275.

12 329.033. If a license issued under this chapter has been  
13 destroyed, lost, mutilated beyond practical usage, or was never  
14 received, the licensee shall obtain a duplicate license from the  
15 board by appearing in person at the board's office or mailing, by  
16 certified mail, return receipt requested, a notarized affidavit  
17 stating that the license has been destroyed, lost, mutilated  
18 beyond practical usage, or was never received.

19 329.040. 1. Any person ~~[of]~~ in good ~~[moral character]~~

20 standing with the board may make application to the board for a  
21 license to own a school of cosmetology on a form provided upon  
22 request by the board. Every school of cosmetology in which any  
23 of the classified occupations of cosmetology are taught shall be  
24 required to obtain a license from the board prior to opening.  
25 The license shall be issued upon approval of the application by  
26 the board, the payment of the required fees, and the applicant  
27 meets other requirements provided in this chapter. The license  
28 shall be kept posted in plain view within the school at all

1 times.

2 2. A school license renewal fee shall be due on or before  
3 the renewal date of any school license issued pursuant to this  
4 section. If the school license renewal fee is not paid on or  
5 before the renewal date, a late fee shall be added to the regular  
6 school license fee.

7 3. No school of cosmetology shall be granted a license  
8 pursuant to this chapter unless it:

9 (1) Employs and has present in the school a competent  
10 licensed instructor for every twenty-five students in attendance  
11 for a given class period and one to ten additional students may  
12 be in attendance with the assistance of an instructor trainee.  
13 One instructor is authorized to teach up to three instructor  
14 trainees immediately after being granted an instructor's license;

15 (2) Requires all students to be enrolled in a course of  
16 study of no less than three hours per day and no more than twelve  
17 hours per day with a weekly total that is no less than fifteen  
18 hours and no more than seventy-two hours;

19 (3) Requires for the classified occupation of  
20 cosmetologist, the course of study shall be no less than one  
21 thousand five hundred hours or, for a student in public  
22 vocational/technical school no less than one thousand two hundred  
23 twenty hours; provided that, a school may elect to base the  
24 course of study on credit hours by applying the credit hour  
25 formula in Subpart A of Part 668 of Section 668.8 of Title 34 of  
26 the Code of Federal Regulations, as amended. The student must  
27 earn a minimum of one hundred and sixty hours or equivalent  
28 credits of classroom training before the student may perform any

1 of the acts of the classified occupation of cosmetology on any  
2 patron or customer of the school of cosmetology;

3 (4) Requires for the classified occupation of manicurist,  
4 the course of study shall be no less than four hundred hours or  
5 the credit hours determined by the formula in Subpart A of Part  
6 668 of Section 668.8 of Title 34 of the Code of Federal  
7 Regulations, as amended. The student must earn a minimum of  
8 fifty hours or equivalent credits of classroom training before  
9 the student may perform any of the acts of the classified  
10 occupation of manicurist on any patron or customer of the school  
11 of cosmetology;

12 (5) Requires for the classified occupation of esthetician,  
13 the course of study shall be no less than seven hundred fifty  
14 hours or the credit hours determined by the formula in Subpart A  
15 of Part 668 of Section 668.8 of Title 34 of the Code of Federal  
16 Regulations, as amended. The student shall earn a minimum of  
17 seventy-five hours or equivalent credits of classroom training  
18 before the student may perform any of the acts of the classified  
19 occupation of esthetics on any patron or customer of the school  
20 of cosmetology or an esthetics school.

21 4. The subjects to be taught for the classified occupation  
22 of cosmetology shall be as follows and the hours required for  
23 each subject shall be not less than those contained in this  
24 subsection or the credit hours determined by the formula in  
25 Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of  
26 Federal Regulations, as amended:

27 (1) Shampooing of all kinds, forty hours;

28 (2) Hair coloring, bleaches and rinses, one hundred thirty

1 hours;

2 (3) Hair cutting and shaping, one hundred thirty hours;

3 (4) Permanent waving and relaxing, one hundred twenty-five  
4 hours;

5 (5) Hairsetting, pin curls, fingerwaves, thermal curling,  
6 two hundred twenty-five hours;

7 (6) Combouts and hair styling techniques, one hundred five  
8 hours;

9 (7) Scalp treatments and scalp diseases, thirty hours;

10 (8) Facials, eyebrows and arches, forty hours;

11 (9) Manicuring, hand and arm massage and treatment of  
12 nails, one hundred ten hours;

13 (10) Cosmetic chemistry, twenty-five hours;

14 (11) Salesmanship and shop management, ten hours;

15 (12) Sanitation and sterilization, thirty hours;

16 (13) Anatomy, twenty hours;

17 (14) State law, ten hours;

18 (15) Curriculum to be defined by school, not less than four  
19 hundred seventy hours.

20 5. The subjects to be taught for the classified occupation  
21 of manicurist shall be as follows and the hours required for each  
22 subject shall be not less than those contained in this subsection  
23 or the credit hours determined by the formula in Subpart A of  
24 Part 668 of Section 668.8 of Title 34 of the Code of Federal  
25 Regulations, as amended:

26 (1) Manicuring, hand and arm massage and treatment of  
27 nails, two hundred twenty hours;

28 (2) Salesmanship and shop management, twenty hours;

- 1 (3) Sanitation and sterilization, twenty hours;
- 2 (4) Anatomy, ten hours;
- 3 (5) State law, ten hours;
- 4 (6) Study of the use and application of certain chemicals,
- 5 forty hours; and
- 6 (7) Curriculum to be defined by school, not less than
- 7 eighty hours.

8 6. The subjects to be taught for the classified occupation  
9 of esthetician shall be as follows, and the hours required for  
10 each subject shall not be less than those contained in this  
11 subsection or the credit hours determined by the formula in  
12 Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of  
13 Federal Regulations, as amended:

- 14 (1) Facials, cleansing, toning, massaging, one hundred
- 15 twenty hours;
- 16 (2) Makeup application, all phases, one hundred hours;
- 17 (3) Hair removal, thirty hours;
- 18 (4) Body treatments, aromatherapy, wraps, one hundred
- 19 twenty hours;
- 20 (5) Reflexology, thirty-five hours;
- 21 (6) Cosmetic sciences, structure, condition, disorder,
- 22 eighty-five hours;
- 23 (7) Cosmetic chemistry, products and ingredients,
- 24 seventy-five hours;
- 25 (8) Salon management and salesmanship, fifty-five hours;
- 26 (9) Sanitation and sterilization, safety, forty-five hours;
- 27 (10) State law, ten hours; and
- 28 (11) Curriculum to be defined by school, not less than

1 seventy-five hours.

2 7. Training for all classified occupations shall include  
3 practical demonstrations, written and/or oral tests, and  
4 practical instruction in sanitation, sterilization and the use of  
5 antiseptics, cosmetics and electrical appliances consistent with  
6 the practical and theoretical requirements as applicable to the  
7 classified occupations as provided in this chapter.

8 8. No school of cosmetology shall operate within this state  
9 unless a proper license pursuant to this chapter has first been  
10 obtained.

11 9. Nothing contained in this chapter shall prohibit a  
12 licensee within a cosmetology establishment from teaching any of  
13 the practices of the classified occupations for which the  
14 licensee has been licensed for not less than two years in the  
15 licensee's regular course of business, if the owner or manager of  
16 the business does not hold himself or herself out as a school and  
17 does not hire or employ or personally teach regularly at any one  
18 and the same time, more than one apprentice to each licensee  
19 regularly employed within the owner's business, not to exceed one  
20 apprentice per establishment, and the owner, manager, or trainer  
21 does not accept any fee for instruction.

22 10. Each licensed school of cosmetology shall provide a  
23 minimum of two thousand square feet of floor space, adequate  
24 rooms and equipment, including lecture and demonstration rooms,  
25 lockers, an adequate library and two restrooms. The minimum  
26 equipment requirements shall be: six shampoo bowls, ten hair  
27 dryers, two master dustproof and sanitary cabinets, wet  
28 sterilizers, and adequate working facilities for twenty students.

1           11. Each licensed school of cosmetology for manicuring only  
2 shall provide a minimum of one thousand square feet of floor  
3 space, adequate room for theory instruction, adequate equipment,  
4 lockers, an adequate library, two restrooms and a clinical  
5 working area for ten students. Minimum floor space requirement  
6 proportionately increases with student enrollment of over ten  
7 students.

8           12. Each licensed school of cosmetology for esthetics only  
9 shall provide a minimum of one thousand square feet of floor  
10 space, adequate room for theory instruction, adequate equipment,  
11 lockers, an adequate library, two restrooms and a clinical  
12 working area for ten students. Minimum floor space requirement  
13 increases fifty square feet per student with student enrollment  
14 of over ten.

15           13. No school of cosmetology may have a greater number of  
16 students enrolled and scheduled to be in attendance for a given  
17 class period than the total floor space of that school will  
18 accommodate. Floor space required per student shall be no less  
19 than fifty square feet per additional student beyond twenty  
20 students for a school of cosmetology, beyond ten students for a  
21 school of manicuring and beyond ten students for a school of  
22 esthetics.

23           14. Each applicant for a new school shall file a written  
24 application with the board upon a form approved and furnished  
25 upon request by the board. The applicant shall include a list of  
26 equipment, the proposed curriculum, and the name and  
27 qualifications of any and all of the instructors.

28           15. Each school shall display in a conspicuous place,

1 visible upon entry to the school, a sign stating that all  
2 cosmetology services in this school are performed by students who  
3 are in training.

4 16. Any student who wishes to remain in school longer than  
5 the required training period may make application for an  
6 additional training license and remain in school. A fee is  
7 required for such additional training license.

8 17. All contractual fees that a student owes to any  
9 cosmetology school shall be paid before such student may be  
10 allowed to apply for any examination required to be taken by an  
11 applicant applying for a license pursuant to the provisions of  
12 this chapter.

13 329.050. 1. Applicants for examination or licensure  
14 pursuant to this chapter shall possess the following  
15 qualifications:

16 (1) They ~~【must be persons of good moral character,】~~ shall  
17 provide documentation of successful completion of courses  
18 approved by the board, have an education equivalent to the  
19 successful completion of the tenth grade, and be at least  
20 seventeen years of age;

21 (2) If the applicants are apprentices, they shall have  
22 served and completed, as an apprentice under the supervision of a  
23 licensed cosmetologist, the time and studies required by the  
24 board which shall be no less than three thousand hours for  
25 cosmetologists, and no less than eight hundred hours for  
26 manicurists and no less than fifteen hundred hours for esthetics.  
27 However, when the classified occupation of manicurist is  
28 apprenticed in conjunction with the classified occupation of

1 cosmetologist, the apprentice shall be required to successfully  
2 complete an apprenticeship of no less than a total of three  
3 thousand hours;

4 (3) If the applicants are students, they shall have had the  
5 required time in a licensed school of no less than one thousand  
6 five hundred hours training or the credit hours determined by the  
7 formula in Subpart A of Part 668 of Section 668.8 of Title 34 of  
8 the Code of Federal Regulations, as amended, for the  
9 classification of cosmetologist, with the exception of public  
10 vocational technical schools in which a student shall complete no  
11 less than one thousand two hundred twenty hours training. All  
12 students shall complete no less than four hundred hours or the  
13 credit hours determined by the formula in Subpart A of Part 668  
14 of Section 668.8 of Title 34 of the Code of Federal Regulations,  
15 as amended, for the classification of manicurist. All students  
16 shall complete no less than seven hundred fifty hours or the  
17 credit hours determined by the formula in Subpart A of Part 668  
18 of Section 668.8 of Title 34 of the Code of Federal Regulations,  
19 as amended, for the classification of esthetician. However, when  
20 the classified occupation of manicurist is taken in conjunction  
21 with the classified occupation of cosmetologist, the student  
22 shall not be required to serve the extra four hundred hours or  
23 the credit hours determined by the formula in Subpart A of Part  
24 668 of Section 668.8 of Title 34 of the Code of Federal  
25 Regulations, as amended, otherwise required to include manicuring  
26 of nails; and

27 (4) They shall have passed an examination to the  
28 satisfaction of the board.

1           2. A person may apply to take the examination required by  
2 subsection 1 of this section if the person is a graduate of a  
3 school of cosmetology or apprentice program in another state or  
4 territory of the United States which has substantially the same  
5 requirements as an educational establishment licensed pursuant to  
6 this chapter. A person may apply to take the examination  
7 required by subsection 1 of this section if the person is a  
8 graduate of an educational establishment in a foreign country  
9 that provides training for a classified occupation of  
10 cosmetology, as defined by section 329.010, and has educational  
11 requirements that are substantially the same requirements as an  
12 educational establishment licensed under this chapter. The board  
13 has sole discretion to determine the substantial equivalency of  
14 such educational requirements. The board may require that  
15 transcripts from foreign schools be submitted for its review, and  
16 the board may require that the applicant provide an approved  
17 English translation of such transcripts.

18           3. Each application shall contain a statement that, subject  
19 to the penalties of making a false affidavit or declaration, the  
20 application is made under oath or affirmation and that its  
21 representations are true and correct to the best knowledge and  
22 belief of the person signing the application.

23           4. The sufficiency of the qualifications of applicants  
24 shall be determined by the board, but the board may delegate this  
25 authority to its executive director subject to such provisions as  
26 the board may adopt.

27           5. ~~For the purpose of meeting the minimum requirements for~~  
28 ~~examination, training completed by a student or apprentice shall~~

1 ~~be recognized by the board for a period of no more than five~~  
2 ~~years from the date it is received.] Applications for~~  
3 ~~examination or licensure may be denied if the applicant has~~  
4 ~~pleaded guilty to, entered a plea of nolo contendere to, or been~~  
5 ~~found guilty of any of the following offenses or offenses of a~~  
6 ~~similar nature established under the laws of this state, any~~  
7 ~~other state, the United States, or any other country,~~  
8 ~~notwithstanding whether sentence is imposed:~~

9 (1) Any dangerous felony as defined under section 556.061  
10 or murder in the first degree;

11 (2) Any of the following sexual offenses: rape in the  
12 first degree, forcible rape, rape, statutory rape in the first  
13 degree, statutory rape in the second degree, rape in the second  
14 degree, sexual assault, sodomy in the first degree, forcible  
15 sodomy, statutory sodomy in the first degree, statutory sodomy in  
16 the second degree, child molestation in the first degree, child  
17 molestation in the second degree, sodomy in the second degree,  
18 deviate sexual assault, sexual misconduct involving a child,  
19 sexual misconduct in the first degree under section 566.090 as it  
20 existed prior to August 28, 2013, sexual abuse under section  
21 566.100 as it existed prior to August 28, 2013, sexual abuse in  
22 the first or second degree, enticement of a child, or attempting  
23 to entice a child;

24 (3) Any of the following offenses against the family and  
25 related offenses: incest, abandonment of a child in the first  
26 degree, abandonment of a child in the second degree, endangering  
27 the welfare of a child in the first degree, abuse of a child,  
28 using a child in a sexual performance, promoting sexual

1 performance by a child, or trafficking in children; and

2 (4) Any of the following offenses involving child  
3 pornography and related offenses: promoting obscenity in the  
4 first degree, promoting obscenity in the second degree when the  
5 penalty is enhanced to a class E felony, promoting child  
6 pornography in the first degree, promoting child pornography in  
7 the second degree, possession of child pornography in the first  
8 degree, possession of child pornography in the second degree,  
9 furnishing child pornography to a minor, furnishing pornographic  
10 materials to minors, or coercing acceptance of obscene material.

11 329.060. 1. Every person desiring to sit for the  
12 examination for any of the occupations provided for in this  
13 chapter shall file with the board a written application on a form  
14 supplied to the applicant, and shall submit proof of the required  
15 age~~[7]~~ and educational qualifications, [~~and of good moral~~  
16 ~~character~~] together with the required cosmetology examination  
17 fee. Each application shall contain a statement that it is made  
18 under oath or affirmation and that its representations are true  
19 and correct to the best knowledge and belief of the person  
20 signing same, subject to the penalties of making a false  
21 affidavit or declaration.

22 2. Upon the filing of the application and the payment of  
23 the fee, the board shall, upon request, issue to the applicant,  
24 if the applicant is qualified to sit for the examination, a  
25 temporary license for the practicing of the occupations as  
26 provided in this chapter. Any person receiving a temporary  
27 license shall be entitled to practice the occupations designated  
28 on the temporary license, under the supervision of a person

1 licensed in [~~cosmetology~~] the occupation, until the expiration of  
2 the temporary license. Any person continuing to practice the  
3 occupation beyond the expiration of the temporary license without  
4 being licensed in [~~cosmetology~~] that occupation as provided in  
5 this chapter is guilty of an infraction.

6 329.070. 1. Apprentices or students shall be [~~licensed~~]  
7 registered with the board and shall pay a student fee or an  
8 apprentice fee prior to beginning their course, and shall [~~be of~~  
9 ~~good moral character and~~] have an education equivalent to the  
10 successful completion of the tenth grade.

11 2. An apprentice or student shall not be enrolled in a  
12 course of study that shall exceed twelve hours per day or that is  
13 less than three hours per day. The course of study shall be no  
14 more than seventy-two hours per week and no less than fifteen  
15 hours per week.

16 3. Every person desiring to act as an apprentice in any of  
17 the classified occupations within this chapter shall file with  
18 the board a written application on a form supplied to the  
19 applicant, together with the required apprentice fee.

20 329.080. 1. An instructor trainee shall be a licensed  
21 cosmetologist, esthetician or manicurist and shall hold a license  
22 as an instructor trainee in cosmetology, esthetics or manicuring.  
23 An applicant for a license to practice as an instructor trainee  
24 shall submit to the board the required fee and a written  
25 application on a form supplied by the board upon request that the  
26 applicant [~~is of good moral character, in good physical and~~  
27 ~~mental health,~~] has successfully completed at least a four-year  
28 high school course of study or the equivalent, and holds a

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

7 2. An applicant approved by the board shall be issued an  
8 instructor trainee license. The license shall be issued for a  
9 definite period needed to complete training requirements to  
10 become eligible for taking the examinations. An applicant shall  
11 be approved for an instructor trainee license only for those  
12 classified occupations [~~of cosmetology~~] for which the applicant  
13 is licensed at the time the instructor trainee application is  
14 submitted to the board.

15 3. The instructor trainee shall be required to complete six  
16 hundred hours of instructor training within a Missouri licensed  
17 school of cosmetology consisting of a curriculum including both  
18 theory and practical training to include the following:

19 (1) Two hundred hours to be devoted to basic principles of  
20 student teaching to include teaching principles, lesson planning,  
21 curriculum planning and class outlines, teaching methods,  
22 teaching aids, testing and evaluation;

23 (2) Fifty hours of psychology as applied to cosmetology,  
24 personality and teaching, teacher evaluation, counseling,  
25 theories of learning, and speech;

26 (3) Fifty hours of business experience or management  
27 including classroom management, record keeping, buying and  
28 inventorying supplies, and state law; and

1 (4) Three hundred hours of practice teaching in both theory  
2 and practical application.

3 4. ~~For the purpose of meeting the minimum requirements for~~  
4 ~~examination, training completed within a school of cosmetology by~~  
5 ~~an instructor trainee shall be recognized by the board for a~~  
6 ~~period of no more than five years from the date it is received.~~

7 ~~5.]~~ The six hundred hours required pursuant to subsection 3  
8 of this section may be reduced as follows:

9 (1) Three years of experience as a ~~practicing~~ licensed  
10 cosmetologist, esthetician, or manicurist may be substituted for  
11 three hundred hours of training. The three hundred hours will be  
12 partially reduced in proportion to experience as a licensee  
13 greater than six months but less than three; or

14 (2) Four and one-half college credit hours in teaching  
15 methodology, as defined by rule, may be substituted for three  
16 hundred hours of training. Applicants requesting credit shall  
17 submit to the board a certified transcript together with a course  
18 description certified by the administrating education institution  
19 as being primarily directed to teaching methodology. The three  
20 hundred hours will be partially reduced in proportion to college  
21 credit hours in teaching methodology of less than four and  
22 one-half hours; or

23 (3) Applicants who apply from states where the requirements  
24 are not substantially equal to those in force in Missouri at the  
25 time of application, may be eligible for the examination if they  
26 provide[~~:-~~

27 ~~(a)]~~ an affidavit verifying a current, valid instructor  
28 license in another state, territory of the United States,

1 District of Columbia, or foreign country, state or province [~~and~~  
2 ~~(b) Proof of full-time work experience of not less than one~~  
3 ~~year as a cosmetology instructor within the three year period~~  
4 ~~immediately preceding the application for examination]~~.

5 329.085. 1. Any person desiring an instructor license  
6 shall submit to the board a written application on a form  
7 supplied by the board showing that the applicant has met the  
8 requirements set forth in section 329.080. An applicant who has  
9 met all requirements as determined by the board shall be allowed  
10 to take the instructor examination, including any person who has  
11 been licensed three or more years as a cosmetologist, manicurist  
12 or esthetician. If the applicant passes the examination to the  
13 satisfaction of the board, the board shall issue to the applicant  
14 an instructor license.

15 2. The instructor examination fee and the instructor  
16 license fee for an instructor license shall be nonrefundable.

17 3. The instructor license renewal fee shall be in addition  
18 to the regular cosmetologist, esthetician or manicurist license  
19 renewal fee. For each renewal the instructor shall submit proof  
20 of having attended a teacher training seminar or workshop at  
21 least once every two years, sponsored by any university, or  
22 Missouri vocational association, or bona fide state cosmetology  
23 association specifically approved by the board to satisfy the  
24 requirement for continued training of this subsection. Renewal  
25 fees shall be due and payable on or before the renewal date and,  
26 if the fee remains unpaid thereafter in such license period,  
27 there shall be a late fee in addition to the regular fee.

28 4. Instructors duly licensed as physicians or attorneys or

1 lecturers on subjects not directly pertaining to the practice  
2 pursuant to this chapter need not be holders of licenses provided  
3 for in this chapter.

4 5. The board shall grant instructor licensure upon  
5 application and payment of a fee equivalent to the sum of the  
6 instructor examination fee and the instructor license fee,  
7 provided the applicant establishes compliance with the  
8 ~~[cosmetology]~~ instructor requirements of another state, territory  
9 of the United States, or District of Columbia ~~[wherein the~~  
10 ~~requirements are substantially equal or superior to those in~~  
11 ~~force in Missouri at the time the application for licensure is~~  
12 ~~filed]~~ and the applicant holds a current instructor license in  
13 the other jurisdiction at the time of making application.

14 6. Any person licensed as a cosmetology instructor prior to  
15 the training requirements which became effective January 1, 1979,  
16 may continue to be licensed as such, provided such license is  
17 maintained and the licensee complies with the continued training  
18 requirements as provided in subsection 3 of this section. Any  
19 person with an expired instructor license that is not restored to  
20 current status within two years of the date of expiration shall  
21 be required to meet the training and examination requirements as  
22 provided in this section and section 329.080.

23 329.130. ~~[1.]~~ The board shall grant without examination a  
24 license to practice cosmetology to any applicant who holds a  
25 current license that is issued by another state, territory of the  
26 United States, or the District of Columbia whose requirements for  
27 licensure are ~~[substantially equal]~~ similar to the licensing  
28 requirements in Missouri at the time the application is filed or

1 who has practiced cosmetology for at least two consecutive years  
2 in another state, territory of the United States, or the District  
3 of Columbia. The applicant under this ~~[subsection]~~ section shall  
4 pay the appropriate application and licensure fees at the time of  
5 making application. A licensee who is currently under  
6 disciplinary action with another board of cosmetology shall not  
7 be licensed by reciprocity under the provisions of this chapter.

8 ~~[2. Any person who lawfully practiced or received training  
9 in another state who does not qualify for licensure without  
10 examination may apply to the board for licensure by examination.  
11 Upon application to the board, the board shall evaluate the  
12 applicant's experience and training to determine the extent to  
13 which the applicant's training and experience satisfies current  
14 Missouri licensing requirements and shall notify the applicant  
15 regarding his or her deficiencies and inform the applicant of the  
16 action that he or she must take to qualify to take the  
17 examination. The applicant for licensure under this subsection  
18 shall pay the appropriate examination and licensure fees.]~~

19 329.275. 1. The practices of cosmetology and barbering  
20 shall not include hair braiding, except that, nothing in this  
21 section shall be construed as prohibiting a licensed  
22 cosmetologist or barber from performing the service of hair  
23 braiding.

24 2. No person shall engage in hair braiding for compensation  
25 in the state of Missouri without first registering with the  
26 board. Applicants for a certificate of registration to engage in  
27 hair braiding shall submit to the board an application and a  
28 required fee, as set by the board. Such fee shall not exceed

1 twenty dollars. Prior to receiving a certificate, each applicant  
2 shall also watch an instructional video prepared by the board in  
3 accordance with subsection 4 of this section. An applicant for a  
4 certificate of registration may be denied such certificate if the  
5 applicant has pleaded guilty to, entered a plea of nolo  
6 contendere to, or been found guilty of any of the offenses set  
7 forth in subsection 6 of section 329.050.

8 3. Registered hair braiders shall keep their information  
9 that the board requires for initial registration current and up  
10 to date with the board.

11 4. The board shall develop and prepare an instructional  
12 video, at least four hours but no more than six hours in length,  
13 that contains information about infection control techniques and  
14 diseases of the scalp that are appropriate for hair braiding in  
15 or outside of a salon setting and any other information to be  
16 determined by the board. The instructional video shall be made  
17 available to applicants through the division of professional  
18 registration's website. The board shall also develop and prepare  
19 a brochure that contains a summary of the information contained  
20 in the instructional video. The brochure shall be made available  
21 through the division of professional registration's website, or  
22 by mail, upon request, for a fee to cover the board's mailing  
23 costs.

24 5. Any person who registers as a hair braider under this  
25 section shall post a copy of his or her certificate of  
26 registration in a conspicuous place at his or her place of  
27 business. If the person is operating outside his or her place of  
28 business he or she shall provide to the client or customer a copy

1 of his or her certificate of registration upon the client's or  
2 customer's request.

3 6. (1) The board may inspect hair braiding establishments  
4 or facilities where hair braiding occurs one time per year during  
5 business hours to ensure:

6 (a) Persons registered as hair braiders are not operating  
7 outside the scope of practice of hair braiding; and

8 (b) Compliance with this section and rules promulgated  
9 thereunder.

10 (2) Additionally, if a customer or client submits a  
11 complaint to the board about a hair braider, the board may  
12 inspect such hair braider's establishment during regular business  
13 hours. This inspection shall not count toward the one time  
14 inspection limit set forth in subdivision (1) of this subsection.

15 (3) In addition to the causes listed in section 329.140,  
16 the board may also suspend or revoke a certificate of  
17 registration if a person registered as a hair braider is found to  
18 be operating outside the scope of practice of hair braiding.

19 7. Nothing in this section shall apply to any  
20 cosmetologists licensed to practice in this state in their  
21 respective classifications.

22 330.030. Any person desiring to practice podiatric medicine  
23 in this state shall furnish the board with satisfactory proof,  
24 including a statement under oath or affirmation that all  
25 representations are true and correct to the best knowledge and  
26 belief of the person submitting and signing same, subject to the  
27 penalties of making a false affidavit or declaration, that he or  
28 she is [~~twenty-one years of age or over, and~~] of good moral

1 character, and that he or she has received at least four years of  
2 high school training, or the equivalent thereof, and has received  
3 a diploma or certificate of graduation from an approved college  
4 of podiatric medicine, recognized and approved by the board,  
5 having a minimum requirement of two years in an accredited  
6 college and four years in a recognized college of podiatric  
7 medicine. Upon payment of the examination fee, and making  
8 satisfactory proof as aforesaid, the applicant shall be examined  
9 by the board, or a committee thereof, under such rules and  
10 regulations as said board may determine, and if found qualified,  
11 shall be licensed, upon payment of the license fee, to practice  
12 podiatric medicine as licensed; provided, that the board shall,  
13 under regulations established by the board, admit without  
14 examination legally qualified practitioners of podiatric medicine  
15 who hold licenses to practice podiatric medicine in any state or  
16 territory of the United States or the District of Columbia or any  
17 foreign country with equal educational requirements to the state  
18 of Missouri upon the applicant paying a fee equivalent to the  
19 license and examination fees required above.

20 331.030. 1. No person shall engage in the practice of  
21 chiropractic without having first secured a chiropractic license  
22 as provided in this chapter.

23 2. Any person desiring to procure a license authorizing the  
24 person to practice chiropractic in this state shall ~~[be at least~~  
25 ~~twenty-one years of age and shall]~~ make application on the form  
26 prescribed by the board. The application shall contain a  
27 statement that it is made under oath or affirmation and that  
28 representations contained thereon are true and correct to the

1 best knowledge and belief of the person signing the application,  
2 subject to the penalties of making a false affidavit or  
3 declaration, and shall give the applicant's name, address, age,  
4 sex, name of chiropractic schools or colleges which the person  
5 attended or of which the person is a graduate, and such other  
6 reasonable information as the board may require. The applicant  
7 shall give evidence satisfactory to the board of the successful  
8 completion of the educational requirements of this chapter, that  
9 the applicant is of good moral character, and that the  
10 chiropractic school or college of which the applicant is a  
11 graduate is teaching chiropractic in accordance with the  
12 requirements of this chapter. The board may make a final  
13 determination as to whether or not the school from which the  
14 applicant graduated is so teaching.

15 3. Before an applicant shall be eligible for licensure, the  
16 applicant shall furnish evidence satisfactory to the board that  
17 the applicant has received the minimum number of semester credit  
18 hours, as required by the Council on Chiropractic Education, or  
19 its successor, prior to beginning the doctoral course of study in  
20 chiropractic. The minimum number of semester credit hours  
21 applicable at the time of enrollment in a doctoral course of  
22 study must be in those subjects, hours and course content as may  
23 be provided for by the Council on Chiropractic Education or, in  
24 the absence of the Council on Chiropractic Education or its  
25 provision for such subjects, such hours and course content as  
26 adopted by rule of the board; however in no event shall fewer  
27 than ninety semester credit hours be accepted as the minimum  
28 number of hours required prior to beginning the doctoral course

1 of study in chiropractic. The examination applicant shall also  
2 provide evidence satisfactory to the board of having graduated  
3 from a chiropractic college having status with the Commission on  
4 Accreditation of the Council on Chiropractic Education or its  
5 successor. Any senior student in a chiropractic college having  
6 status with the Commission on Accreditation on the Council on  
7 Chiropractic Education or its successor may take a practical  
8 examination administered or approved by the board under such  
9 requirements and conditions as are adopted by the board by rule,  
10 but no license shall be issued until all of the requirements for  
11 licensure have been met.

12 4. Each applicant shall pay upon application an application  
13 or examination fee. All moneys collected pursuant to the  
14 provisions of this chapter shall be nonrefundable and shall be  
15 collected by the director of the division of professional  
16 registration who shall transmit it to the department of revenue  
17 for deposit in the state treasury to the credit of the  
18 chiropractic board fund. Any person failing to pass a practical  
19 examination administered or approved by the board may be  
20 reexamined upon fulfilling such requirements, including the  
21 payment of a reexamination fee, as the board may by rule  
22 prescribe.

23 5. Every applicant for licensure by examination shall have  
24 taken and successfully passed all required and optional parts of  
25 the written examination given by the National Board of  
26 Chiropractic Examiners, including the written clinical competency  
27 examination, under such conditions as established by rule of the  
28 board, and all applicants for licensure by examination shall

1 successfully pass a practical examination administered or  
2 approved by the board and a written examination testing the  
3 applicant's knowledge and understanding of the laws and  
4 regulations regarding the practice of chiropractic in this state.  
5 The board shall issue to each applicant who meets the standards  
6 and successful completion of the examinations, as established by  
7 rule of the board, a license to practice chiropractic. The board  
8 shall not recognize any correspondence work in any chiropractic  
9 school or college as credit for meeting the requirements of this  
10 chapter.

11 6. The board shall issue a license without examination to  
12 persons who have been regularly licensed to practice chiropractic  
13 in any other state, territory, or the District of Columbia, or in  
14 any foreign country, provided that the regulations for securing a  
15 license in the other jurisdiction are equivalent to those  
16 required for licensure in the state of Missouri, when the  
17 applicant furnishes satisfactory evidence that the applicant has  
18 continuously practiced chiropractic for at least one year  
19 immediately preceding the applicant's application to the board  
20 and that the applicant is of good moral character, and upon the  
21 payment of the reciprocity license fee as established by rule of  
22 the board. The board may require an applicant to successfully  
23 complete the Special Purposes Examination for Chiropractic (SPEC)  
24 administered by the National Board of Chiropractic Examiners if  
25 the requirements for securing a license in the other jurisdiction  
26 are not equivalent to those required for licensure in the state  
27 of Missouri at the time application is made for licensure under  
28 this subsection.

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

6           8. A chiropractic physician currently licensed in Missouri  
7 shall apply to the board for certification prior to engaging in  
8 the practice of meridian therapy/acupressure/acupuncture. Each  
9 such application shall be accompanied by the required fee. The  
10 board shall establish by rule the minimum requirements for the  
11 specialty certification under this subsection. "Meridian  
12 therapy/acupressure/acupuncture" shall mean methods of diagnosing  
13 and the treatment of a patient by stimulating specific points on  
14 or within the body by various methods including but not limited  
15 to manipulation, heat, cold, pressure, vibration, ultrasound,  
16 light, electrocurrent, and short-needle insertion for the purpose  
17 of obtaining a biopositive reflex response by nerve stimulation.

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

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

26           (2) The board shall not establish any provision for  
27 certification of licensees in a particular specialty which is not  
28 encompassed within the practice of chiropractic as defined in

1 section 331.010.

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

7 332.321. 1. The board may refuse to issue or renew a  
8 permit or license required pursuant to this chapter for one or  
9 any combination of causes stated in subsection 2 of this section  
10 or the board may, as a condition to issuing or renewing any such  
11 permit or license, require a person to submit himself or herself  
12 for identification, intervention, treatment or rehabilitation by  
13 the well-being committee as provided in section 332.327. The  
14 board shall notify the applicant in writing of the reasons for  
15 the refusal and shall advise the applicant of his or her right to  
16 file a complaint with the administrative hearing commission as  
17 provided by chapter 621.

18 2. The board may cause a complaint to be filed with the  
19 administrative hearing commission as provided by chapter 621  
20 against any holder of any permit or license required by this  
21 chapter or any person who has failed to renew or has surrendered  
22 his or her permit or license for any one or any combination of  
23 the following causes:

24 (1) Use of any controlled substance, as defined in chapter  
25 195, or alcoholic beverage to an extent that such use impairs a  
26 person's ability to perform the work of any profession licensed  
27 or regulated by this chapter;

28 (2) The person has been finally adjudicated and found

1 guilty, or entered a plea of guilty or nolo contendere, in a  
2 criminal prosecution pursuant to the laws of any state or of the  
3 United States, for any offense reasonably related to the  
4 qualifications, functions or duties of any profession licensed or  
5 regulated pursuant to this chapter, for any offense an essential  
6 element of which is fraud, dishonesty or an act of violence, or  
7 any offense involving moral turpitude, whether or not sentence is  
8 imposed;

9 (3) Use of fraud, deception, misrepresentation or bribery  
10 in securing any permit or license issued pursuant to this chapter  
11 or in obtaining permission to take any examination given or  
12 required pursuant to this chapter;

13 (4) Obtaining or attempting to obtain any fee, charge,  
14 tuition or other compensation by fraud, deception or  
15 misrepresentation; or increasing charges when a patient utilizes  
16 a third-party payment program; or for repeated irregularities in  
17 billing a third party for services rendered to a patient. For  
18 the purposes of this subdivision, irregularities in billing shall  
19 include:

20 (a) Reporting charges for the purpose of obtaining a total  
21 payment in excess of that usually received by the dentist for the  
22 services rendered;

23 (b) Reporting incorrect treatment dates for the purpose of  
24 obtaining payment;

25 (c) Reporting charges for services not rendered;

26 (d) Incorrectly reporting services rendered for the purpose  
27 of obtaining payment that is greater than that to which the  
28 person is entitled;

1 (e) Abrogating the co-payment or deductible provisions of a  
2 third-party payment contract. Provided, however, that this  
3 paragraph shall not prohibit a discount, credit or reduction of  
4 charges provided under an agreement between the licensee and an  
5 insurance company, health service corporation or health  
6 maintenance organization licensed pursuant to the laws of this  
7 state; or governmental third-party payment program; or  
8 self-insurance program organized, managed or funded by a business  
9 entity for its own employees or labor organization for its  
10 members;

11 (5) Incompetency, misconduct, gross negligence, fraud,  
12 misrepresentation or dishonesty in the performance of, or  
13 relating to one's ability to perform, the functions or duties of  
14 any profession licensed or regulated by this chapter;

15 (6) Violation of, or assisting or enabling any person to  
16 violate, any provision of this chapter, or any lawful rule or  
17 regulation adopted pursuant to this chapter;

18 (7) Impersonation of any person holding a permit or license  
19 or allowing any person to use his or her permit, license or  
20 diploma from any school;

21 (8) Disciplinary action against the holder of a license or  
22 other right to practice any profession regulated by this chapter  
23 imposed by another state, province, territory, federal agency or  
24 country upon grounds for which discipline is authorized in this  
25 state;

26 (9) A person is finally adjudicated incapacitated or  
27 disabled by a court of competent jurisdiction;

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

1 to practice, by lack of supervision or in any other manner, any  
2 profession licensed or regulated by this chapter who is not  
3 registered and currently eligible to practice pursuant to this  
4 chapter;

5 (11) Issuance of a permit or license based upon a material  
6 mistake of fact;

7 (12) Failure to display a valid certificate, permit or  
8 license if so required by this chapter or by any rule promulgated  
9 hereunder;

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

11 (14) Use of any advertisement or solicitation that is  
12 false, misleading or deceptive to the general public or persons  
13 to whom the advertisement or solicitation is primarily directed.  
14 For purposes of this section, the term "advertisement" shall mean  
15 any announcement as described in subdivision (9) of section  
16 332.071. False, misleading or deceptive advertisements or  
17 solicitations shall include, but not be limited to:

18 (a) Promises of cure, relief from pain or other physical or  
19 mental condition, or improved physical or mental health;

20 (b) Any misleading or deceptive statement offering or  
21 promising a free service. Nothing herein shall be construed to  
22 make it unlawful to offer a service for no charge if the offer is  
23 announced as part of a full disclosure of routine fees including  
24 consultation fees;

25 (c) Any misleading or deceptive claims of patient cure,  
26 relief or improved health condition; superiority in service,  
27 treatment or materials; new or improved service, treatment or  
28 material; or reduced costs or greater savings. Nothing herein

1 shall be construed to make it unlawful to use any such claim if  
2 it is readily verifiable by existing documentation, data or other  
3 substantial evidence. Any claim that exceeds or exaggerates the  
4 scope of its supporting documentation, data or evidence is  
5 misleading or deceptive;

6 (d) Any announced fee for a specified service where that  
7 fee does not include the charges for necessary related or  
8 incidental services, or where the actual fee charged for that  
9 specified service may exceed the announced fee, but it shall not  
10 be unlawful to announce only the maximum fee that can be charged  
11 for the specified service, including all related or incidental  
12 services, modified by the term "up to" if desired;

13 (e) Any announcement in any form including the term  
14 "specialist" or the phrase "limited to the specialty of" unless  
15 each person named in conjunction with the term or phrase, or  
16 responsible for the announcement, holds a valid Missouri  
17 certificate and license evidencing that the person is a  
18 specialist in that area;

19 (f) Any announcement containing any of the terms denoting  
20 recognized specialties, or other descriptive terms carrying the  
21 same meaning, unless the announcement clearly designates by list  
22 each dentist not licensed as a specialist in Missouri who is  
23 sponsoring or named in the announcement, or employed by the  
24 entity sponsoring the announcement, after the following clearly  
25 legible or audible statement: "Notice: the following dentist(s)  
26 in this practice is (are) not licensed in Missouri as specialists  
27 in the advertised dental specialty(s) of \_\_\_\_\_". For purposes  
28 of this paragraph, a statement that is "clearly legible" shall

1 have print that is equal or larger in size than the announcement  
2 of services, and a statement that is "clearly audible" shall have  
3 speech volume and pace equal to the announcement of services;

4 (g) Any announcement containing any terms denoting or  
5 implying specialty areas that are not recognized by the American  
6 Dental Association;

7 (h) Any advertisement that does not contain the name of one  
8 or more of the duly registered and currently licensed dentists  
9 regularly employed in and responsible for the management,  
10 supervision, and operation of each office location listed in the  
11 advertisement; or

12 (i) Any advertisement denoting the use of sedation services  
13 permitted by the board in accordance with section 332.362 using  
14 any term other than deep sedation, general anesthesia, or  
15 moderate sedation. Such terms shall only be used in the  
16 announcement or advertisement of sedation services with the  
17 possession of a deep sedation, general anesthesia, or moderate  
18 sedation permit or license;

19 (15) Violation of the drug laws or rules and regulations of  
20 this state, any other state or the federal government;

21 (16) Failure or refusal to properly guard against  
22 contagious, infectious or communicable diseases or the spread  
23 thereof;

24 (17) Failing to maintain his or her office or offices,  
25 laboratory, equipment and instruments in a safe and sanitary  
26 condition;

27 (18) Accepting, tendering or paying "rebates" to or  
28 "splitting fees" with any other person; provided, however, that

1 nothing herein shall be so construed as to make it unlawful for a  
2 dentist practicing in a partnership or as a corporation organized  
3 pursuant to the provisions of chapter 356 to distribute profits  
4 in accordance with his or her stated agreement;

5 (19) Administering, or causing or permitting to be  
6 administered, nitrous oxide gas in any amount to himself or  
7 herself, or to another unless as an adjunctive measure to patient  
8 management;

9 (20) Being unable to practice as a dentist, specialist or  
10 hygienist with reasonable skill and safety to patients by reasons  
11 of professional incompetency, or because of illness, drunkenness,  
12 excessive use of drugs, narcotics, chemicals, or as a result of  
13 any mental or physical condition. In enforcing this subdivision  
14 the board shall, after a hearing before the board, upon a finding  
15 of probable cause, require the dentist or specialist or hygienist  
16 to submit to a reexamination for the purpose of establishing his  
17 or her competency to practice as a dentist, specialist or  
18 hygienist, which reexamination shall be conducted in accordance  
19 with rules adopted for this purpose by the board, including rules  
20 to allow the examination of the dentist's, specialist's or  
21 hygienist's professional competence by at least three dentists or  
22 fellow specialists, or to submit to a mental or physical  
23 examination or combination thereof by at least three physicians.  
24 One examiner shall be selected by the dentist, specialist or  
25 hygienist compelled to take examination, one selected by the  
26 board, and one shall be selected by the two examiners so  
27 selected. Notice of the physical or mental examination shall be  
28 given by personal service or registered mail. Failure of the

1 dentist, specialist or hygienist to submit to the examination  
2 when directed shall constitute an admission of the allegations  
3 against him or her, unless the failure was due to circumstances  
4 beyond his or her control. A dentist, specialist or hygienist  
5 whose right to practice has been affected pursuant to this  
6 subdivision shall, at reasonable intervals, be afforded an  
7 opportunity to demonstrate that he or she can resume competent  
8 practice with reasonable skill and safety to patients.

9 (a) In any proceeding pursuant to this subdivision, neither  
10 the record of proceedings nor the orders entered by the board  
11 shall be used against a dentist, specialist or hygienist in any  
12 other proceeding. Proceedings pursuant to this subdivision shall  
13 be conducted by the board without the filing of a complaint with  
14 the administrative hearing commission;

15 (b) When the board finds any person unqualified because of  
16 any of the grounds set forth in this subdivision, it may enter an  
17 order imposing one or more of the following: denying his or her  
18 application for a license; permanently withholding issuance of a  
19 license; administering a public or private reprimand; placing on  
20 probation, suspending or limiting or restricting his or her  
21 license to practice as a dentist, specialist or hygienist for a  
22 period of not more than five years; revoking his or her license  
23 to practice as a dentist, specialist or hygienist; requiring him  
24 or her to submit to the care, counseling or treatment of  
25 physicians designated by the dentist, specialist or hygienist  
26 compelled to be treated; or requiring such person to submit to  
27 identification, intervention, treatment or rehabilitation by the  
28 well-being committee as provided in section 332.327. For the

1 purpose of this subdivision, "license" includes the certificate  
2 of registration, or license, or both, issued by the board.

3 3. After the filing of such complaint, the proceedings  
4 shall be conducted in accordance with the provisions of chapter  
5 621. Upon a finding by the administrative hearing commission  
6 that the grounds, provided in subsection 2, for disciplinary  
7 action are met, the board may, singly or in combination:

8 (1) Censure or place the person or firm named in the  
9 complaint on probation on such terms and conditions as the board  
10 deems appropriate for a period not to exceed five years; or

11 (2) Suspend the license, certificate or permit for a period  
12 not to exceed three years; or

13 (3) Revoke the license, certificate, or permit. In any  
14 order of revocation, the board may provide that the person shall  
15 not apply for licensure for a period of not less than one year  
16 following the date of the order of revocation; or

17 (4) Cause the person or firm named in the complaint to make  
18 restitution to any patient, or any insurer or third-party payer  
19 who shall have paid in whole or in part a claim or payment for  
20 which they should be reimbursed, where restitution would be an  
21 appropriate remedy, including the reasonable cost of follow-up  
22 care to correct or complete a procedure performed or one that was  
23 to be performed by the person or firm named in the complaint; or

24 (5) Request the attorney general to bring an action in the  
25 circuit court of competent jurisdiction to recover a civil  
26 penalty on behalf of the state in an amount to be assessed by the  
27 court.

28 4. If the board concludes that a dentist or dental

1     hygienist has committed an act or is engaging in a course of  
2     conduct that would be grounds for disciplinary action and  
3     constitutes a clear and present danger to the public health and  
4     safety, the board may file a complaint before the administrative  
5     hearing commission requesting an expedited hearing and specifying  
6     the conduct that gives rise to the danger and the nature of the  
7     proposed restriction or suspension of the dentist's or dental  
8     hygienist's license. Within fifteen days after service of the  
9     complaint on the dentist or dental hygienist, the administrative  
10    hearing commission shall conduct a preliminary hearing to  
11    determine whether the alleged conduct of the dentist or dental  
12    hygienist appears to constitute a clear and present danger to the  
13    public health and safety that justifies that the dentist's or  
14    dental hygienist's license be immediately restricted or  
15    suspended. The burden of proving that a dentist or dental  
16    hygienist is a clear and present danger to the public health and  
17    safety shall be upon the Missouri dental board. The  
18    administrative hearing commission shall issue its decision  
19    immediately after the hearing and shall either grant to the board  
20    the authority to suspend or restrict the license or dismiss the  
21    action.

22         5. If the administrative hearing commission grants  
23    temporary authority to the board to restrict or suspend a  
24    dentist's or dental hygienist's license, the dentist or dental  
25    hygienist named in the complaint may request a full hearing  
26    before the administrative hearing commission. A request for a  
27    full hearing shall be made within thirty days after the  
28    administrative hearing commission issues a decision. The

1 administrative hearing commission shall, if requested by a  
2 dentist or dental hygienist named in the complaint, set a date to  
3 hold a full hearing under chapter 621 regarding the activities  
4 alleged in the initial complaint filed by the board. The  
5 administrative hearing commission shall set the date for full  
6 hearing within ninety days from the date its decision was issued.  
7 Either party may request continuances, which shall be granted by  
8 the administrative hearing commission upon a showing of good  
9 cause by either party or consent of both parties. If a request  
10 for a full hearing is not made within thirty days, the authority  
11 to impose discipline becomes final and the board shall set the  
12 matter for hearing in accordance with section 621.110.

13 6. If the administrative hearing commission dismisses  
14 without prejudice the complaint filed by the board under  
15 subsection 4 of this section or dismisses the action based on a  
16 finding that the board did not meet its burden of proof  
17 establishing a clear and present danger, such dismissal shall not  
18 bar the board from initiating a subsequent action on the same  
19 grounds in accordance with this chapter and chapters 536 and 621.

20 7. Notwithstanding any other provisions of section 332.071  
21 or of this section, a currently licensed dentist in Missouri may  
22 enter into an agreement with individuals and organizations to  
23 provide dental health care, provided such agreement does not  
24 permit or compel practices that violate any provision of this  
25 chapter.

26 8. At all proceedings for the enforcement of these or any  
27 other provisions of this chapter the board shall, as it deems  
28 necessary, select, in its discretion, either the attorney general

1 or one of the attorney general's assistants designated by the  
2 attorney general or other legal counsel to appear and represent  
3 the board at each stage of such proceeding or trial until its  
4 conclusion.

5 9. If at any time when any discipline has been imposed  
6 pursuant to this section or pursuant to any provision of this  
7 chapter, the licensee removes himself or herself from the state  
8 of Missouri, ceases to be currently licensed pursuant to the  
9 provisions of this chapter, or fails to keep the Missouri dental  
10 board advised of his or her current place of business and  
11 residence, the time of his or her absence, or unlicensed status,  
12 or unknown whereabouts shall not be deemed or taken as any part  
13 of the time of discipline so imposed.

14 334.530. 1. A candidate for license to practice as a  
15 physical therapist shall ~~[be at least twenty one years of age. A~~  
16 ~~candidate shall]~~ furnish evidence of such person's good moral  
17 character and the person's educational qualifications by  
18 submitting satisfactory evidence of completion of a program of  
19 physical therapy education approved as reputable by the board. A  
20 candidate who presents satisfactory evidence of the person's  
21 graduation from a school of physical therapy approved as  
22 reputable by the American Medical Association or, if graduated  
23 before 1936, by the American Physical Therapy Association, or if  
24 graduated after 1988, the Commission on Accreditation for  
25 Physical Therapy Education or its successor, is deemed to have  
26 complied with the educational qualifications of this subsection.

27 2. Persons desiring to practice as physical therapists in  
28 this state shall appear before the board at such time and place

1 as the board may direct and be examined as to their fitness to  
2 engage in such practice. Applications for examination shall be  
3 in writing, on a form furnished by the board and shall include  
4 evidence satisfactory to the board that the applicant possesses  
5 the qualifications set forth in subsection 1 of this section.  
6 Each application shall contain a statement that it is made under  
7 oath or affirmation and that its representations are true and  
8 correct to the best knowledge and belief of the applicant,  
9 subject to the penalties of making a false affidavit or  
10 declaration.

11 3. The examination of qualified candidates for licenses to  
12 practice physical therapy shall test entry-level competence as  
13 related to physical therapy theory, examination and evaluation,  
14 physical therapy diagnosis, prognosis, treatment, intervention,  
15 prevention, and consultation.

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

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

26 334.655. 1. A candidate for licensure to practice as a  
27 physical therapist assistant shall ~~[be at least nineteen years of~~  
28 ~~age. A candidate shall]~~ furnish evidence of the person's good

1 moral character and of the person's educational qualifications.  
2 The educational requirements for licensure as a physical  
3 therapist assistant are:

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

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

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

21 3. The examination of qualified candidates for licensure to  
22 practice as physical therapist assistants shall embrace an  
23 examination which shall cover the curriculum taught in accredited  
24 associate degree programs of physical therapy assistant  
25 education. Such examination shall be sufficient to test the  
26 qualification of the candidates as practitioners.

27 4. The examination shall include, as related to the human  
28 body, the subjects of anatomy, kinesiology, pathology,

1 physiology, psychology, physical therapy theory and procedures as  
2 related to medicine and such other subjects, including medical  
3 ethics, as the board deems useful to test the fitness of the  
4 candidate to practice as a physical therapist assistant.

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

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

14 7. A candidate to practice as a physical therapist  
15 assistant who does not meet the educational qualifications may  
16 submit to the board an application for examination if such person  
17 can furnish written evidence to the board that the person has  
18 been employed in this state for at least three of the last five  
19 years under the supervision of a licensed physical therapist and  
20 such person possesses the knowledge and training equivalent to  
21 that obtained in an accredited school. The board may license  
22 such persons pursuant to this subsection until ninety days after  
23 rules developed by the state board of healing arts regarding  
24 physical therapist assistant licensing become effective.

25 335.036. 1. The board shall:

26 (1) Elect for a one-year term a president and a secretary,  
27 who shall also be treasurer, and the board may appoint, employ  
28 and fix the compensation of a legal counsel and such board

1 personnel as defined in subdivision (4) of subsection 10 of  
2 section 324.001 as are necessary to administer the provisions of  
3 sections 335.011 to 335.096;

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

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

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

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

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

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

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

23 (9) Keep a record of all the proceedings; and make an  
24 annual report to the governor and to the director of the  
25 department of insurance, financial institutions and professional  
26 registration[7

27 ~~(10) Establish an impaired nurse program].~~

28 2. The board shall set the amount of the fees which this

1 chapter authorizes and requires by rules and regulations. The  
2 fees shall be set at a level to produce revenue which shall not  
3 substantially exceed the cost and expense of administering this  
4 chapter.

5 3. All fees received by the board pursuant to the  
6 provisions of sections 335.011 to 335.096 shall be deposited in  
7 the state treasury and be placed to the credit of the state board  
8 of nursing fund. All administrative costs and expenses of the  
9 board shall be paid from appropriations made for those purposes.  
10 The board is authorized to provide funding for the nursing  
11 education incentive program established in sections 335.200 to  
12 335.203.

13 4. The provisions of section 33.080 to the contrary  
14 notwithstanding, money in this fund shall not be transferred and  
15 placed to the credit of general revenue until the amount in the  
16 fund at the end of the biennium exceeds two times the amount of  
17 the appropriation from the board's funds for the preceding fiscal  
18 year or, if the board requires by rule, permit renewal less  
19 frequently than yearly, then three times the appropriation from  
20 the board's funds for the preceding fiscal year. The amount, if  
21 any, in the fund which shall lapse is that amount in the fund  
22 which exceeds the appropriate multiple of the appropriations from  
23 the board's funds for the preceding fiscal year.

24 5. Any rule or portion of a rule, as that term is defined  
25 in section 536.010, that is created under the authority delegated  
26 in this chapter shall become effective only if it complies with  
27 and is subject to all of the provisions of chapter 536 and, if  
28 applicable, section 536.028. All rulemaking authority delegated

1 prior to August 28, 1999, is of no force and effect and repealed.  
2 Nothing in this section shall be interpreted to repeal or affect  
3 the validity of any rule filed or adopted prior to August 28,  
4 1999, if it fully complied with all applicable provisions of law.  
5 This section and chapter 536 are nonseverable and if any of the  
6 powers vested with the general assembly pursuant to chapter 536  
7 to review, to delay the effective date or to disapprove and annul  
8 a rule are subsequently held unconstitutional, then the grant of  
9 rulemaking authority and any rule proposed or adopted after  
10 August 28, 1999, shall be invalid and void.

11 335.066. 1. The board may refuse to issue or reinstate any  
12 certificate of registration or authority, permit or license  
13 required pursuant to chapter 335 for one or any combination of  
14 causes stated in subsection 2 of this section or the board may,  
15 as a condition to issuing or reinstating any such permit or  
16 license, require a person to submit himself or herself for  
17 identification, intervention, treatment, or ~~rehabilitation~~  
18 monitoring by the ~~impaired-nurse~~ intervention program and  
19 alternative program as provided in section 335.067. The board  
20 shall notify the applicant in writing of the reasons for the  
21 refusal and shall advise the applicant of his or her right to  
22 file a complaint with the administrative hearing commission as  
23 provided by chapter 621.

24 2. The board may cause a complaint to be filed with the  
25 administrative hearing commission as provided by chapter 621  
26 against any holder of any certificate of registration or  
27 authority, permit or license required by sections 335.011 to  
28 335.096 or any person who has failed to renew or has surrendered

1 his or her certificate of registration or authority, permit or  
2 license for any one or any combination of the following causes:

3 (1) Use or unlawful possession of any controlled substance,  
4 as defined in chapter 195, by the federal government, or by the  
5 department of health and senior services by regulation,  
6 regardless of impairment, or alcoholic beverage to an extent that  
7 such use impairs a person's ability to perform the work of any  
8 profession licensed or regulated by sections 335.011 to 335.096.  
9 A blood alcohol content of .08 shall create a presumption of  
10 impairment;

11 (2) The person has been finally adjudicated and found  
12 guilty, or entered a plea of guilty or nolo contendere, in a  
13 criminal prosecution pursuant to the laws of any state or of the  
14 United States, for any offense reasonably related to the  
15 qualifications, functions or duties of any profession licensed or  
16 regulated pursuant to sections 335.011 to 335.096, for any  
17 offense an essential element of which is fraud, dishonesty or an  
18 act of violence, or for any offense involving moral turpitude,  
19 whether or not sentence is imposed;

20 (3) Use of fraud, deception, misrepresentation or bribery  
21 in securing any certificate of registration or authority, permit  
22 or license issued pursuant to sections 335.011 to 335.096 or in  
23 obtaining permission to take any examination given or required  
24 pursuant to sections 335.011 to 335.096;

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

28 (5) Incompetency, gross negligence, or repeated negligence

1 in the performance of the functions or duties of any profession  
2 licensed or regulated by chapter 335. For the purposes of this  
3 subdivision, "repeated negligence" means the failure, on more  
4 than one occasion, to use that degree of skill and learning  
5 ordinarily used under the same or similar circumstances by the  
6 member of the applicant's or licensee's profession;

7 (6) Misconduct, fraud, misrepresentation, dishonesty,  
8 unethical conduct, or unprofessional conduct in the performance  
9 of the functions or duties of any profession licensed or  
10 regulated by this chapter, including, but not limited to, the  
11 following:

12 (a) Willfully and continually overcharging or overtreating  
13 patients; or charging for visits which did not occur unless the  
14 services were contracted for in advance, or for services which  
15 were not rendered or documented in the patient's records;

16 (b) Attempting, directly or indirectly, by way of  
17 intimidation, coercion or deception, to obtain or retain a  
18 patient or discourage the use of a second opinion or  
19 consultation;

20 (c) Willfully and continually performing inappropriate or  
21 unnecessary treatment, diagnostic tests, or nursing services;

22 (d) Delegating professional responsibilities to a person  
23 who is not qualified by training, skill, competency, age,  
24 experience, or licensure to perform such responsibilities;

25 (e) Performing nursing services beyond the authorized scope  
26 of practice for which the individual is licensed in this state;

27 (f) Exercising influence within a nurse-patient  
28 relationship for purposes of engaging a patient in sexual

1 activity;

2 (g) Being listed on any state or federal sexual offender  
3 registry;

4 (h) Failure of any applicant or licensee to cooperate with  
5 the board during any investigation;

6 (i) Failure to comply with any subpoena or subpoena duces  
7 tecum from the board or an order of the board;

8 (j) Failure to timely pay license renewal fees specified in  
9 this chapter;

10 (k) Violating a probation agreement, order, or other  
11 settlement agreement with this board or any other licensing  
12 agency;

13 (l) Failing to inform the board of the nurse's current  
14 residence within thirty days of changing residence;

15 (m) Any other conduct that is unethical or unprofessional  
16 involving a minor;

17 (n) A departure from or failure to conform to nursing  
18 standards;

19 (o) Failure to establish, maintain, or communicate  
20 professional boundaries with the patient. A nurse may provide  
21 health care services to a person with whom the nurse has a  
22 personal relationship as long as the nurse otherwise meets the  
23 standards of the profession;

24 (p) Violating the confidentiality or privacy rights of the  
25 patient, resident, or client;

26 (q) Failing to assess, accurately document, or report the  
27 status of a patient, resident, or client, or falsely assessing,  
28 documenting, or reporting the status of a patient, resident, or

1 client;

2 (r) Intentionally or negligently causing physical or  
3 emotional harm to a patient, resident, or client;

4 (s) Failing to furnish appropriate details of a patient's,  
5 client's, or resident's nursing needs to succeeding nurses  
6 legally qualified to provide continuing nursing services to a  
7 patient, client, or resident;

8 (7) Violation of, or assisting or enabling any person to  
9 violate, any provision of sections 335.011 to 335.096, or of any  
10 lawful rule or regulation adopted pursuant to sections 335.011 to  
11 335.096;

12 (8) Impersonation of any person holding a certificate of  
13 registration or authority, permit or license or allowing any  
14 person to use his or her certificate of registration or  
15 authority, permit, license or diploma from any school;

16 (9) Disciplinary action against the holder of a license or  
17 other right to practice any profession regulated by sections  
18 335.011 to 335.096 granted by another state, territory, federal  
19 agency or country upon grounds for which revocation or suspension  
20 is authorized in this state;

21 (10) A person is finally adjudged insane or incompetent by  
22 a court of competent jurisdiction;

23 (11) Assisting or enabling any person to practice or offer  
24 to practice any profession licensed or regulated by sections  
25 335.011 to 335.096 who is not registered and currently eligible  
26 to practice pursuant to sections 335.011 to 335.096;

27 (12) Issuance of a certificate of registration or  
28 authority, permit or license based upon a material mistake of

1 fact;

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

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

6 (15) Violation of the drug laws or rules and regulations of  
7 this state, any other state or the federal government;

8 (16) Placement on an employee disqualification list or  
9 other related restriction or finding pertaining to employment  
10 within a health-related profession issued by any state or federal  
11 government or agency following final disposition by such state or  
12 federal government or agency;

13 (17) Failure to successfully complete the ~~[impaired nurse~~  
14 ~~program]~~ intervention or alternative program for substance use  
15 disorder;

16 (18) Knowingly making or causing to be made a false  
17 statement or misrepresentation of a material fact, with intent to  
18 defraud, for payment pursuant to the provisions of chapter 208 or  
19 chapter 630, or for payment from Title XVIII or Title XIX of the  
20 federal Medicare program;

21 (19) Failure or refusal to properly guard against  
22 contagious, infectious, or communicable diseases or the spread  
23 thereof; maintaining an unsanitary office or performing  
24 professional services under unsanitary conditions; or failure to  
25 report the existence of an unsanitary condition in the office of  
26 a physician or in any health care facility to the board, in  
27 writing, within thirty days after the discovery thereof;

28 (20) A pattern of personal use or consumption of any

1 controlled substance or any substance which requires a  
2 prescription unless it is prescribed, dispensed, or administered  
3 by a provider who is authorized by law to do so or a pattern of  
4 abuse of any prescription medication;

5 (21) Habitual intoxication or dependence on alcohol,  
6 evidence of which may include more than one alcohol-related  
7 enforcement contact as defined by section 302.525;

8 (22) Failure to comply with a treatment program or an  
9 aftercare program entered into as part of a board order,  
10 settlement agreement, or licensee's professional health program;

11 (23) Failure to submit to a drug or alcohol screening when  
12 requested by an employer or by the board. Failure to submit to a  
13 drug or alcohol screening shall create the presumption that the  
14 test would have been positive for a drug for which the individual  
15 did not have a prescription in a drug screening or positive for  
16 alcohol in an alcohol screening;

17 (24) Adjudged by a court in need of a guardian or  
18 conservator, or both, obtaining a guardian or conservator, or  
19 both, and who has not been restored to capacity;

20 (25) Diversion or attempting to divert any medication,  
21 controlled substance, or medical supplies;

22 (26) Failure to answer, failure to disclose, or failure to  
23 fully provide all information requested on any application or  
24 renewal for a license. This includes disclosing all pleas of  
25 guilt or findings of guilt in a case where the imposition of  
26 sentence was suspended, whether or not the case is now  
27 confidential;

28 (27) Physical or mental illness, including but not limited

1 to deterioration through the aging process or loss of motor  
2 skill, or disability that impairs the licensee's ability to  
3 practice the profession with reasonable judgment, skill, or  
4 safety. This does not include temporary illness which is  
5 expected to resolve within a short period of time;

6 (28) Any conduct that constitutes a serious danger to the  
7 health, safety, or welfare of a patient or the public.

8 3. After the filing of such complaint, the proceedings  
9 shall be conducted in accordance with the provisions of chapter  
10 621. Upon a finding by the administrative hearing commission  
11 that the grounds, provided in subsection 2 of this section, for  
12 disciplinary action are met, the board may, singly or in  
13 combination, censure or place the person named in the complaint  
14 on probation on such terms and conditions as the board deems  
15 appropriate for a period not to exceed five years, or may  
16 suspend, for a period not to exceed three years, or revoke the  
17 license, certificate, or permit.

18 4. For any hearing before the full board, the board shall  
19 cause the notice of the hearing to be served upon such licensee  
20 in person or by certified mail to the licensee at the licensee's  
21 last known address. If service cannot be accomplished in person  
22 or by certified mail, notice by publication as described in  
23 subsection 3 of section 506.160 shall be allowed; any  
24 representative of the board is authorized to act as a court or  
25 judge would in that section; any employee of the board is  
26 authorized to act as a clerk would in that section.

27 5. An individual whose license has been revoked shall wait  
28 one year from the date of revocation to apply for relicensure.

1 Relicensure shall be at the discretion of the board after  
2 compliance with all the requirements of sections 335.011 to  
3 335.096 relative to the licensing of an applicant for the first  
4 time.

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

10 7. Any person, organization, association or corporation who  
11 reports or provides information to the board of nursing pursuant  
12 to the provisions of sections 335.011 to 335.259 and who does so  
13 in good faith shall not be subject to an action for civil damages  
14 as a result thereof.

15 8. The board may apply to the administrative hearing  
16 commission for an emergency suspension or restriction of a  
17 license for the following causes:

18 (1) Engaging in sexual conduct as defined in section  
19 566.010, with a patient who is not the licensee's spouse,  
20 regardless of whether the patient consented;

21 (2) Engaging in sexual misconduct with a minor or person  
22 the licensee believes to be a minor. "Sexual misconduct" means  
23 any conduct of a sexual nature which would be illegal under state  
24 or federal law;

25 (3) Possession of a controlled substance in violation of  
26 chapter 195 or any state or federal law, rule, or regulation,  
27 excluding record-keeping violations;

28 (4) Use of a controlled substance without a valid

1 prescription;

2 (5) The licensee is adjudicated incapacitated or disabled  
3 by a court of competent jurisdiction;

4 (6) Habitual intoxication or dependence upon alcohol or  
5 controlled substances or failure to comply with a treatment or  
6 aftercare program entered into pursuant to a board order,  
7 settlement agreement, or as part of the licensee's professional  
8 health program;

9 (7) A report from a board-approved facility or a  
10 professional health program stating the licensee is not fit to  
11 practice. For purposes of this section, a licensee is deemed to  
12 have waived all objections to the admissibility of testimony from  
13 the provider of the examination and admissibility of the  
14 examination reports. The licensee shall sign all necessary  
15 releases for the board to obtain and use the examination during a  
16 hearing; or

17 (8) Any conduct for which the board may discipline that  
18 constitutes a serious danger to the health, safety, or welfare of  
19 a patient or the public.

20 9. The board shall submit existing affidavits and existing  
21 certified court records together with a complaint alleging the  
22 facts in support of the board's request for an emergency  
23 suspension or restriction to the administrative hearing  
24 commission and shall supply the administrative hearing commission  
25 with the last home or business addresses on file with the board  
26 for the licensee. Within one business day of the filing of the  
27 complaint, the administrative hearing commission shall return a  
28 service packet to the board. The service packet shall include

1 the board's complaint and any affidavits or records the board  
2 intends to rely on that have been filed with the administrative  
3 hearing commission. The service packet may contain other  
4 information in the discretion of the administrative hearing  
5 commission. Within twenty-four hours of receiving the packet,  
6 the board shall either personally serve the licensee or leave a  
7 copy of the service packet at all of the licensee's current  
8 addresses on file with the board. Prior to the hearing, the  
9 licensee may file affidavits and certified court records for  
10 consideration by the administrative hearing commission.

11 10. Within five days of the board's filing of the  
12 complaint, the administrative hearing commission shall review the  
13 information submitted by the board and the licensee and shall  
14 determine based on that information if probable cause exists  
15 pursuant to subsection 8 of this section and shall issue its  
16 findings of fact and conclusions of law. If the administrative  
17 hearing commission finds that there is probable cause, the  
18 administrative hearing commission shall enter the order requested  
19 by the board. The order shall be effective upon personal service  
20 or by leaving a copy at all of the licensee's current addresses  
21 on file with the board.

22 11. (1) The administrative hearing commission shall hold a  
23 hearing within forty-five days of the board's filing of the  
24 complaint to determine if cause for discipline exists. The  
25 administrative hearing commission may grant a request for a  
26 continuance, but shall in any event hold the hearing within one  
27 hundred twenty days of the board's initial filing. The board  
28 shall be granted leave to amend its complaint if it is more than

1 thirty days prior to the hearing. If less than thirty days, the  
2 board may be granted leave to amend if public safety requires.

3 (2) If no cause for discipline exists, the administrative  
4 hearing commission shall issue findings of fact, conclusions of  
5 law, and an order terminating the emergency suspension or  
6 restriction.

7 (3) If cause for discipline exists, the administrative  
8 hearing commission shall issue findings of fact and conclusions  
9 of law and order the emergency suspension or restriction to  
10 remain in full force and effect pending a disciplinary hearing  
11 before the board. The board shall hold a hearing following the  
12 certification of the record by the administrative hearing  
13 commission and may impose any discipline otherwise authorized by  
14 state law.

15 12. Any action under this section shall be in addition to  
16 and not in lieu of any discipline otherwise in the board's power  
17 to impose and may be brought concurrently with other actions.

18 13. If the administrative hearing commission does not find  
19 probable cause and does not grant the emergency suspension or  
20 restriction, the board shall remove all reference to such  
21 emergency suspension or restriction from its public records.  
22 Records relating to the suspension or restriction shall be  
23 maintained in the board's files. The board or licensee may use  
24 such records in the course of any litigation to which they are  
25 both parties. Additionally, such records may be released upon a  
26 specific, written request of the licensee.

27 14. If the administrative hearing commission grants  
28 temporary authority to the board to restrict or suspend the

1 nurse's license, such temporary authority of the board shall  
2 become final authority if there is no request by the nurse for a  
3 full hearing within thirty days of the preliminary hearing. The  
4 administrative hearing commission shall, if requested by the  
5 nurse named in the complaint, set a date to hold a full hearing  
6 under the provisions of chapter 621 regarding the activities  
7 alleged in the initial complaint filed by the board.

8 15. If the administrative hearing commission refuses to  
9 grant temporary authority to the board or restrict or suspend the  
10 nurse's license under subsection 8 of this section, such  
11 dismissal shall not bar the board from initiating a subsequent  
12 disciplinary action on the same grounds.

13 16. (1) The board may initiate a hearing before the board  
14 for discipline of any licensee's license or certificate upon  
15 receipt of one of the following:

16 (a) Certified court records of a finding of guilt or plea  
17 of guilty or nolo contendere in a criminal prosecution under the  
18 laws of any state or of the United States for any offense  
19 involving the qualifications, functions, or duties of any  
20 profession licensed or regulated under this chapter, for any  
21 offense involving fraud, dishonesty, or an act of violence, or  
22 for any offense involving moral turpitude, whether or not  
23 sentence is imposed;

24 (b) Evidence of final disciplinary action against the  
25 licensee's license, certification, or registration issued by any  
26 other state, by any other agency or entity of this state or any  
27 other state, or the United States or its territories, or any  
28 other country;

1 (c) Evidence of certified court records finding the  
2 licensee has been judged incapacitated or disabled under Missouri  
3 law or under the laws of any other state or of the United States  
4 or its territories.

5 (2) The board shall provide the licensee not less than ten  
6 days' notice of any hearing held pursuant to chapter 536.

7 (3) Upon a finding that cause exists to discipline a  
8 licensee's license, the board may impose any discipline otherwise  
9 available.

10 335.067. 1. The state board of nursing may establish an  
11 ~~[impaired nurse]~~ intervention program and an alternative program  
12 to promote the ~~[early]~~ identification, intervention, treatment,  
13 and ~~[rehabilitation]~~ monitoring of nurses or applicants for a  
14 nursing license who may be impaired by ~~[reasons of illness,]~~  
15 reason of substance abuse ~~[, or as a result of any mental~~  
16 ~~condition. This program shall be available to anyone holding a~~  
17 ~~current license and may be entered voluntarily, as part of an~~  
18 ~~agreement with the board of nursing, or as a condition of a~~  
19 ~~disciplinary order entered by the board of nursing]~~ or the  
20 potential for substance abuse.

21 2. ~~[The board may enter into a contractual agreement with a~~  
22 ~~nonprofit corporation or a nursing association for the purpose of~~  
23 ~~creating, supporting, and maintaining a program to be designated~~  
24 ~~as the impaired nurse program.]~~ The intervention program is  
25 available, upon board discretion, to licensees and applicants for  
26 licensure who self-refer, test positive in a pre-employment or  
27 for-cause drug or alcohol screen, individuals who have pled  
28 guilty to or been found guilty of any drug offense, whether

1 felony or misdemeanor, or individuals who have pled guilty to or  
2 been found guilty of three or more criminal offenses resulting  
3 from or related to the use of drugs or alcohol, whether a felony  
4 or misdemeanor. The program shall be a minimum of one year in  
5 duration and require random drug and alcohol testing at the  
6 participant's expense.

7 3. The alternative program is available, upon board  
8 discretion, to licensees and applicants for licensure who admit  
9 to having a substance use disorder. The program shall be from  
10 three to five years in duration and at a minimum require random  
11 drug and alcohol testing at the participant's expense.

12 4. Upon receiving a complaint or an application, the board  
13 shall screen the information submitted to determine whether the  
14 individual may be eligible for the intervention or alternative  
15 program. If eligible for one of the programs, the board may  
16 contact the individual and offer the program. If accepted, the  
17 board and individual may enter into a written agreement setting  
18 forth the requirements of the program. If declined, the board  
19 may proceed with its regular process of investigating a complaint  
20 or application as set forth in this chapter and chapter 324. The  
21 board shall retain sole discretion to offer the program at any  
22 time.

23 5. Upon successful completion of the intervention or  
24 alternative program, the licensee shall be deemed to have no  
25 disciplinary action against his or her license and shall not be  
26 required to disclose participation in the program. All records  
27 shall be deemed confidential and not public records under chapter  
28 610 and not subject to court or administration subpoena or

1 subject to discovery or introduction as evidence in any civil,  
2 criminal, or administrative proceedings.

3 6. If a licensee or applicant violates any term of the  
4 intervention program and the licensee or applicant denies the  
5 violation, the board may convene a hearing, after due notice to  
6 the licensee or applicant to determine whether such violation has  
7 occurred. The hearing shall be confidential and not open to the  
8 public under chapter 610. Records from the program shall be  
9 deemed admissible in the hearing. If the licensee or applicant  
10 admits to the violation, no hearing is required. If a violation  
11 is found by the board or admitted to by the licensee or  
12 applicant, the licensee's license shall be indefinitely suspended  
13 or the applicant's application shall not be acted upon until the  
14 licensee or applicant continues to fully participate in the  
15 program, has one year with no positive drug or alcohol screens,  
16 and completes a sobriety notebook. The licensee may then request  
17 that his or her license be reinstated or the applicant may then  
18 request the board act upon his or her application.

19 7. If a licensee does not successfully complete the  
20 intervention program, the board may pursue disciplinary action as  
21 set forth in section 335.066 and chapter 621. If an applicant  
22 does not successfully complete the intervention program, the  
23 board may issue an order pursuant to the provisions of chapters  
24 324, 335, 536, and 621. Records from the program may be used as  
25 evidence in any such proceedings initiated under chapters 324,  
26 335, 536, and 621. Any such licensee disciplined by the board  
27 pursuant to this section or applicant subject to an order  
28 pursuant to this section shall not be eligible to participate in

1 the alternative program.

2 8. If a licensee or applicant violates any term of the  
3 alternative program and the licensee or applicant denies the  
4 violation, the board may convene a hearing, after due notice to  
5 the licensee or applicant to determine whether such violation has  
6 occurred. The hearing shall be confidential and not open to the  
7 public under chapter 610. Records from the program shall be  
8 deemed admissible in the hearing. If the licensee or applicant  
9 admits to the violation, no hearing is required. If a violation  
10 is found by the board or admitted to by the licensee or  
11 applicant, the licensee's license shall be indefinitely suspended  
12 or the applicant's application shall not be acted upon until the  
13 licensee or applicant continues to fully participate in the  
14 program, has one year with no positive drug or alcohol screens,  
15 and completes a sobriety notebook. The licensee may then request  
16 that his or her license be reinstated or the applicant may then  
17 request the board act upon his or her application.

18 9. If a licensee does not successfully complete the  
19 alternative program, the board may pursue disciplinary action as  
20 set forth in section 335.066 and chapter 621. If an applicant  
21 does not successfully complete the alternative program, the board  
22 may issue an order pursuant to the provisions of chapters 324,  
23 335, and 621. Records from the program may be used as evidence  
24 in any such proceedings conducted pursuant to the provisions of  
25 chapters 324, 335, and 621.

26 10. The board may promulgate administrative rules subject  
27 to the provisions of this section and chapter 536 to effectuate  
28 and implement any ~~[program]~~ programs formed pursuant to this

1 section.

2 ~~[3.]~~ 11. The board may expend appropriated funds necessary  
3 to provide for operational expenses of the ~~[program]~~ programs  
4 formed pursuant to this section.

5 ~~[4.]~~ 12. Any board member, board staff member, members of  
6 the ~~[program]~~ programs, as well as any administrator, staff  
7 member, consultant, agent, or employee of the ~~[program]~~ programs,  
8 acting within the scope of his or her duties and without actual  
9 malice, and all other persons who furnish information to the  
10 ~~[program]~~ programs in good faith and without actual malice, shall  
11 not be liable for any claim of damages as a result of any  
12 statement, decision, opinion, investigation, or action taken by  
13 the ~~[program]~~ programs, or by any individual member of the  
14 ~~[program]~~ programs, by any board member, or by any board staff  
15 member.

16 ~~[5.]~~ 13. All information, interviews, reports, statements,  
17 memoranda, drug or alcohol testing results, or other documents  
18 furnished to or produced by the ~~[program]~~ programs, as well as  
19 communications to or from the ~~[program]~~ programs, any findings,  
20 conclusions, interventions, treatment, rehabilitation, or other  
21 proceedings of the ~~[program]~~ programs which in any way pertain to  
22 a licensee who may be, or who actually is, impaired shall be  
23 privileged and confidential, except that the board may share  
24 information with the licensee's employer or potential employer  
25 upon verification with the licensee that he or she is employed  
26 with the employer or actively seeking employment with the  
27 potential employer. Any records produced in conjunction with  
28 either program shall not be considered public records under

1 chapter 610 and shall not be subject to court subpoena or subject  
2 to discovery or introduction as evidence in any civil, criminal,  
3 or administrative proceedings except as set forth in subsections  
4 14 and 15 of this section.

5 ~~[6. All records and proceedings of the program which~~  
6 ~~pertain or refer to a licensee who may be, or who actually is,~~  
7 ~~impaired shall be privileged and confidential and shall be used~~  
8 ~~by the program and its members only in the exercise of the proper~~  
9 ~~function of the program and shall not be considered public~~  
10 ~~records under chapter 610 and shall not be subject to court~~  
11 ~~subpoena or subject to discovery or introduction as evidence in~~  
12 ~~any civil, criminal, or administrative proceedings except as~~  
13 ~~provided in subsection 7 of this section.~~

14 ~~—— 7. The program shall disclose]~~

15 14. Information may be disclosed relative to ~~[an impaired]~~  
16 a licensee or applicant in either program only when:

17 (1) It is essential to disclose the information to further  
18 the intervention, treatment, or rehabilitation needs of the  
19 ~~[impaired]~~ licensee or applicant and only to those persons or  
20 organizations with a need to know;

21 (2) Its release is authorized in writing by the ~~[impaired]~~  
22 licensee or applicant;

23 (3) A licensee has breached his or her contract with the  
24 program~~[. In this instance, the breach may be reported only to~~  
25 ~~the board of nursing]~~; or

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

27 ~~[8. When pursuing discipline against a licensed practical~~  
28 ~~nurse, registered nurse, or advanced practice registered nurse~~

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

~~9. The board may disclose information and records to the impaired nurse program to assist the program in the identification, intervention, treatment, and rehabilitation of licensed practical nurses, registered nurses, or advanced practice registered nurses who may be impaired by reason of illness, substance abuse, or as the result of any physical or mental condition. The program shall keep all information and records provided by the board confidential to the extent the board is required to treat the information and records closed to the public under chapter 620.]~~

1           15. The statute of limitations set forth in section 324.043  
2 shall be tolled while a licensee or applicant is participating in  
3 either the intervention program or the alternative program.

4           336.030. 1. A person is qualified to receive a license as  
5 an optometrist:

6           (1) ~~Who is at least twenty-one years of age;~~

7 ~~—(2)]~~ Who is of good moral character;

8           ~~[(3)]~~ (2) Who has graduated from a college or school of  
9 optometry approved by the board; and

10           ~~[(4)]~~ (3) Who has met either of the following conditions:

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

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

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

28           337.020. 1. Each person desiring to obtain a license,

1 whether temporary, provisional or permanent, as a psychologist  
2 shall make application to the committee upon such forms and in  
3 such manner as may be prescribed by the committee and shall pay  
4 the required application fee. The form shall include a statement  
5 that the applicant has completed two hours of suicide assessment,  
6 referral, treatment, and management training that meets the  
7 guidelines developed by the committee. The committee shall not  
8 charge an application fee until such time that the application  
9 has been approved. In the event that an application is denied or  
10 rejected, no application fee shall be charged. The application  
11 fee shall not be refundable. Each application shall contain a  
12 statement that it is made under oath or affirmation and that its  
13 representations are true and correct to the best knowledge and  
14 belief of the person signing the application, subject to the  
15 penalties of making a false affidavit or declaration.

16 2. Each applicant, whether for temporary, provisional or  
17 permanent licensure, shall submit evidence satisfactory to the  
18 committee that the applicant is at least twenty-one years of age,  
19 is of good moral character, and meets the appropriate educational  
20 requirements as set forth in either section 337.021 or 337.025,  
21 or is qualified for licensure without examination pursuant to  
22 section 337.029. In determining the acceptability of the  
23 applicant's qualifications, the committee may require evidence  
24 that it deems reasonable and proper, in accordance with law, and  
25 the applicant shall furnish the evidence in the manner required  
26 by the committee.

27 3. The committee with assistance from the division shall  
28 issue a permanent license to and register as a psychologist any

1 applicant who, in addition to having fulfilled the other  
2 requirements of sections 337.010 to 337.090, passes the  
3 examination for professional practice in psychology and such  
4 other examinations in psychology which may be adopted by the  
5 committee, except that an applicant fulfilling the requirement of  
6 section 337.029 shall upon successful completion of the  
7 jurisprudence examination and completion of the oral examination  
8 be permanently licensed without having to retake the examination  
9 for professional practice in psychology.

10 4. The committee, with assistance from the division, shall  
11 issue a provisional license to, and register as being a  
12 provisionally licensed psychologist, any applicant who is a  
13 graduate of a recognized educational institution with a doctoral  
14 degree in psychology as defined in section 337.025, and who  
15 otherwise meets all requirements to become a licensed  
16 psychologist, except for passage of the national and state  
17 licensing exams, oral examination and completion of the required  
18 period of postdegree supervised experience as specified in  
19 subsection 2 of section 337.025.

20 5. A provisional license issued pursuant to subsection 4 of  
21 this section shall only authorize and permit the applicant to  
22 render those psychological services which are under the  
23 supervision and the full professional responsibility and control  
24 of such person's postdoctoral degree licensed supervisor. A  
25 provisional license shall automatically terminate upon issuance  
26 of a permanent license, upon a finding of cause to discipline  
27 after notice and hearing pursuant to section 337.035, upon the  
28 expiration of one year from the date of issuance whichever event

1 first occurs, or upon termination of supervision by the licensed  
2 supervisor. The provisional license may be renewed after one  
3 year with a maximum issuance of two years total per provisional  
4 licensee. The committee by rule shall provide procedures for  
5 exceptions and variances from the requirement of a maximum  
6 issuance of two years due to vacations, illness, pregnancy and  
7 other good causes.

8 6. The committee, with assistance from the division, shall  
9 immediately issue a temporary license to any applicant for  
10 licensure either by reciprocity pursuant to section 337.029, or  
11 by endorsement of the score from the examination for professional  
12 practice in psychology upon receipt of an application for such  
13 licensure and upon proof that the applicant is either licensed as  
14 a psychologist in another jurisdiction, is a diplomate of the  
15 American Board of Professional Psychology, or is a member of the  
16 National Register of Health Services Providers in Psychology.

17 7. A temporary license issued pursuant to subsection 6 of  
18 this section shall authorize the applicant to practice psychology  
19 in this state, the same as if a permanent license had been  
20 issued. Such temporary license shall be issued without payment  
21 of an additional fee and shall remain in full force and effect  
22 until the earlier of the following events:

23 (1) A permanent license has been issued to the applicant  
24 following successful completion of the jurisprudence examination  
25 and the oral interview examination;

26 (2) In cases where the committee has found the applicant  
27 ineligible for licensure and no appeal has been taken to the  
28 administrative hearing commission, then at the expiration of such

1 appeal time; or

2 (3) In cases where the committee has found the applicant  
3 ineligible for licensure and the applicant has taken an appeal to  
4 the administrative hearing commission and the administrative  
5 hearing commission has also found the applicant ineligible, then  
6 upon the rendition by the administrative hearing commission of  
7 its findings of fact and conclusions of law to such effect.

8 8. Written and oral examinations pursuant to sections  
9 337.010 to 337.090 shall be administered by the committee at  
10 least twice each year to any applicant who meets the educational  
11 requirements set forth in either section 337.021 or 337.025 or to  
12 any applicant who is seeking licensure either by reciprocity  
13 pursuant to section 337.029, or by endorsement of the score from  
14 the examination of professional practice in psychology. The  
15 committee shall examine in the areas of professional knowledge,  
16 techniques and applications, research and its interpretation,  
17 professional affairs, ethics, and Missouri law and regulations  
18 governing the practice of psychology. The committee may use, in  
19 whole or in part, the examination for professional practice in  
20 psychology national examination in psychology or such other  
21 national examination in psychology which may be available.

22 9. If an applicant fails any examination, the applicant  
23 shall be permitted to take a subsequent examination, upon the  
24 payment of an additional reexamination fee. This reexamination  
25 fee shall not be refundable.

26 337.025. 1. The provisions of this section shall govern  
27 the education and experience requirements for initial licensure  
28 as a psychologist for the following persons:

1 (1) A person who has not matriculated in a graduate degree  
2 program which is primarily psychological in nature on or before  
3 August 28, 1990; and

4 (2) A person who is matriculated after August 28, 1990, in  
5 a graduate degree program designed to train professional  
6 psychologists.

7 2. Each applicant shall submit satisfactory evidence to the  
8 committee that the applicant has received a doctoral degree in  
9 psychology from a recognized educational institution, and has had  
10 at least one year of satisfactory supervised professional  
11 experience in the field of psychology.

12 3. A doctoral degree in psychology is defined as:

13 (1) A program accredited, or provisionally accredited, by  
14 the American Psychological Association [~~or~~] (APA), the Canadian  
15 Psychological Association, or the Psychological Clinical Science  
16 Accreditation System (PCSAS) provided that such program includes  
17 a supervised practicum, internship, field, or laboratory training  
18 appropriate to the practice of psychology; or

19 (2) A program designated or approved, including provisional  
20 approval, by the Association of State and Provincial Psychology  
21 Boards or the Council for the National Register of Health Service  
22 Providers in Psychology, or both; or

23 (3) A graduate program that meets all of the following  
24 criteria:

25 (a) The program, wherever it may be administratively  
26 housed, shall be clearly identified and labeled as a psychology  
27 program. Such a program shall specify in pertinent institutional  
28 catalogues and brochures its intent to educate and train

1 professional psychologists;

2 (b) The psychology program shall stand as a recognizable,  
3 coherent organizational entity within the institution of higher  
4 education;

5 (c) There shall be a clear authority and primary  
6 responsibility for the core and specialty areas whether or not  
7 the program cuts across administrative lines;

8 (d) The program shall be an integrated, organized, sequence  
9 of study;

10 (e) There shall be an identifiable psychology faculty and a  
11 psychologist responsible for the program;

12 (f) The program shall have an identifiable body of students  
13 who are matriculated in that program for a degree;

14 (g) The program shall include a supervised practicum,  
15 internship, field, or laboratory training appropriate to the  
16 practice of psychology;

17 (h) The curriculum shall encompass a minimum of three  
18 academic years of full-time graduate study, with a minimum of one  
19 year's residency at the educational institution granting the  
20 doctoral degree; and

21 (i) Require the completion by the applicant of a core  
22 program in psychology which shall be met by the completion and  
23 award of at least one three-semester-hour graduate credit course  
24 or a combination of graduate credit courses totaling three  
25 semester hours or five quarter hours in each of the following  
26 areas:

27 a. The biological bases of behavior such as courses in:  
28 physiological psychology, comparative psychology,

1 neuropsychology, sensation and perception, psychopharmacology;

2 b. The cognitive-affective bases of behavior such as  
3 courses in: learning, thinking, motivation, emotion, and  
4 cognitive psychology;

5 c. The social bases of behavior such as courses in: social  
6 psychology, group processes/dynamics, interpersonal  
7 relationships, and organizational and systems theory;

8 d. Individual differences such as courses in: personality  
9 theory, human development, abnormal psychology, developmental  
10 psychology, child psychology, adolescent psychology, psychology  
11 of aging, and theories of personality;

12 e. The scientific methods and procedures of understanding,  
13 predicting and influencing human behavior such as courses in:  
14 statistics, experimental design, psychometrics, individual  
15 testing, group testing, and research design and methodology.

16 4. Acceptable supervised professional experience may be  
17 accrued through preinternship, internship, predoctoral  
18 postinternship, or postdoctoral experiences. The academic  
19 training director or the postdoctoral training supervisor shall  
20 attest to the hours accrued to meet the requirements of this  
21 section. Such hours shall consist of:

22 (1) A minimum of fifteen hundred hours of experience in a  
23 successfully completed internship to be completed in not less  
24 than twelve nor more than twenty-four months; and

25 (2) A minimum of two thousand hours of experience  
26 consisting of any combination of the following:

27 (a) Preinternship and predoctoral postinternship  
28 professional experience that occurs following the completion of

1 the first year of the doctoral program or at any time while in a  
2 doctoral program after completion of a master's degree in  
3 psychology or equivalent as defined by rule by the committee;

4 (b) Up to seven hundred fifty hours obtained while on the  
5 internship under subdivision (1) of this subsection but beyond  
6 the fifteen hundred hours identified in subdivision (1) of this  
7 subsection; or

8 (c) Postdoctoral professional experience obtained in no  
9 more than twenty-four consecutive calendar months. In no case  
10 shall this experience be accumulated at a rate of more than fifty  
11 hours per week. Postdoctoral supervised professional experience  
12 for prospective health service providers and other applicants  
13 shall involve and relate to the delivery of psychological  
14 services in accordance with professional requirements and  
15 relevant to the applicant's intended area of practice.

16 5. Experience for those applicants who intend to seek  
17 health service provider certification and who have completed a  
18 program in one or more of the American Psychological Association  
19 designated health service provider delivery areas shall be  
20 obtained under the primary supervision of a licensed psychologist  
21 who is also a health service provider or who otherwise meets the  
22 requirements for health service provider certification.  
23 Experience for those applicants who do not intend to seek health  
24 service provider certification shall be obtained under the  
25 primary supervision of a licensed psychologist or such other  
26 qualified mental health professional approved by the committee.

27 6. For postinternship and postdoctoral hours, the  
28 psychological activities of the applicant shall be performed

1 pursuant to the primary supervisor's order, control, and full  
2 professional responsibility. The primary supervisor shall  
3 maintain a continuing relationship with the applicant and shall  
4 meet with the applicant a minimum of one hour per month in  
5 face-to-face individual supervision. Clinical supervision may be  
6 delegated by the primary supervisor to one or more secondary  
7 supervisors who are qualified psychologists. The secondary  
8 supervisors shall retain order, control, and full professional  
9 responsibility for the applicant's clinical work under their  
10 supervision and shall meet with the applicant a minimum of one  
11 hour per week in face-to-face individual supervision. If the  
12 primary supervisor is also the clinical supervisor, meetings  
13 shall be a minimum of one hour per week. Group supervision shall  
14 not be acceptable for supervised professional experience. The  
15 primary supervisor shall certify to the committee that the  
16 applicant has complied with these requirements and that the  
17 applicant has demonstrated ethical and competent practice of  
18 psychology. The changing by an agency of the primary supervisor  
19 during the course of the supervised experience shall not  
20 invalidate the supervised experience.

21 7. The committee by rule shall provide procedures for  
22 exceptions and variances from the requirements for once a week  
23 face-to-face supervision due to vacations, illness, pregnancy,  
24 and other good causes.

25 337.029. 1. A psychologist licensed in another  
26 jurisdiction who has had no violations and no suspensions and no  
27 revocation of a license to practice psychology in any  
28 jurisdiction may receive a license in Missouri, provided the

1 psychologist passes a written examination on Missouri laws and  
2 regulations governing the practice of psychology and meets one of  
3 the following criteria:

4 (1) Is a diplomate of the American Board of Professional  
5 Psychology;

6 (2) Is a member of the National Register of Health Service  
7 Providers in Psychology;

8 (3) Is currently licensed or certified as a psychologist in  
9 another jurisdiction who is then a signatory to the Association  
10 of State and Provincial Psychology Board's reciprocity agreement;

11 (4) Is currently licensed or certified as a psychologist in  
12 another state, territory of the United States, or the District of  
13 Columbia and:

14 (a) Has a doctoral degree in psychology from a program  
15 accredited, or provisionally accredited, by the American  
16 Psychological Association or the Psychological Clinical Science  
17 Accreditation System, or that meets the requirements as set forth  
18 in subdivision (3) of subsection 3 of section 337.025;

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

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

22 (5) Holds a current certificate of professional  
23 qualification (CPQ) issued by the Association of State and  
24 Provincial Psychology Boards (ASPPB).

25 2. Notwithstanding the provisions of subsection 1 of this  
26 section, applicants may be required to pass an oral examination  
27 as adopted by the committee.

28 3. A psychologist who receives a license for the practice

1 of psychology in the state of Missouri on the basis of  
2 reciprocity as listed in subsection 1 of this section or by  
3 endorsement of the score from the examination of professional  
4 practice in psychology score will also be eligible for and shall  
5 receive certification from the committee as a health service  
6 provider if the psychologist meets one or more of the following  
7 criteria:

8 (1) Is a diplomate of the American Board of Professional  
9 Psychology in one or more of the specialties recognized by the  
10 American Board of Professional Psychology as pertaining to health  
11 service delivery;

12 (2) Is a member of the National Register of Health Service  
13 Providers in Psychology; or

14 (3) Has completed or obtained through education, training,  
15 or experience the requisite knowledge comparable to that which is  
16 required pursuant to section 337.033.

17 337.033. 1. A licensed psychologist shall limit his or her  
18 practice to demonstrated areas of competence as documented by  
19 relevant professional education, training, and experience. A  
20 psychologist trained in one area shall not practice in another  
21 area without obtaining additional relevant professional  
22 education, training, and experience through an acceptable program  
23 of respecialization.

24 2. A psychologist may not represent or hold himself or  
25 herself out as a state certified or registered psychological  
26 health service provider unless the psychologist has first  
27 received the psychologist health service provider certification  
28 from the committee; provided, however, nothing in this section

1 shall be construed to limit or prevent a licensed, whether  
2 temporary, provisional or permanent, psychologist who does not  
3 hold a health service provider certificate from providing  
4 psychological services so long as such services are consistent  
5 with subsection 1 of this section.

6 3. "Relevant professional education and training" for  
7 health service provider certification, except those entitled to  
8 certification pursuant to subsection 5 or 6 of this section,  
9 shall be defined as a licensed psychologist whose graduate  
10 psychology degree from a recognized educational institution is in  
11 an area designated by the American Psychological Association as  
12 pertaining to health service delivery or a psychologist who  
13 subsequent to receipt of his or her graduate degree in psychology  
14 has either completed a respecialization program from a recognized  
15 educational institution in one or more of the American  
16 Psychological Association recognized clinical health service  
17 provider areas and who in addition has completed at least one  
18 year of postdegree supervised experience in such clinical area or  
19 a psychologist who has obtained comparable education and training  
20 acceptable to the committee through completion of postdoctoral  
21 fellowships or otherwise.

22 4. The degree or respecialization program certificate shall  
23 be obtained from a recognized program of graduate study in one or  
24 more of the health service delivery areas designated by the  
25 American Psychological Association as pertaining to health  
26 service delivery, which shall meet one of the criteria  
27 established by subdivisions (1) to (3) of this subsection:

28 (1) A doctoral degree or completion of a recognized

1 respecialization program in one or more of the American  
2 Psychological Association designated health service provider  
3 delivery areas which is accredited, or provisionally accredited,  
4 either by the American Psychological Association or the  
5 Psychological Clinical Science Accreditation System; or

6 (2) A clinical or counseling psychology doctoral degree  
7 program or respecialization program designated, or provisionally  
8 approved, by the Association of State and Provincial Psychology  
9 Boards or the Council for the National Register of Health Service  
10 Providers in Psychology, or both; or

11 (3) A doctoral degree or completion of a respecialization  
12 program in one or more of the American Psychological Association  
13 designated health service provider delivery areas that meets the  
14 following criteria:

15 (a) The program, wherever it may be administratively  
16 housed, shall be clearly identified and labeled as being in one  
17 or more of the American Psychological Association designated  
18 health service provider delivery areas;

19 (b) Such a program shall specify in pertinent institutional  
20 catalogues and brochures its intent to educate and train  
21 professional psychologists in one or more of the American  
22 Psychological Association designated health service provider  
23 delivery areas.

24 5. A person who is lawfully licensed as a psychologist  
25 pursuant to the provisions of this chapter on August 28, 1989, or  
26 who has been approved to sit for examination prior to August 28,  
27 1989, and who subsequently passes the examination shall be deemed  
28 to have met all requirements for health service provider

1 certification; provided, however, that such person shall be  
2 governed by the provisions of subsection 1 of this section with  
3 respect to limitation of practice.

4 6. Any person who is lawfully licensed as a psychologist in  
5 this state and who meets one or more of the following criteria  
6 shall automatically, upon payment of the requisite fee, be  
7 entitled to receive a health service provider certification from  
8 the committee:

9 (1) Is a diplomate of the American Board of Professional  
10 Psychology in one or more of the specialties recognized by the  
11 American Board of Professional Psychology as pertaining to health  
12 service delivery; or

13 (2) Is a member of the National Register of Health Service  
14 Providers in Psychology.

15 337.100. 1. Sections 337.100 to 337.165 shall be known as  
16 the "Psychology Interjurisdictional Compact". The party states  
17 find that:

18 (1) States license psychologists, in order to protect the  
19 public through verification of education, training, and  
20 experience and ensure accountability for professional practice;

21 (2) This compact is intended to regulate the day-to-day  
22 practice of telepsychology, the provision of psychological  
23 services using telecommunication technologies, by psychologists  
24 across state boundaries in the performance of their psychological  
25 practice as assigned by an appropriate authority;

26 (3) This compact is intended to regulate the temporary in-  
27 person, face-to-face practice of psychology by psychologists  
28 across state boundaries for thirty days within a calendar year in

1 the performance of their psychological practice as assigned by an  
2 appropriate authority;

3 (4) This compact is intended to authorize state psychology  
4 regulatory authorities to afford legal recognition, in a manner  
5 consistent with the terms of the compact, to psychologists  
6 licensed in another state;

7 (5) This compact recognizes that states have a vested  
8 interest in protecting the public's health and safety through  
9 their licensing and regulation of psychologists and that such  
10 state regulation will best protect public health and safety;

11 (6) This compact does not apply when a psychologist is  
12 licensed in both the home and receiving states; and

13 (7) This compact does not apply to permanent in-person,  
14 face-to-face practice, it does allow for authorization of  
15 temporary psychological practice.

16 2. The general purposes of this compact are to:

17 (1) Increase public access to professional psychological  
18 services by allowing for telepsychological practice across state  
19 lines as well as temporary in-person, face-to-face services into  
20 a state which the psychologist is not licensed to practice  
21 psychology;

22 (2) Enhance the states' ability to protect the public's  
23 health and safety, especially client/patient safety;

24 (3) Encourage the cooperation of compact states in the  
25 areas of psychology licensure and regulation;

26 (4) Facilitate the exchange of information between compact  
27 states regarding psychologist licensure, adverse actions, and  
28 disciplinary history;

1           (5) Promote compliance with the laws governing  
2 psychological practice in each compact state; and

3           (6) Invest all compact states with the authority to hold  
4 licensed psychologists accountable through the mutual recognition  
5 of compact state licenses.

6           337.105. As used in this compact, the following terms shall  
7 mean:

8           (1) "Adverse action", any action taken by a state  
9 psychology regulatory authority which finds a violation of a  
10 statute or regulation that is identified by the state psychology  
11 regulatory authority as discipline and is a matter of public  
12 record;

13           (2) "Association of State and Provincial Psychology Boards  
14 (ASPPB)", the recognized membership organization composed of  
15 state and provincial psychology regulatory authorities  
16 responsible for the licensure and registration of psychologists  
17 throughout the United States and Canada;

18           (3) "Authority to practice interjurisdictional  
19 telepsychology", a licensed psychologist's authority to practice  
20 telepsychology, within the limits authorized under this compact,  
21 in another compact state;

22           (4) "Bylaws", those bylaws established by the psychology  
23 interjurisdictional compact commission pursuant to section  
24 337.145 for its governance, or for directing and controlling its  
25 actions and conduct;

26           (5) "Client/patient", the recipient of psychological  
27 services, whether psychological services are delivered in the  
28 context of healthcare, corporate, supervision, or consulting

1 services;

2 (6) "Commissioner", the voting representative appointed by  
3 each state psychology regulatory authority pursuant to section  
4 337.145;

5 (7) "Compact state", a state, the District of Columbia, or  
6 United States territory that has enacted this compact legislation  
7 and which has not withdrawn pursuant to subsection 3 of section  
8 337.160 or been terminated pursuant to subsection 2 of section  
9 337.155;

10 (8) "Coordinated licensure information system" also  
11 referred to as "coordinated database", an integrated process for  
12 collecting, storing, and sharing information on psychologists'  
13 licensure and enforcement activities related to psychology  
14 licensure laws, which is administered by the recognized  
15 membership organization composed of state and provincial  
16 psychology regulatory authorities;

17 (9) "Confidentiality", the principle that data or  
18 information is not made available or disclosed to unauthorized  
19 persons or processes;

20 (10) "Day", any part of a day in which psychological work  
21 is performed;

22 (11) "Distant state", the compact state where a  
23 psychologist is physically present, not through the use of  
24 telecommunications technologies, to provide temporary in-person,  
25 face-to-face psychological services;

26 (12) "E.Passport", a certificate issued by the Association  
27 of State and Provincial Psychology Boards (ASPPB) that promotes  
28 the standardization in the criteria of interjurisdictional

1 telepsychology practice and facilitates the process for licensed  
2 psychologists to provide telepsychological services across state  
3 lines;

4 (13) "Executive board", a group of directors elected or  
5 appointed to act on behalf of, and within the powers granted to  
6 them by, the commission;

7 (14) "Home state", a compact state where a psychologist is  
8 licensed to practice psychology. If the psychologist is licensed  
9 in more than one compact state and is practicing under the  
10 authorization to practice interjurisdictional telepsychology, the  
11 home state is the compact state where the psychologist is  
12 physically present when the telepsychological services are  
13 delivered. If the psychologist is licensed in more than one  
14 compact state and is practicing under the temporary authorization  
15 to practice, the home state is any compact state where the  
16 psychologist is licensed;

17 (15) "Identity history summary", a summary of information  
18 retained by the Federal Bureau of Investigation, or other  
19 designee with similar authority, in connection with arrests and,  
20 in some instances, federal employment, naturalization, or  
21 military service;

22 (16) "In-person, face-to-face", interactions in which the  
23 psychologist and the client/patient are in the same physical  
24 space and which does not include interactions that may occur  
25 through the use of telecommunication technologies;

26 (17) "Interjurisdictional practice certificate (IPC)", a  
27 certificate issued by the Association of State and Provincial  
28 Psychology Boards (ASPPB) that grants temporary authority to

1 practice based on notification to the state psychology regulatory  
2 authority of intention to practice temporarily, and verification  
3 of one's qualifications for such practice;

4 (18) "License", authorization by a state psychology  
5 regulatory authority to engage in the independent practice of  
6 psychology, which would be unlawful without the authorization;

7 (19) "Noncompact state", any state which is not at the time  
8 a compact state;

9 (20) "Psychologist", an individual licensed for the  
10 independent practice of psychology;

11 (21) "Psychology interjurisdictional compact commission"  
12 also referred to as "commission", the national administration of  
13 which all compact states are members;

14 (22) "Receiving state", a compact state where the  
15 client/patient is physically located when the telepsychological  
16 services are delivered;

17 (23) "Rule", a written statement by the psychology  
18 interjurisdictional compact commission promulgated pursuant to  
19 section 337.150 of the compact that is of general applicability,  
20 implements, interprets, or prescribes a policy or provision of  
21 the compact, or an organizational, procedural, or practice  
22 requirement of the commission and has the force and effect of  
23 statutory law in a compact state, and includes the amendment,  
24 repeal or suspension of an existing rule;

25 (24) "Significant investigatory information":

26 (a) Investigative information that a state psychology  
27 regulatory authority, after a preliminary inquiry that includes  
28 notification and an opportunity to respond if required by state

1 law, has reason to believe, if proven true, would indicate more  
2 than a violation of state statute or ethics code that would be  
3 considered more substantial than minor infraction; or

4 (b) Investigative information that indicates that the  
5 psychologist represents an immediate threat to public health and  
6 safety regardless of whether the psychologist has been notified  
7 and had an opportunity to respond;

8 (25) "State", a state, commonwealth, territory, or  
9 possession of the United States, the District of Columbia;

10 (26) "State psychology regulatory authority", the board,  
11 office or other agency with the legislative mandate to license  
12 and regulate the practice of psychology;

13 (27) "Telepsychology", the provision of psychological  
14 services using telecommunication technologies;

15 (28) "Temporary authorization to practice", a licensed  
16 psychologist's authority to conduct temporary in-person, face-to-  
17 face practice, within the limits authorized under this compact,  
18 in another compact state;

19 (29) "Temporary in-person, face-to-face practice", where a  
20 psychologist is physically present, not through the use of  
21 telecommunications technologies, in the distant state to provide  
22 for the practice of psychology for thirty days within a calendar  
23 year and based on notification to the distant state.

24 337.110. 1. The home state shall be a compact state where  
25 a psychologist is licensed to practice psychology.

26 2. A psychologist may hold one or more compact state  
27 licenses at a time. If the psychologist is licensed in more than  
28 one compact state, the home state is the compact state where the

1 psychologist is physically present when the services are  
2 delivered as authorized by the authority to practice  
3 interjurisdictional telepsychology under the terms of this  
4 compact.

5 3. Any compact state may require a psychologist not  
6 previously licensed in a compact state to obtain and retain a  
7 license to be authorized to practice in the compact state under  
8 circumstances not authorized by the authority to practice  
9 interjurisdictional telepsychology under the terms of this  
10 compact.

11 4. Any compact state may require a psychologist to obtain  
12 and retain a license to be authorized to practice in a compact  
13 state under circumstances not authorized by temporary  
14 authorization to practice under the terms of this compact.

15 5. A home state's license authorizes a psychologist to  
16 practice in a receiving state under the authority to practice  
17 interjurisdictional telepsychology only if the compact state:

18 (1) Currently requires the psychologist to hold an active  
19 E.Passport;

20 (2) Has a mechanism in place for receiving and  
21 investigating complaints about licensed individuals;

22 (3) Notifies the commission, in compliance with the terms  
23 herein, of any adverse action or significant investigatory  
24 information regarding a licensed individual;

25 (4) Requires an identity history summary of all applicants  
26 at initial licensure, including the use of the results of  
27 fingerprints or other biometric data checks compliant with the  
28 requirements of the Federal Bureau of Investigation, or other

1 designee with similar authority, no later than ten years after  
2 activation of the compact; and

3 (5) Complies with the bylaws and rules of the commission.

4 6. A home state's license grants temporary authorization to  
5 practice to a psychologist in a distant state only if the compact  
6 state:

7 (1) Currently requires the psychologist to hold an active  
8 IPC;

9 (2) Has a mechanism in place for receiving and  
10 investigating complaints about licensed individuals;

11 (3) Notifies the commission, in compliance with the terms  
12 herein, of any adverse action or significant investigatory  
13 information regarding a licensed individual;

14 (4) Requires an identity history summary of all applicants  
15 at initial licensure, including the use of the results of  
16 fingerprints or other biometric data checks compliant with the  
17 requirements of the Federal Bureau of Investigation, or other  
18 designee with similar authority, no later than ten years after  
19 activation of the compact; and

20 (5) Complies with the bylaws and rules of the commission.

21 337.115. 1. Compact states shall recognize the right of a  
22 psychologist, licensed in a compact state in conformance with  
23 section 337.110, to practice telepsychology in receiving states  
24 in which the psychologist is not licensed, under the authority to  
25 practice interjurisdictional telepsychology as provided in the  
26 compact.

27 2. To exercise the authority to practice  
28 interjurisdictional telepsychology under the terms and provisions

1 of this compact, a psychologist licensed to practice in a compact  
2 state shall:

3 (1) Hold a graduate degree in psychology from an institute  
4 of higher education that was, at the time the degree was awarded:

5 (a) Regionally accredited by an accrediting body recognized  
6 by the United States Department of Education to grant graduate  
7 degrees, or authorized by provincial statute or royal charter to  
8 grant doctoral degrees; or

9 (b) A foreign college or university deemed to be equivalent  
10 to the requirements of paragraph (a) of this subdivision by a  
11 foreign credential evaluation service that is a member of the  
12 National Association of Credential Evaluation Services (NACES) or  
13 by a recognized foreign credential evaluation service;

14 (2) Hold a graduate degree in psychology that meets the  
15 following criteria:

16 (a) The program, wherever it may be administratively  
17 housed, shall be clearly identified and labeled as a psychology  
18 program. Such a program shall specify in pertinent institutional  
19 catalogues and brochures its intent to educate and train  
20 professional psychologists;

21 (b) The psychology program shall stand as a recognizable,  
22 coherent, organizational entity within the institution;

23 (c) There shall be a clear authority and primary  
24 responsibility for the core and specialty areas whether or not  
25 the program cuts across administrative lines;

26 (d) The program shall consist of an integrated, organized  
27 sequence of study;

28 (e) There shall be an identifiable psychology faculty

1 sufficient in size and breadth to carry out its responsibilities;

2 (f) The designated director of the program shall be a  
3 psychologist and a member of the core faculty;

4 (g) The program shall have an identifiable body of students  
5 who are matriculated in that program for a degree;

6 (h) The program shall include supervised practicum,  
7 internship, or field training appropriate to the practice of  
8 psychology;

9 (i) The curriculum shall encompass a minimum of three  
10 academic years of full-time graduate study for doctoral degree  
11 and a minimum of one academic year of full-time graduate study  
12 for master's degree;

13 (j) The program includes an acceptable residency as defined  
14 by the rules of the commission;

15 (3) Possess a current, full and unrestricted license to  
16 practice psychology in a home state which is a compact state;

17 (4) Have no history of adverse action that violate the  
18 rules of the commission;

19 (5) Have no criminal record history reported on an identity  
20 history summary that violates the rules of the commission;

21 (6) Possess a current, active E.Passport;

22 (7) Provide attestations in regard to areas of intended  
23 practice, conformity with standards of practice, competence in  
24 telepsychology technology; criminal background; and knowledge and  
25 adherence to legal requirements in the home and receiving states,  
26 and provide a release of information to allow for primary source  
27 verification in a manner specified by the commission; and

28 (8) Meet other criteria as defined by the rules of the

1 commission.

2 3. The home state maintains authority over the license of  
3 any psychologist practicing into a receiving state under the  
4 authority to practice interjurisdictional telepsychology.

5 4. A psychologist practicing into a receiving state under  
6 the authority to practice interjurisdictional telepsychology will  
7 be subject to the receiving state's scope of practice. A  
8 receiving state may, in accordance with that state's due process  
9 law, limit or revoke a psychologist's authority to practice  
10 interjurisdictional telepsychology in the receiving state and may  
11 take any other necessary actions under the receiving state's  
12 applicable law to protect the health and safety of the receiving  
13 state's citizens. If a receiving state takes action, the state  
14 shall promptly notify the home state and the commission.

15 5. If a psychologist's license in any home state, another  
16 compact state, or any authority to practice interjurisdictional  
17 telepsychology in any receiving state, is restricted, suspended  
18 or otherwise limited, the E.Passport shall be revoked and  
19 therefore the psychologist shall not be eligible to practice  
20 telepsychology in a compact state under the authority to practice  
21 interjurisdictional telepsychology.

22 337.120. 1. Compact states shall also recognize the right  
23 of a psychologist, licensed in a compact state in conformance  
24 with section 337.110, to practice temporarily in distant states  
25 in which the psychologist is not licensed, as provided in the  
26 compact.

27 2. To exercise the temporary authorization to practice  
28 under the terms and provisions of this compact, a psychologist

1 licensed to practice in a compact state shall:

2 (1) Hold a graduate degree in psychology from an institute  
3 of higher education that was, at the time the degree was awarded:

4 (a) Regionally accredited by an accrediting body recognized  
5 by the United States Department of Education to grant graduate  
6 degrees, or authorized by provincial statute or royal charter to  
7 grant doctoral degrees; or

8 (b) A foreign college or university deemed to be equivalent  
9 to the requirements of paragraph (a) of this subdivision by a  
10 foreign credential evaluation service that is a member of the  
11 National Association of Credential Evaluation Services (NACES) or  
12 by a recognized foreign credential evaluation service;

13 (2) Hold a graduate degree in psychology that meets the  
14 following criteria:

15 (a) The program, wherever it may be administratively  
16 housed, shall be clearly identified and labeled as a psychology  
17 program. Such a program shall specify in pertinent institutional  
18 catalogues and brochures its intent to educate and train  
19 professional psychologists;

20 (b) The psychology program shall stand as a recognizable,  
21 coherent, organizational entity within the institution;

22 (c) There shall be a clear authority and primary  
23 responsibility for the core and specialty areas whether or not  
24 the program cuts across administrative lines;

25 (d) The program shall consist of an integrated, organized  
26 sequence of study;

27 (e) There shall be an identifiable psychology faculty  
28 sufficient in size and breadth to carry out its responsibilities;

1           (f) The designated director of the program shall be a  
2 psychologist and a member of the core faculty;

3           (g) The program shall have an identifiable body of students  
4 who are matriculated in that program for a degree;

5           (h) The program shall include supervised practicum,  
6 internship, or field training appropriate to the practice of  
7 psychology;

8           (i) The curriculum shall encompass a minimum of three  
9 academic years of full-time graduate study for doctoral degrees  
10 and a minimum of one academic year of full-time graduate study  
11 for master's degree;

12           (j) The program includes an acceptable residency as defined  
13 by the rules of the commission;

14           (3) Possess a current, full and unrestricted license to  
15 practice psychology in a home state which is a compact state;

16           (4) No history of adverse action that violate the rules of  
17 the commission;

18           (5) No criminal record history that violates the rules of  
19 the commission;

20           (6) Possess a current, active IPC;

21           (7) Provide attestations in regard to areas of intended  
22 practice and work experience and provide a release of information  
23 to allow for primary source verification in a manner specified by  
24 the commission; and

25           (8) Meet other criteria as defined by the rules of the  
26 commission.

27           3. A psychologist practicing into a distant state under the  
28 temporary authorization to practice shall practice within the

1 scope of practice authorized by the distant state.

2 4. A psychologist practicing into a distant state under the  
3 temporary authorization to practice will be subject to the  
4 distant state's authority and law. A distant state may, in  
5 accordance with that state's due process law, limit or revoke a  
6 psychologist's temporary authorization to practice in the distant  
7 state and may take any other necessary actions under the distant  
8 state's applicable law to protect the health and safety of the  
9 distant state's citizens. If a distant state takes action, the  
10 state shall promptly notify the home state and the commission.

11 5. If a psychologist's license in any home state, another  
12 compact state, or any temporary authorization to practice in any  
13 distant state, is restricted, suspended or otherwise limited, the  
14 IPC shall be revoked and therefore the psychologist shall not be  
15 eligible to practice in a compact state under the temporary  
16 authorization to practice.

17 337.125. A psychologist may practice in a receiving state  
18 under the authority to practice interjurisdictional  
19 telepsychology only in the performance of the scope of practice  
20 for psychology as assigned by an appropriate state psychology  
21 regulatory authority, as defined in the rules of the commission,  
22 and under the following circumstances:

23 (1) The psychologist initiates a client/patient contact in  
24 a home state via telecommunications technologies with a  
25 client/patient in a receiving state;

26 (2) Other conditions regarding telepsychology as determined  
27 by rules promulgated by the commission.

28 337.130. 1. A home state shall have the power to impose

1 adverse action against a psychologist's license issued by the  
2 home state. A distant state shall have the power to take adverse  
3 action on a psychologist's temporary authorization to practice  
4 within that distant state.

5 2. A receiving state may take adverse action on a  
6 psychologist's authority to practice interjurisdictional  
7 telepsychology within that receiving state. A home state may  
8 take adverse action against a psychologist based on an adverse  
9 action taken by a distant state regarding temporary in-person,  
10 face-to-face practice.

11 3. (1) If a home state takes adverse action against a  
12 psychologist's license, that psychologist's authority to practice  
13 interjurisdictional telepsychology is terminated and the  
14 E.Passport is revoked. Furthermore, that psychologist's  
15 temporary authorization to practice is terminated and the IPC is  
16 revoked.

17 (2) All home state disciplinary orders which impose adverse  
18 action shall be reported to the commission in accordance with the  
19 rules promulgated by the commission. A compact state shall  
20 report adverse actions in accordance with the rules of the  
21 commission.

22 (3) In the event discipline is reported on a psychologist,  
23 the psychologist will not be eligible for telepsychology or  
24 temporary in-person, face-to-face practice in accordance with the  
25 rules of the commission.

26 (4) Other actions may be imposed as determined by the rules  
27 promulgated by the commission.

28 4. A home state's psychology regulatory authority shall

1 investigate and take appropriate action with respect to reported  
2 inappropriate conduct engaged in by a licensee which occurred in  
3 a receiving state as it would if such conduct had occurred by a  
4 licensee within the home state. In such cases, the home state's  
5 law shall control in determining any adverse action against a  
6 psychologist's license.

7 5. A distant state's psychology regulatory authority shall  
8 investigate and take appropriate action with respect to reported  
9 inappropriate conduct engaged in by a psychologist practicing  
10 under temporary authorization practice which occurred in that  
11 distant state as it would if such conduct had occurred by a  
12 licensee within the home state. In such cases, distant state's  
13 law shall control in determining any adverse action against a  
14 psychologist's temporary authorization to practice.

15 6. Nothing in this compact shall override a compact state's  
16 decision that a psychologist's participation in an alternative  
17 program may be used in lieu of adverse action and that such  
18 participation shall remain non-public if required by the compact  
19 state's law. Compact states shall require psychologists who  
20 enter any alternative programs to not provide telepsychology  
21 services under the authority to practice interjurisdictional  
22 telepsychology or provide temporary psychological services under  
23 the temporary authorization to practice in any other compact  
24 state during the term of the alternative program.

25 7. No other judicial or administrative remedies shall be  
26 available to a psychologist in the event a compact state imposes  
27 an adverse action pursuant to subsection 3 of this section.

28 337.135. 1. In addition to any other powers granted under

1 state law, a compact state's psychology regulatory authority  
2 shall have the authority under this compact to:

3 (1) Issue subpoenas, for both hearings and investigations,  
4 which require the attendance and testimony of witnesses and the  
5 production of evidence. Subpoenas issued by a compact state's  
6 psychology regulatory authority for the attendance and testimony  
7 of witnesses, or the production of evidence from another compact  
8 state shall be enforced in the latter state by any court of  
9 competent jurisdiction, according to that court's practice and  
10 procedure in considering subpoenas issued in its own proceedings.  
11 The issuing state psychology regulatory authority shall pay any  
12 witness fees, travel expenses, mileage and other fees required by  
13 the service statutes of the state where the witnesses or evidence  
14 are located; and

15 (2) Issue cease and desist or injunctive relief orders to  
16 revoke a psychologist's authority to practice interjurisdictional  
17 telepsychology or temporary authorization to practice.

18 2. During the course of any investigation, a psychologist  
19 may not change his or her home state licensure. A home state  
20 psychology regulatory authority is authorized to complete any  
21 pending investigations of a psychologist and to take any actions  
22 appropriate under its law. The home state psychology regulatory  
23 authority shall promptly report the conclusions of such  
24 investigations to the commission. Once an investigation has been  
25 completed, and pending the outcome of said investigation, the  
26 psychologist may change his or her home state licensure. The  
27 commission shall promptly notify the new home state of any such  
28 decisions as provided in the rules of the commission. All

1 information provided to the commission or distributed by compact  
2 states pursuant to the psychologist shall be confidential, filed  
3 under seal and used for investigatory or disciplinary matters.  
4 The commission may create additional rules for mandated or  
5 discretionary sharing of information by compact states.

6 337.140. 1. The commission shall provide for the  
7 development and maintenance of a coordinated licensure  
8 information system "coordinated database" and reporting system  
9 containing licensure and disciplinary action information on all  
10 psychologist individuals to whom this compact is applicable in  
11 all compact states as defined by the rules of the commission.

12 2. Notwithstanding any other provision of state law to the  
13 contrary, a compact state shall submit a uniform data set to the  
14 coordinated database on all licensees as required by the rules of  
15 the commission, including:

16 (1) Identifying information;

17 (2) Licensure data;

18 (3) Significant investigatory information;

19 (4) Adverse actions against a psychologist's license;

20 (5) An indicator that a psychologist's authority to  
21 practice interjurisdictional telepsychology or temporary  
22 authorization to practice is revoked;

23 (6) Nonconfidential information related to alternative  
24 program participation information;

25 (7) Any denial of application for licensure, and the  
26 reasons for such denial; and

27 (8) Other information which may facilitate the  
28 administration of this compact, as determined by the rules of the

1 commission.

2 3. The coordinated database administrator shall promptly  
3 notify all compact states of any adverse action taken against, or  
4 significant investigative information on, any licensee in a  
5 compact state.

6 4. Compact states reporting information to the coordinated  
7 database may designate information that may not be shared with  
8 the public without the express permission of the compact state  
9 reporting the information.

10 5. Any information submitted to the coordinated database  
11 that is subsequently required to be expunged by the law of the  
12 compact state reporting the information shall be removed from the  
13 coordinated database.

14 337.145. 1. The compact states hereby create and establish  
15 a joint public agency known as the psychology interjurisdictional  
16 compact commission.

17 (1) The commission is a body politic and an instrumentality  
18 of the compact states.

19 (2) Venue is proper and judicial proceedings by or against  
20 the commission shall be brought solely and exclusively in a court  
21 of competent jurisdiction where the principal office of the  
22 commission is located. The commission may waive venue and  
23 jurisdictional defenses to the extent it adopts or consents to  
24 participate in alternative dispute resolution proceedings.

25 (3) Nothing in this compact shall be construed to be a  
26 waiver of sovereign immunity.

27 2. The commission shall consist of one voting  
28 representative appointed by each compact state who shall serve as

1 that state's commissioner. The state psychology regulatory  
2 authority shall appoint its delegate. This delegate shall be  
3 empowered to act on behalf of the compact state. This delegate  
4 shall be limited to:

5 (1) Executive director, executive secretary or similar  
6 executive;

7 (2) Current member of the state psychology regulatory  
8 authority of a compact state; or

9 (3) Designee empowered with the appropriate delegate  
10 authority to act on behalf of the compact state.

11 3. (1) Any commissioner may be removed or suspended from  
12 office as provided by the law of the state from which the  
13 commissioner is appointed. Any vacancy occurring in the  
14 commission shall be filled in accordance with the laws of the  
15 compact state in which the vacancy exists.

16 (2) Each commissioner shall be entitled to one vote with  
17 regard to the promulgation of rules and creation of bylaws and  
18 shall otherwise have an opportunity to participate in the  
19 business and affairs of the commission. A commissioner shall  
20 vote in person or by such other means as provided in the bylaws.  
21 The bylaws may provide for commissioners' participation in  
22 meetings by telephone or other means of communication.

23 (3) The commission shall meet at least once during each  
24 calendar year. Additional meetings shall be held as set forth in  
25 the bylaws.

26 (4) All meetings shall be open to the public, and public  
27 notice of meetings shall be given in the same manner as required  
28 under the rulemaking provisions in section 337.150.

1           (5) The commission may convene in a closed, nonpublic  
2 meeting if the commission shall discuss:

3           (a) Noncompliance of a compact state with its obligations  
4 under the compact;

5           (b) The employment, compensation, discipline or other  
6 personnel matters, practices or procedures related to specific  
7 employees or other matters related to the commission's internal  
8 personnel practices and procedures;

9           (c) Current, threatened, or reasonably anticipated  
10 litigation against the commission;

11           (d) Negotiation of contracts for the purchase or sale of  
12 goods, services, or real estate;

13           (e) Accusation against any person of a crime or formally  
14 censuring any person;

15           (f) Disclosure of trade secrets or commercial or financial  
16 information which is privileged or confidential;

17           (g) Disclosure of information of a personal nature where  
18 disclosure would constitute a clearly unwarranted invasion of  
19 personal privacy;

20           (h) Disclosure of investigatory records compiled for law  
21 enforcement purposes;

22           (i) Disclosure of information related to any investigatory  
23 reports prepared by or on behalf of or for use of the commission  
24 or other committee charged with responsibility for investigation  
25 or determination of compliance issues pursuant to the compact;

26           (j) Matters specifically exempted from disclosure by  
27 federal and state statute.

28           (6) If a meeting, or portion of a meeting, is closed

1 pursuant to subdivision (5) of subsection 3 of this section, the  
2 commission's legal counsel or designee shall certify that the  
3 meeting may be closed and shall reference each relevant exempting  
4 provision. The commission shall keep minutes which fully and  
5 clearly describe all matters discussed in a meeting and shall  
6 provide a full and accurate summary of actions taken, of any  
7 person participating in the meeting, and the reasons therefore,  
8 including a description of the views expressed. All documents  
9 considered in connection with an action shall be identified in  
10 such minutes. All minutes and documents of a closed meeting  
11 shall remain under seal, subject to release only by a majority  
12 vote of the commission or order of a court of competent  
13 jurisdiction.

14 4. The commission shall, by a majority vote of the  
15 commissioners, prescribe bylaws or rules to govern its conduct as  
16 may be necessary or appropriate to carry out the purposes and  
17 exercise the powers of the compact, including but not limited to:

18 (1) Establishing the fiscal year of the commission;

19 (2) Providing reasonable standards and procedures:

20 (a) For the establishment and meetings of other committees;

21 and

22 (b) Governing any general or specific delegation of any  
23 authority or function of the commission;

24 (3) Providing reasonable procedures for calling and  
25 conducting meetings of the commission, ensuring reasonable  
26 advance notice of all meetings and providing an opportunity for  
27 attendance of such meetings by interested parties, with  
28 enumerated exceptions designed to protect the public's interest,

1 the privacy of individuals of such proceedings, and proprietary  
2 information, including trade secrets. The commission may meet in  
3 closed session only after a majority of the commissioners vote to  
4 close a meeting to the public in whole or in part. As soon as  
5 practicable, the commission shall make public a copy of the vote  
6 to close the meeting revealing the vote of each commissioner with  
7 no proxy votes allowed;

8 (4) Establishing the titles, duties and authority and  
9 reasonable procedures for the election of the officers of the  
10 commission;

11 (5) Providing reasonable standards and procedures for the  
12 establishment of the personnel policies and programs of the  
13 commission. Notwithstanding any civil service or other similar  
14 law of any compact state, the bylaws shall exclusively govern the  
15 personnel policies and programs of the commission;

16 (6) Promulgating a code of ethics to address permissible  
17 and prohibited activities of commission members and employees;

18 (7) Providing a mechanism for concluding the operations of  
19 the commission and the equitable disposition of any surplus funds  
20 that may exist after the termination of the compact after the  
21 payment or reserving of all of its debts and obligations.

22 5. (1) The commission shall publish its bylaws in a  
23 convenient form and file a copy thereof and a copy of any  
24 amendment thereto, with the appropriate agency or officer in each  
25 of the compact states;

26 (2) The commission shall maintain its financial records in  
27 accordance with the bylaws; and

28 (3) The commission shall meet and take such actions as are

1 consistent with the provisions of this compact and the bylaws.

2 6. The commission shall have the following powers:

3 (1) The authority to promulgate uniform rules to facilitate  
4 and coordinate implementation and administration of this compact.  
5 The rule shall have the force and effect of law and shall be  
6 binding in all compact states;

7 (2) To bring and prosecute legal proceedings or actions in  
8 the name of the commission, provided that the standing of any  
9 state psychology regulatory authority or other regulatory body  
10 responsible for psychology licensure to sue or be sued under  
11 applicable law shall not be affected;

12 (3) To purchase and maintain insurance and bonds;

13 (4) To borrow, accept or contract for services of  
14 personnel, including, but not limited to, employees of a compact  
15 state;

16 (5) To hire employees, elect or appoint officers, fix  
17 compensation, define duties, grant such individuals appropriate  
18 authority to carry out the purposes of the compact, and to  
19 establish the commission's personnel policies and programs  
20 relating to conflicts of interest, qualifications of personnel,  
21 and other related personnel matters;

22 (6) To accept any and all appropriate donations and grants  
23 of money, equipment, supplies, materials and services, and to  
24 receive, utilize and dispose of the same; provided that at all  
25 times the commission shall strive to avoid any appearance of  
26 impropriety or conflict of interest;

27 (7) To lease, purchase, accept appropriate gifts or  
28 donations of, or otherwise to own, hold, improve or use, any

1 property, real, personal or mixed; provided that at all times the  
2 commission shall strive to avoid any appearance of impropriety;

3 (8) To lease, purchase, accept appropriate gifts or  
4 donations of, or otherwise to own, hold, improve or use, any  
5 property, real, personal or mixed; provided that at all times the  
6 commission shall strive to avoid any appearance of impropriety;

7 (9) To establish a budget and make expenditures;

8 (10) To borrow money;

9 (11) To appoint committees, including advisory committees  
10 comprised of members, state regulators, state legislators or  
11 their representatives, and consumer representatives, and such  
12 other interested persons as may be designated in this compact and  
13 the bylaws;

14 (12) To provide and receive information from, and to  
15 cooperate with, law enforcement agencies;

16 (13) To adopt and use an official seal; and

17 (14) To perform such other functions as may be necessary or  
18 appropriate to achieve the purposes of this compact consistent  
19 with the state regulation of psychology licensure, temporary in-  
20 person, face-to-face practice and telepsychology practice.

21 7. (1) The elected officers shall serve as the executive  
22 board, which shall have the power to act on behalf of the  
23 commission according to the terms of this compact.

24 (2) The executive board shall be comprised of six members:

25 (a) Five voting members who are elected from the current  
26 membership of the commission by the commission;

27 (b) One ex officio, nonvoting member from the recognized  
28 membership organization composed of state and provincial

1 psychology regulatory authorities.

2 (3) The ex officio member shall have served as staff or  
3 member on a state psychology regulatory authority and will be  
4 selected by its respective organization.

5 (4) The commission may remove any member of the executive  
6 board as provided in bylaws.

7 (5) The executive board shall meet at least annually.

8 (6) The executive board shall have the following duties and  
9 responsibilities:

10 (a) Recommend to the entire commission changes to the rules  
11 or bylaws, changes to this compact legislation, fees paid by  
12 compact states such as annual dues, and any other applicable  
13 fees;

14 (b) Ensure compact administration services are  
15 appropriately provided, contractual or otherwise;

16 (c) Prepare and recommend the budget;

17 (d) Maintain financial records on behalf of the commission;

18 (e) Monitor compact compliance of member states and provide  
19 compliance reports to the commission;

20 (f) Establish additional committees as necessary; and

21 (g) Other duties as provided in rules or bylaws.

22 8. (1) The commission shall pay, or provide for the  
23 payment of the reasonable expenses of its establishment,  
24 organization and ongoing activities.

25 (2) The commission may accept any and all appropriate  
26 revenue sources, donations and grants of money, equipment,  
27 supplies, materials and services.

28 (3) The commission may levy on and collect an annual

1 assessment from each compact state or impose fees on other  
2 parties to cover the cost of the operations and activities of the  
3 commission and its staff which shall be in a total amount  
4 sufficient to cover its annual budget as approved each year for  
5 which revenue is not provided by other sources. The aggregate  
6 annual assessment amount shall be allocated based upon a formula  
7 to be determined by the commission which shall promulgate a rule  
8 binding upon all compact states.

9 (4) The commission shall not incur obligations of any kind  
10 prior to securing the funds adequate to meet the same; nor shall  
11 the commission pledge the credit of any of the compact states,  
12 except by and with the authority of the compact state.

13 (5) The commission shall keep accurate accounts of all  
14 receipts and disbursements. The receipts and disbursements of  
15 the commission shall be subject to the audit and accounting  
16 procedures established under its bylaws. However, all receipts  
17 and disbursements of funds handled by the commission shall be  
18 audited yearly by a certified or licensed public accountant and  
19 the report of the audit shall be included in and become part of  
20 the annual report of the commission.

21 9. (1) The members, officers, executive director,  
22 employees and representatives of the commission shall be immune  
23 from suit and liability, either personally or in their official  
24 capacity, for any claim for damage to or loss of property or  
25 personal injury or other civil liability caused by or arising out  
26 of any actual or alleged act, error or omission that occurred, or  
27 that the person against whom the claim is made had a reasonable  
28 basis for believing occurred within the scope of commission

1 employment, duties or responsibilities; provided that nothing in  
2 this subsection shall be construed to protect any such person  
3 from suit or liability for any damage, loss, injury or liability  
4 caused by the intentional or willful or wanton misconduct of that  
5 person.

6 (2) The commission shall defend any member, officer,  
7 executive director, employee or representative of the commission  
8 in any civil action seeking to impose liability arising out of  
9 any actual or alleged act, error or omission that occurred within  
10 the scope of commission employment, duties or responsibilities,  
11 or that the person against whom the claim is made had a  
12 reasonable basis for believing occurred within the scope of  
13 commission employment, duties or responsibilities; provided that  
14 nothing herein shall be construed to prohibit that person from  
15 retaining his or her own counsel; and provided further, that the  
16 actual or alleged act, error or omission did not result from that  
17 person's intentional or willful or wanton misconduct.

18 (3) The commission shall indemnify and hold harmless any  
19 member, officer, executive director, employee or representative  
20 of the commission for the amount of any settlement or judgment  
21 obtained against that person arising out of any actual or alleged  
22 act, error or omission that occurred within the scope of  
23 commission employment, duties or responsibilities, or that such  
24 person had a reasonable basis for believing occurred within the  
25 scope of commission employment, duties or responsibilities,  
26 provided that the actual or alleged act, error or omission did  
27 not result from the intentional or willful or wanton misconduct  
28 of that person.

1           337.150. 1. The commission shall exercise its rulemaking  
2 powers pursuant to the criteria set forth in this section and the  
3 rules adopted thereunder. Rules and amendments shall become  
4 binding as of the date specified in each rule or amendment.

5           2. If a majority of the legislatures of the compact states  
6 rejects a rule, by enactment of a statute or resolution in the  
7 same manner used to adopt the compact, then such rule shall have  
8 no further force and effect in any compact state.

9           3. Rules or amendments to the rules shall be adopted at a  
10 regular or special meeting of the commission.

11           4. Prior to promulgation and adoption of a final rule or  
12 rules by the commission, and at least sixty days in advance of  
13 the meeting at which the rule will be considered and voted upon,  
14 the commission shall file a notice of proposed rulemaking:

15           (1) On the website of the commission; and

16           (2) On the website of each compact states' psychology  
17 regulatory authority or the publication in which each state would  
18 otherwise publish proposed rules.

19           5. The notice of proposed rulemaking shall include:

20           (1) The proposed time, date, and location of the meeting in  
21 which the rule will be considered and voted upon;

22           (2) The text of the proposed rule or amendment and the  
23 reason for the proposed rule;

24           (3) A request for comments on the proposed rule from any  
25 interested person;

26           (4) The manner in which interested persons may submit  
27 notice to the commission of their intention to attend the public  
28 hearing and any written comments.

1           6. Prior to adoption of a proposed rule, the commission  
2 shall allow persons to submit written data, facts, opinions, and  
3 arguments, which shall be made available to the public.

4           7. The commission shall grant an opportunity for a public  
5 hearing before it adopts a rule or amendment if a hearing is  
6 requested by:

7           (1) At least twenty-five persons who submit comments  
8 independently of each other;

9           (2) A governmental subdivision or agency; or

10          (3) A duly appointed person in an association that has at  
11 least twenty-five members.

12          8. (1) If a hearing is held on the proposed rule or  
13 amendment, the commission shall publish the place, time, and date  
14 of the scheduled public hearing.

15          (2) All persons wishing to be heard at the hearing shall  
16 notify the executive director of the commission or other  
17 designated member in writing of their desire to appear and  
18 testify at the hearing not less than five business days before  
19 the scheduled date of the hearing.

20          (3) Hearings shall be conducted in a manner providing each  
21 person who wishes to comment a fair and reasonable opportunity to  
22 comment orally or in writing.

23          (4) No transcript of the hearing is required, unless a  
24 written request for a transcript is made, in which case the  
25 person requesting the transcript shall bear the cost of producing  
26 the transcript. A recording may be made in lieu of a transcript  
27 under the same terms and conditions as a transcript. This  
28 subdivision shall not preclude the commission from making a

1 transcript or recording of the hearing if it so chooses.

2 (5) Nothing in this section shall be construed as requiring  
3 a separate hearing on each rule. Rules may be grouped for the  
4 convenience of the commission at hearings required by this  
5 section.

6 9. Following the scheduled hearing date, or by the close of  
7 business on the scheduled hearing date if the hearing was not  
8 held, the commission shall consider all written and oral comments  
9 received.

10 10. The commission shall, by majority vote of all members,  
11 take final action on the proposed rule and shall determine the  
12 effective date of the rule, if any, based on the rulemaking  
13 record and the full text of the rule.

14 11. If no written notice of intent to attend the public  
15 hearing by interested parties is received, the commission may  
16 proceed with promulgation of the proposed rule without a public  
17 hearing.

18 12. Upon determination that an emergency exists, the  
19 commission may consider and adopt an emergency rule without prior  
20 notice, opportunity for comment, or hearing, provided that the  
21 usual rulemaking procedures provided in the compact and in this  
22 section shall be retroactively applied to the rule as soon as  
23 reasonably possible, in no event later than ninety days after the  
24 effective date of the rule. For the purposes of this provision,  
25 an emergency rule is one that shall be adopted immediately in  
26 order to:

27 (1) Meet an imminent threat to public health, safety, or  
28 welfare;

1           (2) Prevent a loss of commission or compact state funds;

2           (3) Meet a deadline for the promulgation of an  
3 administrative rule that is established by federal law or rule;  
4 or

5           (4) Protect public health and safety.

6           13. (1) The commission or an authorized committee of the  
7 commission may direct revisions to a previously adopted rule or  
8 amendment for purposes of correcting typographical errors, errors  
9 in format, errors in consistency, or grammatical errors. Public  
10 notice of any revisions shall be posted on the website of the  
11 commission. The revision shall be subject to challenge by any  
12 person for a period of thirty days after posting. The revision  
13 may be challenged only on grounds that the revision results in a  
14 material change to a rule.

15           (2) A challenge shall be made in writing, and delivered to  
16 the chair of the commission prior to the end of the notice  
17 period. If no challenge is made, the revision will take effect  
18 without further action. If the revision is challenged, the  
19 revision may not take effect without the approval of the  
20 commission.

21           337.155. 1. (1) The executive, legislative, and judicial  
22 branches of state government in each compact state shall enforce  
23 this compact and take all actions necessary and appropriate to  
24 effectuate the compact's purposes and intent. The provisions of  
25 this compact and the rules promulgated hereunder shall have  
26 standing as statutory law.

27           (2) All courts shall take judicial notice of the compact  
28 and the rules in any judicial or administrative proceeding in a

1 compact state pertaining to the subject matter of this compact  
2 which may affect the powers, responsibilities, or actions of the  
3 commission.

4 (3) The commission shall be entitled to receive service of  
5 process in any such proceeding, and shall have standing to  
6 intervene in such a proceeding for all purposes. Failure to  
7 provide service of process to the commission shall render a  
8 judgment or order void as to the commission, this compact or  
9 promulgated rules.

10 2. (1) If the commission determines that a compact state  
11 has defaulted in the performance of its obligations or  
12 responsibilities under this compact or the promulgated rules, the  
13 commission shall:

14 (a) Provide written notice to the defaulting state and  
15 other compact states of the nature of the default, the proposed  
16 means of remedying the default or any other action to be taken by  
17 the commission; and

18 (b) Provide remedial training and specific technical  
19 assistance regarding the default.

20 (2) If a state in default fails to remedy the default, the  
21 defaulting state may be terminated from the compact upon an  
22 affirmative vote of a majority of the compact states, and all  
23 rights, privileges, and benefits conferred by this compact shall  
24 be terminated on the effective date of termination. A remedy of  
25 the default does not relieve the offending state of obligations  
26 or liabilities incurred during the period of default.

27 (3) Termination of membership in the compact shall be  
28 imposed only after all other means of securing compliance have

1 been exhausted. Notice of intent to suspend or terminate shall  
2 be submitted by the commission to the governor, the majority and  
3 minority leaders of the defaulting state's legislature, and each  
4 of the compact states.

5 (4) A compact state which has been terminated is  
6 responsible for all assessments, obligations, and liabilities  
7 incurred through the effective date of termination, including  
8 obligations which extend beyond the effective date of  
9 termination.

10 (5) The commission shall not bear any costs incurred by the  
11 state which is found to be in default or which has been  
12 terminated from the compact, unless agreed upon in writing  
13 between the commission and the defaulting state.

14 (6) The defaulting state may appeal the action of the  
15 commission by petitioning the U.S. District Court for the state  
16 of Georgia or the federal district where the compact has its  
17 principal offices. The prevailing member shall be awarded all  
18 costs of such litigation, including reasonable attorney's fees.

19 3. (1) Upon request by a compact state, the commission  
20 shall attempt to resolve disputes related to the compact which  
21 arise among compact states and between compact and noncompact  
22 states.

23 (2) The commission shall promulgate a rule providing for  
24 both mediation and binding dispute resolution for disputes that  
25 arise before the commission.

26 4. (1) The commission, in the reasonable exercise of its  
27 discretion, shall enforce the provisions and rules of this  
28 compact.

1           (2) By majority vote, the commission may initiate legal  
2 action in the United States District Court for the State of  
3 Georgia or the federal district where the compact has its  
4 principal offices against a compact state in default to enforce  
5 compliance with the provisions of the compact and its promulgated  
6 rules and bylaws. The relief sought may include both injunctive  
7 relief and damages. In the event judicial enforcement is  
8 necessary, the prevailing member shall be awarded all costs of  
9 such litigation, including reasonable attorney's fees.

10           (3) The remedies herein shall not be the exclusive remedies  
11 of the commission. The commission may pursue any other remedies  
12 available under federal or state law.

13           337.160. 1. The compact shall come into effect on the date  
14 on which the compact is enacted into law in the seventh compact  
15 state. The provisions which become effective at that time shall  
16 be limited to the powers granted to the commission relating to  
17 assembly and the promulgation of rules. Thereafter, the  
18 commission shall meet and exercise rulemaking powers necessary to  
19 the implementation and administration of the compact.

20           2. Any state which joins the compact subsequent to the  
21 commission's initial adoption of the rules shall be subject to  
22 the rules as they exist on the date on which the compact becomes  
23 law in that state. Any rule which has been previously adopted by  
24 the commission shall have the full force and effect of law on the  
25 day the compact becomes law in that state.

26           3. (1) Any compact state may withdraw from this compact by  
27 enacting a statute repealing the same.

28           (2) A compact state's withdrawal shall not take effect

1 until six months after enactment of the repealing statute.

2 (3) Withdrawal shall not affect the continuing requirement  
3 of the withdrawing state's psychology regulatory authority to  
4 comply with the investigative and adverse action reporting  
5 requirements of this act prior to the effective date of  
6 withdrawal.

7 4. Nothing contained in this compact shall be construed to  
8 invalidate or prevent any psychology licensure agreement or other  
9 cooperative arrangement between a compact state and a noncompact  
10 state which does not conflict with the provisions of this  
11 compact.

12 5. This compact may be amended by the compact states. No  
13 amendment to this compact shall become effective and binding upon  
14 any compact state until it is enacted into the law of all compact  
15 states.

16 337.165. This compact shall be liberally construed so as to  
17 effectuate the purposes thereof. If this compact shall be held  
18 contrary to the constitution of any state member thereto, the  
19 compact shall remain in full force and effect as to the remaining  
20 compact states.

21 337.315. 1. An applied behavior analysis intervention  
22 shall produce socially significant improvements in human behavior  
23 through skill acquisition, increase or decrease in behaviors  
24 under specific environmental conditions and the reduction of  
25 problematic behavior. An applied behavior analysis intervention  
26 shall:

27 (1) Be based on empirical research and the identification  
28 of functional relations between behavior and environment,

1 contextual factors, antecedent stimuli and reinforcement  
2 operations through the direct observation and measurement of  
3 behavior, arrangement of events and observation of effects on  
4 behavior, as well as other information gathering methods such as  
5 record review and interviews; and

6 (2) Utilize changes and arrangements of contextual factors,  
7 antecedent stimuli, positive reinforcement, and other  
8 consequences to produce behavior change.

9 2. Each person wishing to practice as a licensed behavior  
10 analyst shall:

11 (1) Submit a complete application on a form approved by the  
12 committee, which shall include a statement that the applicant has  
13 completed two hours of suicide assessment, referral, treatment,  
14 and management training;

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

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

19 (4) Provide two classified sets of fingerprints for  
20 processing by the Missouri state highway patrol under section  
21 43.543. One set of fingerprints shall be used by the highway  
22 patrol to search the criminal history repository and the second  
23 set shall be forwarded to the Federal Bureau of Investigation for  
24 searching the federal criminal history files;

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

28 (6) Provide evidence of active status as a board-certified

1 behavior analyst; and

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

6 3. Each person wishing to practice as a licensed assistant  
7 behavior analyst shall:

8 (1) Submit a complete application on a form approved by the  
9 committee;

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

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

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

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

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

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

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

4           4. The committee shall be authorized to issue a temporary  
5 license to an applicant for a behavior analyst license or  
6 assistant behavior analyst license upon receipt of a complete  
7 application, submission of a fee as set by the committee by rule  
8 for behavior analyst or assistant behavior analyst, and a showing  
9 of valid licensure as a behavior analyst or assistant behavior  
10 analyst in another state, only if the applicant has submitted  
11 fingerprints and no disqualifying criminal history appears on the  
12 family care safety registry. The temporary license shall expire  
13 upon issuance of a license or denial of the application but no  
14 later than ninety days from issuance of the temporary license.  
15 Upon written request to the committee, the holder of a temporary  
16 license shall be entitled to one extension of ninety days of the  
17 temporary license.

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

1 behavior analyst to obtain a provisional behavior analyst or  
2 provisional assistant behavior analyst license.

3 (2) A provisional license issued under this subsection  
4 shall only authorize and permit the licensee to render behavior  
5 analysis under the supervision and the full professional  
6 responsibility and control of such licensee's licensed  
7 supervisor.

8 (3) A provisional license shall automatically terminate  
9 upon issuance of a permanent license, upon a finding of cause to  
10 discipline after notice and hearing under section 337.330, upon  
11 termination of supervision by a licensed supervisor, or upon the  
12 expiration of one year from the date of issuance of the  
13 provisional license, whichever first occurs. The provisional  
14 license may be renewed after one year, with a maximum issuance of  
15 two years. Upon a showing of good cause, the committee by rule  
16 shall provide procedures for exceptions and variances from the  
17 requirement of a maximum issuance of two years.

18 6. No person shall hold himself or herself out to be  
19 licensed behavior analysts or LBA, provisionally licensed  
20 behavior analyst or PLBA, provisionally licensed assistant  
21 behavior analyst or PLABA, temporary licensed behavior analyst or  
22 TLBA, or temporary licensed assistant behavior analyst or TLaBA,  
23 licensed assistant behavior analysts or LaBA in the state of  
24 Missouri unless they meet the applicable requirements.

25 7. No persons shall practice applied behavior analysis  
26 unless they are:

27 (1) Licensed behavior analysts;

28 (2) Licensed assistant behavior analysts working under the

1 supervision of a licensed behavior analyst;

2 (3) An individual who has a bachelor's or graduate degree  
3 and completed course work for licensure as a behavior analyst and  
4 is obtaining supervised field experience under a licensed  
5 behavior analyst pursuant to required supervised work experience  
6 for licensure at the behavior analyst or assistant behavior  
7 analyst level;

8 (4) Licensed psychologists practicing within the rules and  
9 standards of practice for psychologists in the state of Missouri  
10 and whose practice is commensurate with their level of training  
11 and experience;

12 (5) Provisionally licensed behavior analysts;

13 (6) Provisionally licensed assistant behavior analysts;

14 (7) Temporary licensed behavior analysts; or

15 (8) Temporary licensed assistant behavior analysts.

16 8. Notwithstanding the provisions in subsection 6 of this  
17 section, any licensed or certified professional may practice  
18 components of applied behavior analysis, as defined in section  
19 337.300 if he or she is acting within his or her applicable scope  
20 of practice and ethical guidelines.

21 9. All licensed behavior analysts and licensed assistant  
22 behavior analysts shall be bound by the code of conduct adopted  
23 by the committee by rule.

24 10. Licensed assistant behavior analysts shall work under  
25 the direct supervision of a licensed behavior analyst as  
26 established by committee rule.

27 11. Persons who provide services under the Individuals with  
28 Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et

1 seq., or Section 504 of the federal Rehabilitation Act of 1973,  
2 29 U.S.C. Section 794, or are enrolled in a course of study at a  
3 recognized educational institution through which the person  
4 provides applied behavior analysis as part of supervised clinical  
5 experience shall be exempt from the requirements of this section.

6 12. A violation of this section shall be punishable by  
7 probation, suspension, or loss of any license held by the  
8 violator.

9 337.320. 1. The division shall mail a renewal notice to  
10 the last known address of each licensee or registrant prior to  
11 the renewal date.

12 2. Each person wishing to renew the behavior analyst  
13 license or the assistant behavior analyst license shall:

14 (1) Submit a complete application on a form approved by the  
15 committee, which shall include a statement that the applicant has  
16 completed two hours of suicide assessment, referral, treatment,  
17 and management training;

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

19 (3) Submit proof of active certification and fulfillment of  
20 all requirements for renewal and recertification with the  
21 certifying entity.

22 3. Failure to provide the division with documentation  
23 required by subsection 2 of this section or other information  
24 required for renewal shall effect a revocation of the license  
25 after a period of sixty days from the renewal date.

26 4. Each person wishing to restore the license, within two  
27 years of the renewal date, shall:

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

1 committee;

2 (2) Pay the renewal fee and a delinquency fee as set by the  
3 committee; and

4 (3) Submit proof of current certification from a certifying  
5 body approved by the committee.

6 5. A new license to replace any certificate lost,  
7 destroyed, or mutilated may be issued subject to the rules of the  
8 committee, upon payment of a fee established by the committee.

9 6. The committee shall set the amount of the fees  
10 authorized by sections 337.300 to 337.345 and required by rules  
11 promulgated under section 536.021. The fees shall be set at a  
12 level to produce revenue which shall not substantially exceed the  
13 cost and expense of administering sections 337.300 to 337.345.

14 7. The committee is authorized to issue an inactive license  
15 to any licensee who makes written application for such license on  
16 a form provided by the committee and remits the fee for an  
17 inactive license established by the committee. An inactive  
18 license may be issued only to a person who has previously been  
19 issued a license to practice as a licensed behavior analyst or a  
20 licensed assistant behavior analyst who is no longer regularly  
21 engaged in such practice and who does not hold himself or herself  
22 out to the public as being professionally engaged in such  
23 practice in this state. Each inactive license shall be subject  
24 to all provisions of this chapter, except as otherwise  
25 specifically provided. Each inactive license may be renewed by  
26 the committee subject to all provisions of this section and all  
27 other provisions of this chapter. The inactive licensee shall  
28 not be required to submit evidence of completion of continuing

1 education as required by this chapter.

2 8. An inactive licensee may apply for a license to  
3 regularly engage in the practice of behavioral analysis by:

4 (1) Submitting a complete application on a form approved by  
5 the committee;

6 (2) Paying the reactivation fee as set by the committee;

7 and

8 (3) Submitting proof of current certification from a  
9 certifying body approved by the committee.

10 337.507. 1. Applications for examination and licensure as  
11 a professional counselor shall be in writing, submitted to the  
12 division on forms prescribed by the division and furnished to the  
13 applicant. The form shall include a statement that the applicant  
14 has completed two hours of suicide assessment, referral,  
15 treatment, and management training. The application shall  
16 contain the applicant's statements showing his education,  
17 experience and such other information as the division may  
18 require. Each application shall contain a statement that it is  
19 made under oath or affirmation and that the information contained  
20 therein is true and correct to the best knowledge and belief of  
21 the applicant, subject to the penalties provided for the making  
22 of a false affidavit or declaration. Each application shall be  
23 accompanied by the fees required by the committee.

24 2. The division shall mail a renewal notice to the last  
25 known address of each licensee prior to the registration renewal  
26 date. Failure to provide the division with the information  
27 required for registration, or to pay the registration fee after  
28 such notice shall effect a revocation of the license after a

1 period of sixty days from the registration renewal date. The  
2 license shall be restored if, within two years of the  
3 registration date, the applicant provides written application and  
4 the payment of the registration fee and a delinquency fee.

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

8 4. The committee shall set the amount of the fees which  
9 sections 337.500 to 337.540 authorize and require by rules and  
10 regulations promulgated pursuant to section 536.021. The fees  
11 shall be set at a level to produce revenue which shall not  
12 substantially exceed the cost and expense of administering the  
13 provisions of sections 337.500 to 337.540. All fees provided for  
14 in sections 337.500 to 337.540 shall be collected by the director  
15 who shall deposit the same with the state treasurer in a fund to  
16 be known as the "Committee of Professional Counselors Fund".

17 5. The provisions of section 33.080 to the contrary  
18 notwithstanding, money in this fund shall not be transferred and  
19 placed to the credit of general revenue until the amount in the  
20 fund at the end of the biennium exceeds two times the amount of  
21 the appropriation from the committee's fund for the preceding  
22 fiscal year or, if the committee requires by rule renewal less  
23 frequently than yearly then three times the appropriation from  
24 the committee's fund for the preceding fiscal year. The amount,  
25 if any, in the fund which shall lapse is that amount in the fund  
26 which exceeds the appropriate multiple of the appropriations from  
27 the committee's fund for the preceding fiscal year.

28 6. The committee shall hold public examinations at least

1 two times per year, at such times and places as may be fixed by  
2 the committee, notice of such examinations to be given to each  
3 applicant at least ten days prior thereto.

4 337.510. 1. Each applicant for licensure as a professional  
5 counselor shall furnish evidence to the committee that the  
6 applicant is at least eighteen years of age, is of good moral  
7 character, is a United States citizen or is legally present in  
8 the United States; and

9 (1) The applicant has completed a course of study as  
10 defined by the board rule leading to a master's, specialist's, or  
11 doctoral degree with a major in counseling, except any applicant  
12 who has held a license as a professional counselor in this state  
13 or currently holds a license as a professional counselor in  
14 another state shall not be required to have completed any courses  
15 related to career development; and

16 (2) The applicant has completed acceptable supervised  
17 counseling as defined by board rule. If the applicant has a  
18 master's degree with a major in counseling as defined by board  
19 rule, the applicant shall complete at least two years of  
20 acceptable supervised counseling experience subsequent to the  
21 receipt of the master's degree. The composition and number of  
22 hours comprising the acceptable supervised counseling experience  
23 shall be defined by board rule. An applicant may substitute  
24 thirty semester hours of post master's graduate study for one of  
25 the two required years of acceptable supervised counseling  
26 experience if such hours are clearly related to counseling;

27 (3) After August 28, 2007, each applicant shall have  
28 completed a minimum of three hours of graduate level coursework

1 in diagnostic systems either in the curriculum leading to a  
2 degree or as post master's graduate level course work;

3 (4) Upon examination, the applicant is possessed of  
4 requisite knowledge of the profession, including techniques and  
5 applications, research and its interpretation, and professional  
6 affairs and ethics.

7 2. Any person who previously held a valid unrevoked,  
8 unsuspended license as a professional counselor in this state and  
9 who held a valid license as a professional counselor in another  
10 state at the time of application to the committee shall be  
11 granted a license to engage in professional counseling in this  
12 state upon application to the committee accompanied by the  
13 appropriate fee as established by the committee pursuant to  
14 section 337.507.

15 3. Any person holding a current license, certificate of  
16 registration, or permit from another state or territory of the  
17 United States to practice as a professional counselor who is at  
18 least eighteen years of age, is of good moral character, and is a  
19 United States citizen or is legally present in the United States  
20 may be granted a license without examination to engage in the  
21 practice of professional counseling in this state upon the  
22 application to the board, payment of the required fee as  
23 established by the board, and satisfying one of the following  
24 requirements:

25 (1) Approval by the American Association of State  
26 Counseling Boards (AASCB) or its successor organization according  
27 to the eligibility criteria established by AASCB. The successor  
28 organization shall be defined by board rule; or

1           (2) In good standing and currently certified by the  
2 National Board for Certified Counselors or its successor  
3 organization and has completed acceptable supervised counseling  
4 experience as defined by board rule. The successor organization  
5 shall be defined by board rule; or

6           (3) Determination by the board that the requirements of the  
7 other state or territory are substantially the same as Missouri  
8 and certified by the applicant's current licensing entity that  
9 the applicant has a current license. The applicant shall also  
10 consent to examination of any disciplinary history.

11           4. The committee shall issue a license to each person who  
12 files an application and fee and who furnishes evidence  
13 satisfactory to the committee that the applicant has complied  
14 with the provisions of this act and has taken and passed a  
15 written, open-book examination on Missouri laws and regulations  
16 governing the practice of professional counseling as defined in  
17 section 337.500. The division shall issue a provisional  
18 professional counselor license to any applicant who meets all  
19 requirements of this section, but who has not completed the  
20 required acceptable supervised counseling experience and such  
21 applicant may reapply for licensure as a professional counselor  
22 upon completion of such acceptable supervised counseling  
23 experience.

24           5. All persons licensed to practice professional counseling  
25 in this state shall pay on or before the license renewal date a  
26 renewal license fee and shall furnish to the committee  
27 satisfactory evidence of the completion of the requisite number  
28 of hours of continuing education as required by rule, including

1 two hours of suicide assessment, referral, treatment, and  
2 management training, which shall be no more than forty hours  
3 biennially. The continuing education requirements may be waived  
4 by the committee upon presentation to the committee of  
5 satisfactory evidence of the illness of the licensee or for other  
6 good cause.

7 337.612. 1. Applications for licensure as a clinical  
8 social worker, baccalaureate social worker, advanced macro social  
9 worker or master social worker shall be in writing, submitted to  
10 the committee on forms prescribed by the committee and furnished  
11 to the applicant. The form shall include a statement that the  
12 applicant has completed two hours of suicide assessment,  
13 referral, treatment, and management training. The application  
14 shall contain the applicant's statements showing the applicant's  
15 education, experience, and such other information as the  
16 committee may require. Each application shall contain a  
17 statement that it is made under oath or affirmation and that the  
18 information contained therein is true and correct to the best  
19 knowledge and belief of the applicant, subject to the penalties  
20 provided for the making of a false affidavit or declaration.  
21 Each application shall be accompanied by the fees required by the  
22 committee.

23 2. The committee shall mail a renewal notice to the last  
24 known address of each licensee prior to the licensure renewal  
25 date. Failure to provide the committee with the information  
26 required for licensure, or to pay the licensure fee after such  
27 notice shall effect a revocation of the license after a period of  
28 sixty days from the licensure renewal date. The license shall be

1 restored if, within two years of the licensure date, the  
2 applicant provides written application and the payment of the  
3 licensure fee and a delinquency fee.

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

7 4. The committee shall set the amount of the fees which  
8 sections 337.600 to 337.689 authorize and require by rules and  
9 regulations promulgated pursuant to section 536.021. The fees  
10 shall be set at a level to produce revenue which shall not  
11 substantially exceed the cost and expense of administering the  
12 provisions of sections 337.600 to 337.689. All fees provided for  
13 in sections 337.600 to 337.689 shall be collected by the director  
14 who shall deposit the same with the state treasurer in a fund to  
15 be known as the "Clinical Social Workers Fund". After August 28,  
16 2007, the clinical social workers fund shall be called the  
17 "Licensed Social Workers Fund" and after such date all references  
18 in state law to the clinical social workers fund shall be  
19 considered references to the licensed social workers fund.

20 5. The provisions of section 33.080 to the contrary  
21 notwithstanding, money in this fund shall not be transferred and  
22 placed to the credit of general revenue until the amount in the  
23 fund at the end of the biennium exceeds two times the amount of  
24 the appropriations from the clinical social workers fund for the  
25 preceding fiscal year or, if the committee requires by rule  
26 renewal less frequently than yearly, then three times the  
27 appropriation from the committee's fund for the preceding fiscal  
28 year. The amount, if any, in the fund which shall lapse is that

1 amount in the fund which exceeds the appropriate multiple of the  
2 appropriations from the clinical social workers fund for the  
3 preceding fiscal year.

4 337.618. Each license issued pursuant to the provisions of  
5 sections 337.600 to 337.689 shall expire on a renewal date  
6 established by the director. The term of licensure shall be  
7 twenty-four months. The committee shall require a minimum number  
8 of thirty clock hours of continuing education for renewal of a  
9 license issued pursuant to sections 337.600 to 337.689, including  
10 two hours of suicide assessment, referral, treatment, and  
11 management training. The committee shall renew any license upon  
12 application for a renewal, completion of the required continuing  
13 education hours and upon payment of the fee established by the  
14 committee pursuant to the provisions of section 337.612. As  
15 provided by rule, the board may waive or extend the time  
16 requirements for completion of continuing education for reasons  
17 related to health, military service, foreign residency, or for  
18 other good cause. All requests for waivers or extensions of time  
19 shall be made in writing and submitted to the board before the  
20 renewal date.

21 337.662. 1. Applications for licensure as a baccalaureate  
22 social worker shall be in writing, submitted to the committee on  
23 forms prescribed by the committee and furnished to the applicant.  
24 The form shall include a statement that the applicant has  
25 completed two hours of suicide assessment, referral, treatment,  
26 and management training. The application shall contain the  
27 applicant's statements showing the applicant's education,  
28 experience and such other information as the committee may

1 require. Each application shall contain a statement that it is  
2 made under oath or affirmation and that the information contained  
3 therein is true and correct to the best knowledge and belief of  
4 the applicant, subject to the penalties provided for the making  
5 of a false affidavit or declaration. Each application shall be  
6 accompanied by the fees required by the committee.

7 2. The committee shall mail a renewal notice to the last  
8 known address of each licensee prior to the licensure renewal  
9 date. Failure to provide the committee with the information  
10 required for licensure as provided in subsection 1 of this  
11 section, or to pay the licensure fee after such notice shall  
12 effect a revocation of the license after a period of sixty days  
13 from the licensure renewal date. The license shall be restored  
14 if, within two years of the licensure date, the applicant  
15 provides written application and the payment of the licensure fee  
16 and a delinquency fee.

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

20 4. The committee shall set the amount of the fees which  
21 sections 337.650 to 337.689 authorize and require by rules and  
22 regulations promulgated pursuant to chapter 536. The fees shall  
23 be set at a level to produce revenue which shall not  
24 substantially exceed the cost and expense of administering the  
25 provisions of sections 337.650 to 337.689. All fees provided for  
26 in sections 337.650 to 337.689 shall be collected by the director  
27 who shall deposit the same with the state treasurer in the  
28 clinical social workers fund established in section 337.612.

1           337.712. 1. Applications for licensure as a baccalaureate  
2 social worker shall be in writing, submitted to the committee on  
3 forms prescribed by the committee and furnished to the applicant.  
4 The form shall include a statement that the applicant has  
5 completed two hours of suicide assessment, referral, treatment,  
6 and management training. The application shall contain the  
7 applicant's statements showing the applicant's education,  
8 experience and such other information as the committee may  
9 require. Each application shall contain a statement that it is  
10 made under oath or affirmation and that the information contained  
11 therein is true and correct to the best knowledge and belief of  
12 the applicant, subject to the penalties provided for the making  
13 of a false affidavit or declaration. Each application shall be  
14 accompanied by the fees required by the committee.

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

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

27           4. The committee shall set the amount of the fees which  
28 sections 337.650 to 337.689 authorize and require by rules and

1 regulations promulgated pursuant to chapter 536. The fees shall  
2 be set at a level to produce revenue which shall not  
3 substantially exceed the cost and expense of administering the  
4 provisions of sections 337.650 to 337.689. All fees provided for  
5 in sections 337.650 to 337.689 shall be collected by the director  
6 who shall deposit the same with the state treasurer in the  
7 clinical social workers fund established in section 337.612.

8 337.718. 1. Each license issued pursuant to the provisions  
9 of sections 337.700 to 337.739 shall expire on a renewal date  
10 established by the director. The term of licensure shall be  
11 twenty-four months; however, the director may establish a shorter  
12 term for the first licenses issued pursuant to sections 337.700  
13 to 337.739. The division shall renew any license upon  
14 application for a renewal and upon payment of the fee established  
15 by the division pursuant to the provisions of section 337.712.  
16 Effective August 28, 2008, as a prerequisite for renewal, each  
17 licensed marital and family therapist shall furnish to the  
18 committee satisfactory evidence of the completion of the  
19 requisite number of hours of continuing education as defined by  
20 rule, which shall be no more than forty contact hours biennially.  
21 At least two hours of continuing education shall be in suicide  
22 assessment, referral, treatment, and management training. The  
23 continuing education requirements may be waived by the committee  
24 upon presentation to the committee of satisfactory evidence of  
25 illness or for other good cause.

26 2. The committee may issue temporary permits to practice  
27 under extenuating circumstances as determined by the committee  
28 and defined by rule.

1           338.315. 1. Except as otherwise provided by the board by  
2 rule, it shall be unlawful for any pharmacist, pharmacy owner or  
3 person employed by a pharmacy to knowingly purchase or receive  
4 any legend drugs under 21 U.S.C. Section 353 from other than a  
5 licensed or registered drug distributor, drug outsourcer, third-  
6 party logistics provider, or licensed pharmacy. Any person who  
7 violates the provisions of this section shall, upon conviction,  
8 be adjudged guilty of a class A misdemeanor. Any subsequent  
9 conviction shall constitute a class E felony.

10           2. Notwithstanding any other provision of law to the  
11 contrary, the sale, purchase, or trade of a prescription drug by  
12 a pharmacy to other pharmacies is permissible if the total dollar  
13 volume of such sales, purchases, or trades are in compliance with  
14 the rules of the board and do not exceed five percent of the  
15 pharmacy's total annual prescription drug sales.

16           3. Pharmacies shall establish and maintain inventories and  
17 records of all transactions regarding the receipt and  
18 distribution or other disposition of legend drugs. Such records  
19 shall be maintained for two years and be readily available upon  
20 request by the board or its representatives.

21           4. The board shall promulgate rules to implement the  
22 provisions of this section. Any rule or portion of a rule, as  
23 that term is defined in section 536.010, that is created under  
24 the authority delegated in this section shall become effective  
25 only if it complies with and is subject to all of the provisions  
26 of chapter 536 and, if applicable, section 536.028. This section  
27 and chapter 536 are nonseverable and if any of the powers vested  
28 with the general assembly pursuant to chapter 536 to review, to

1 delay the effective date, or to disapprove and annul a rule are  
2 subsequently held unconstitutional, then the grant of rulemaking  
3 authority and any rule proposed or adopted after August 28, 2012,  
4 shall be invalid and void.

5 338.330. As used in sections 338.300 to 338.370, the  
6 following terms mean:

7 (1) "Drug outsourcer", an outsourcing facility as defined  
8 by 21 U.S.C. Section 353b of the federal Drug Quality and  
9 Security Act;

10 (2) "Legend drug":

11 (a) Any drug or biological product:

12 a. Subject to Section 503(b) of the Federal Food, Drug and  
13 Cosmetic Act, including finished dosage forms and active  
14 ingredients subject to such Section 503(b); or

15 b. Required under federal law to be labeled with one of the  
16 following statements prior to being dispensed or delivered:

17 (i) "Caution: Federal law prohibits dispensing without  
18 prescription";

19 (ii) "Caution: Federal law restricts this drug to use by  
20 or on the order of a licensed veterinarian"; or

21 (iii) "Rx Only"; or

22 c. Required by any applicable federal or state law or  
23 regulation to be dispensed by prescription only or that is  
24 restricted to use or dispensed by practitioners only; and

25 (b) The term "drug", "prescription drug", or "legend drug"  
26 shall not include:

27 a. An investigational new drug, as defined by 21 CFR  
28 312.3(b), that is being utilized for the purposes of conducting a

1 clinical trial or investigation of such drug or product that is  
2 governed by, and being conducted under and pursuant to, 21 CFR  
3 312, et. seq.;

4 b. Any drug product being utilized for the purposes of  
5 conducting a clinical trial or investigation that is governed by,  
6 and being conducted under and pursuant to, 21 CFR 312, et. seq.;

7 or

8 c. Any drug product being utilized for the purposes of  
9 conducting a clinical trial or investigation that is governed or  
10 approved by an institutional review board subject to 21 CFR Part  
11 56 or 45 CFR Part 46;

12 ~~[(2)]~~ (3) "Out-of-state wholesale drug distributor", a  
13 wholesale drug distributor with no physical facilities located in  
14 the state;

15 ~~[(3)]~~ (4) "Pharmacy distributor", any licensed pharmacy, as  
16 defined in section 338.210, engaged in the delivery or  
17 distribution of legend drugs to any other licensed pharmacy where  
18 such delivery or distribution constitutes at least five percent  
19 of the total gross sales of such pharmacy;

20 ~~[(4)]~~ (5) "Third-party logistics provider", an entity that  
21 provides or coordinates warehousing or other logistics services  
22 of a product on behalf of a drug manufacturer, wholesale drug  
23 distributor, or dispenser of a legend drug, but does not take  
24 ownership of the product, nor has responsibility to direct the  
25 sale or disposition of the product;

26 (6) "Wholesale drug distributor", anyone engaged in the  
27 delivery or distribution of legend drugs from any location and  
28 who is involved in the actual, constructive or attempted transfer

1 of a drug or drug-related device in this state, other than to the  
2 ultimate consumer. This shall include, but not be limited to,  
3 drug wholesalers, repackagers and manufacturers which are engaged  
4 in the delivery or distribution of drugs in this state, with  
5 facilities located in this state or in any other state or  
6 jurisdiction. A wholesale drug distributor shall not include any  
7 common carrier or individual hired solely to transport legend  
8 drugs. Any locations where drugs are delivered on a consignment  
9 basis, as defined by the board, shall be exempt from licensure as  
10 a drug distributor, and those standards of practice required of a  
11 drug distributor but shall be open for inspection by board of  
12 pharmacy representatives as provided for in section 338.360.

13 338.333. 1. Except as otherwise provided by the board of  
14 pharmacy by rule in the event of an emergency or to alleviate a  
15 supply shortage, no person or distribution outlet shall act as a  
16 wholesale drug distributor ~~[or]~~, pharmacy distributor, drug  
17 outsourcer, or third-party logistics provider without first  
18 obtaining license to do so from the Missouri board of pharmacy  
19 and paying the required fee. The board may grant temporary  
20 licenses when the wholesale drug distributor ~~[or]~~, pharmacy  
21 distributor, drug outsourcer, or third-party logistics provider  
22 first applies for a license to operate within the state.  
23 Temporary licenses shall remain valid until such time as the  
24 board shall find that the applicant meets or fails to meet the  
25 requirements for regular licensure. No license shall be issued  
26 or renewed for a wholesale drug distributor ~~[or]~~, pharmacy  
27 distributor, drug outsourcer, or third-party logistics provider  
28 to operate unless the same shall be operated in a manner

1 prescribed by law and according to the rules and regulations  
2 promulgated by the board of pharmacy with respect thereto.  
3 Separate licenses shall be required for each distribution site  
4 owned or operated by a wholesale drug distributor ~~[or]~~, pharmacy  
5 distributor, drug outsourcer, or third-party logistics provider,  
6 unless such drug distributor ~~[or]~~, pharmacy distributor, drug  
7 outsourcer, or third-party logistics provider meets the  
8 requirements of section 338.335.

9 2. An agent or employee of any licensed or registered  
10 wholesale drug distributor ~~[or]~~, pharmacy distributor, drug  
11 outsourcer, or third-party logistics provider need not seek  
12 licensure under this section and may lawfully possess  
13 pharmaceutical drugs, if ~~[he]~~ the agent or employee is acting in  
14 the usual course of his or her business or employment.

15 3. The board may permit out-of-state wholesale drug  
16 distributors, drug outsourcers, third-party logistics provider,  
17 or out-of-state pharmacy distributors to be licensed as required  
18 by sections 338.210 to 338.370 on the basis of reciprocity to the  
19 extent that ~~[an out-of-state wholesale drug distributor or~~  
20 ~~out-of-state pharmacy distributor]~~ the entity both:

21 (1) Possesses a valid license granted by another state  
22 pursuant to legal standards comparable to those which must be met  
23 by a wholesale drug distributor ~~[or]~~, pharmacy distributor, drug  
24 outsourcers, or third-party logistics provider of this state as  
25 prerequisites for obtaining a license under the laws of this  
26 state; and

27 (2) Distributes into Missouri from a state which would  
28 extend reciprocal treatment under its own laws to a wholesale

1 drug distributor ~~or~~, pharmacy distributor, drug outsourcers, or  
2 third-party logistics provider of this state.

3 338.337. It shall be unlawful for any out-of-state  
4 wholesale drug distributor ~~or~~, out-of-state pharmacy acting as  
5 a distributor, drug outsourcers, or third-party logistics  
6 provider to do business in this state without first obtaining a  
7 license to do so from the board of pharmacy and paying the  
8 required fee, except as otherwise provided by section 338.335 and  
9 this section. Application for an out-of-state wholesale drug  
10 distributor's, drug outsourcer's, or out-of-state third-party  
11 logistics provider's license under this section shall be made on  
12 a form furnished by the board. The issuance of a license under  
13 sections 338.330 to 338.370 shall not change or affect tax  
14 liability imposed by the Missouri department of revenue on any  
15 ~~[out-of-state wholesale drug distributor or out-of-state~~  
16 ~~pharmacy]~~ entity. Any out-of-state wholesale drug distributor  
17 that is a drug manufacturer and which produces and distributes  
18 from a facility which has been inspected and approved by the Food  
19 and Drug Administration, maintains current approval by the  
20 federal Food and Drug Administration, and has provided a copy of  
21 the most recent Food and Drug Administration Establishment  
22 Inspection Report to the board, and which is licensed by the  
23 state in which the distribution facility is located, or, if  
24 located within a foreign jurisdiction, is authorized and in good  
25 standing to operate as a drug manufacturer within such  
26 jurisdiction, need not be licensed as provided in this section  
27 but such out-of-state distributor shall register its business  
28 name and address with the board of pharmacy and pay a filing fee

1 in an amount established by the board.

2 338.340. No person acting as principal or agent for any  
3 out-of-state wholesale drug distributor ~~[or]~~, out-of-state  
4 pharmacy distributor, drug outsourcer, or out-of-state third-  
5 party logistics provider shall sell or distribute drugs in this  
6 state unless the ~~[wholesale drug distributor or pharmacy~~  
7 ~~distributor]~~ entity has obtained a license pursuant to the  
8 provisions of sections 338.330 to 338.370.

9 344.030. 1. An applicant for an initial license shall file  
10 a completed application with the board on a form provided by the  
11 board, accompanied by an application fee as provided by rule  
12 payable to the department of health and senior services.  
13 Information provided in the application shall be attested by  
14 signature to be true and correct to the best of the applicant's  
15 knowledge and belief.

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

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

21 (2) The applicant provides the board satisfactory proof  
22 that the applicant has had a minimum of three years' experience  
23 in health care administration or two years of postsecondary  
24 education in health care administration or has satisfactorily  
25 completed a course of instruction and training prescribed by the  
26 board, which includes instruction in the needs properly to be  
27 served by nursing homes, the protection of the interests of  
28 residents therein, and the elements of good nursing home

1 administration, or has presented evidence satisfactory to the  
2 board of sufficient education, training, or experience in the  
3 foregoing fields to administer, supervise and manage a nursing  
4 home; and

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

23 3. The board may issue a license through reciprocity to any  
24 person who is regularly licensed as a nursing home administrator  
25 in any other state, territory, or the District of Columbia, if  
26 the regulations for securing such license are equivalent to those  
27 required in the state of Missouri. However, no license by  
28 reciprocity shall be issued until the applicant passes a special

1 examination approved by the board, which will examine the  
2 applicant's knowledge of specific provisions of Missouri statutes  
3 and regulations pertaining to nursing homes. The applicant shall  
4 furnish satisfactory evidence that such applicant is of good  
5 moral character and has acted in the capacity of a nursing home  
6 administrator in such state, territory, or the District of  
7 Columbia at least one year after the securing of the license.  
8 The board, in its discretion, may enter into written reciprocal  
9 agreements pursuant to this section with other states which have  
10 equivalent laws and regulations.

11 4. Nothing in sections 344.010 to 344.108, or the rules or  
12 regulations thereunder shall be construed to require an applicant  
13 for a license as a nursing home administrator, who is employed by  
14 an institution listed and certified by the Commission for  
15 Accreditation of Christian Science Nursing  
16 Organizations/Facilities, Inc., to administer institutions  
17 certified by such commission for the care and treatment of the  
18 sick in accordance with the creed or tenets of a recognized  
19 church or religious denomination, to demonstrate proficiency in  
20 any techniques or to meet any educational qualifications or  
21 standards not in accord with the remedial care and treatment  
22 provided in such institutions. The applicant's license shall be  
23 endorsed to confine the applicant's practice to such  
24 institutions.

25 5. The board may issue a temporary emergency license for a  
26 period not to exceed ninety days to a person twenty-one years of  
27 age or over, of good moral character and a high school graduate  
28 or equivalent to serve as an acting nursing home administrator,

1 provided such person is replacing a licensed nursing home  
2 administrator who has died, has been removed or has vacated the  
3 nursing home administrator's position. No temporary emergency  
4 license may be issued to a person who has had a nursing home  
5 administrator's license denied, suspended or revoked. A  
6 temporary emergency license may be renewed for one additional  
7 ninety-day period upon a showing that the person seeking the  
8 renewal of a temporary emergency license meets the qualifications  
9 for licensure and has filed an application for a regular license,  
10 accompanied by the application fee, and the applicant has taken  
11 the examination or examinations but the results have not been  
12 received by the board. No temporary emergency license may be  
13 renewed more than one time.

14 374.715. 1. Applications for examination and licensure as  
15 a bail bond agent or general bail bond agent shall be in writing  
16 and on forms prescribed and furnished by the department, and  
17 shall contain such information as the department requires. Each  
18 application shall be accompanied by proof satisfactory to the  
19 department that the applicant is a citizen of the United States,  
20 ~~[is at least twenty-one years of age,~~ has a high school diploma  
21 or general education development certificate (GED), is of good  
22 moral character, and meets the qualifications for surety on bail  
23 bonds as provided by supreme court rule. Each application shall  
24 be accompanied by the examination and application fee set by the  
25 department. Individuals currently employed as bail bond agents  
26 and general bail bond agents shall not be required to meet the  
27 education requirements needed for licensure pursuant to this  
28 section.

1           2. In addition, each applicant for licensure as a general  
2 bail bond agent shall furnish proof satisfactory to the  
3 department that the applicant or, if the applicant is a  
4 corporation, that each officer thereof has completed at least two  
5 years as a bail bond agent, and that the applicant possesses  
6 liquid assets of at least ten thousand dollars, along with a duly  
7 executed assignment of ten thousand dollars to the state of  
8 Missouri. The assignment shall become effective upon the  
9 applicant's violating any provision of sections 374.695 to  
10 374.789. The assignment required by this section shall be in the  
11 form and executed in the manner prescribed by the department.  
12 The director may require by regulation conditions by which  
13 additional assignments of assets of the general bail bond agent  
14 may occur when the circumstances of the business of the general  
15 bail bond agent warrants additional funds. However, such  
16 additional funds shall not exceed twenty-five thousand dollars.

17           374.784. 1. Applications for examination and licensure as  
18 a surety recovery agent shall be submitted on forms prescribed by  
19 the department and shall contain such information as the  
20 department requires, along with a copy of the front and back of a  
21 photographic identification card.

22           2. Each application shall be accompanied by proof  
23 satisfactory to the director that the applicant is a citizen of  
24 the United States [~~is at least twenty-one years of age,~~] and has  
25 a high school diploma or a general educational development  
26 certificate (GED). An applicant shall furnish evidence of such  
27 person's qualifications by completing an approved surety recovery  
28 agent course with at least twenty-four hours of initial minimum

1 training. The director shall determine which institutions,  
2 organizations, associations, and individuals shall be eligible to  
3 provide said training. Said instructions and fees associated  
4 therewith shall be identical or similar to those prescribed in  
5 section 374.710 for bail bond agents and general bail bond  
6 agents.

7 3. In addition to said twenty-four hours of initial minimum  
8 training, licensees shall be required to receive eight hours of  
9 biennial continuing education of which said instructions and fees  
10 shall be identical or similar to those prescribed in section  
11 374.710 for bail bond agents and general bail bond agents.

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

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

25 632.005. As used in chapter 631 and this chapter, unless  
26 the context clearly requires otherwise, the following terms shall  
27 mean:

28 (1) "Comprehensive psychiatric services", any one, or any

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

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

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

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

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

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

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

24 (8) "Licensed physician", a physician licensed pursuant to  
25 the provisions of chapter 334 or a person authorized to practice  
26 medicine in this state pursuant to the provisions of section  
27 334.150;

28 (9) "Licensed professional counselor", a person licensed as

1 a professional counselor under chapter 337 and with a minimum of  
2 one year training or experience in providing psychiatric care,  
3 treatment, or services in a psychiatric setting to individuals  
4 suffering from a mental disorder;

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

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

15 (b) A substantial risk that serious physical harm to a  
16 person will result or is occurring because of an impairment in  
17 his capacity to make decisions with respect to his  
18 hospitalization and need for treatment as evidenced by his  
19 current mental disorder or mental illness which results in an  
20 inability to provide for his own basic necessities of food,  
21 clothing, shelter, safety or medical care or his inability to  
22 provide for his own mental health care which may result in a  
23 substantial risk of serious physical harm. Evidence of that  
24 substantial risk may also include information about patterns of  
25 behavior that historically have resulted in serious harm to the  
26 person previously taking place because of a mental disorder or  
27 mental illness which resulted in his inability to provide for his  
28 basic necessities of food, clothing, shelter, safety or medical

1 or mental health care; or

2 (c) A substantial risk that serious physical harm will be  
3 inflicted by a person upon another as evidenced by recent overt  
4 acts, behavior or threats, including verbal threats, which have  
5 caused such harm or which would place a reasonable person in  
6 reasonable fear of sustaining such harm. Evidence of that  
7 substantial risk may also include information about patterns of  
8 behavior that historically have resulted in physical harm  
9 previously being inflicted by a person upon another person;

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

16 (12) "Mental health facility", any residential facility,  
17 public or private, or any public or private hospital, which can  
18 provide evaluation, treatment and, inpatient care to persons  
19 suffering from a mental disorder or mental illness and which is  
20 recognized as such by the department or any outpatient treatment  
21 program certified by the department of mental health. No  
22 correctional institution or facility, jail, regional center or  
23 developmental disability facility shall be a mental health  
24 facility within the meaning of this chapter;

25 (13) "Mental health professional", a psychiatrist, resident  
26 in psychiatry, psychiatric physician assistant, psychiatric  
27 assistant physician, psychiatric advanced practice registered  
28 nurse, psychologist, psychiatric nurse, licensed professional

1 counselor, or psychiatric social worker;

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

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

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

18 (17) "Psychiatric advanced practice registered nurse", a  
19 registered nurse who is currently recognized by the board of  
20 nursing as an advanced practice registered nurse, who has at  
21 least two years of experience in providing psychiatric treatment  
22 to individuals suffering from mental disorders;

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

28 (19) "Psychiatric nurse", a registered professional nurse

1 who is licensed under chapter 335 and who has had at least two  
2 years of experience as a registered professional nurse in  
3 providing psychiatric nursing treatment to individuals suffering  
4 from mental disorders;

5 ~~[(18)]~~ (20) "Psychiatric physician assistant", a licensed  
6 physician assistant under chapter 334 and who has had at least  
7 two years of experience as a physician assistant in providing  
8 psychiatric treatment to individuals suffering from mental health  
9 disorders or a graduate of a postgraduate residency or fellowship  
10 for physician assistants in psychiatry;

11 (21) "Psychiatric social worker", a person with a master's  
12 or further advanced degree from an accredited school of social  
13 work, practicing pursuant to chapter 337, and with a minimum of  
14 one year training or experience in providing psychiatric care,  
15 treatment or services in a psychiatric setting to individuals  
16 suffering from a mental disorder;

17 ~~[(19)]~~ (22) "Psychiatrist", a licensed physician who in  
18 addition has successfully completed a training program in  
19 psychiatry approved by the American Medical Association, the  
20 American Osteopathic Association or other training program  
21 certified as equivalent by the department;

22 ~~[(20)]~~ (23) "Psychologist", a person licensed to practice  
23 psychology under chapter 337 with a minimum of one year training  
24 or experience in providing treatment or services to mentally  
25 disordered or mentally ill individuals;

26 ~~[(21)]~~ (24) "Resident in psychiatry", a licensed physician  
27 who is in a training program in psychiatry approved by the  
28 American Medical Association, the American Osteopathic

1 Association or other training program certified as equivalent by  
2 the department;

3 ~~[(22)]~~ (25) "Respondent", an individual against whom  
4 involuntary civil detention proceedings are instituted pursuant  
5 to this chapter;

6 ~~[(23)]~~ (26) "Treatment", any effort to accomplish a  
7 significant change in the mental or emotional conditions or the  
8 behavior of the patient consistent with generally recognized  
9 principles or standards in the mental health professions.

10 ~~[328.100. The board may at any time require any~~  
11 ~~barber to whom a certificate of registration is issued~~  
12 ~~to be examined at the licensee's expense by a licensed~~  
13 ~~physician to ascertain if such barber is free of~~  
14 ~~infectious or contagious diseases and is not afflicted~~  
15 ~~with any physical or mental ailment which would render~~  
16 ~~him unfit to practice the occupation of barbering.]~~

17  
18 Section B. The enactment of sections 337.100, 337.105,  
19 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140,  
20 337.145, 337.150, 337.155, 337.160, and 337.165 shall become  
21 effective upon notification by the commission to the revisor of  
22 statutes that seven states have adopted the psychology  
23 interjurisdictional compact.

24 ✓

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28 \_\_\_\_\_  
29 Representative Derek Grier

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28 \_\_\_\_\_  
29 Senator Jeanie Riddle