

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 673 & 560
100TH GENERAL ASSEMBLY

3308H.09C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 58.095, 58.451, 58.720, 60.570, 190.094, 190.100, 190.105, 190.143, 190.196, 192.067, 193.145, 193.265, 194.119, 210.195, 324.009, 327.011, 327.041, 327.091, 327.101, 327.131, 327.191, 327.241, 327.312, 327.314, 327.612, 329.010, 332.181, 332.261, 334.002, 334.036, 334.075, 334.110, 334.150, 334.408, 334.410, 334.412, 334.507, 334.600, 334.685, 336.080, 337.020, 337.029, 337.050, 337.068, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and section 324.009 as enacted by house committee substitute for house bill nos. 1511 & 1452, one hundredth general assembly, second regular session, and to enact in lieu thereof seventy new sections relating to professional registration, with penalty provisions.

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

Section A. Sections 58.095, 58.451, 58.720, 60.570, 190.094, 190.100, 190.105, 2 190.143, 190.196, 192.067, 193.145, 193.265, 194.119, 210.195, 324.009, 327.011, 327.041, 3 327.091, 327.101, 327.131, 327.191, 327.241, 327.312, 327.314, 327.612, 329.010, 332.181, 4 332.261, 334.002, 334.036, 334.075, 334.110, 334.150, 334.408, 334.410, 334.412, 334.507, 5 334.600, 334.685, 336.080, 337.020, 337.029, 337.050, 337.068, 436.218, 436.224, 436.227, 6 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, 7 RSMo, and section 324.009 as enacted by house committee substitute for house bill nos. 1511 8 & 1452, one hundredth general assembly, second regular session, are repealed and seventy new 9 sections enacted in lieu thereof, to be known as sections 58.035, 58.095, 58.208, 58.451, 58.720, 10 60.570, 190.094, 190.100, 190.105, 190.143, 190.196, 192.067, 193.145, 193.265, 194.119, 11 210.195, 324.009, 324.035, 324.950, 324.953, 324.956, 324.959, 324.962, 324.965, 324.968,

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

12 324.971, 324.977, 324.980, 324.983, 327.011, 327.041, 327.091, 327.101, 327.131, 327.191,
13 327.241, 327.312, 327.314, 327.612, 329.010, 332.181, 332.261, 334.002, 334.036, 334.075,
14 334.110, 334.150, 334.408, 334.410, 334.412, 334.507, 334.600, 334.685, 336.080, 337.020,
15 337.029, 337.050, 337.068, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245,
16 436.248, 436.254, 436.260, 436.263, and 436.266, to read as follows:

**58.035. 1. The provisions of this section and section 58.208 shall be known and may
2 be cited as the "Jayke Minor Act".**

**3 2. There is hereby established within the department of health and senior services
4 a "Coroner Standards and Training Commission", which shall be composed of eight
5 members, appointed by the governor, with the advice and consent of the senate. The
6 governor shall take into account the diversity of the state when making the appointments
7 to this commission. The commission shall consist of:**

8 (1) Two coroners elected from counties of the third classification;

9 (2) One coroner elected from a county of the first, second, or fourth classification;

10 (3) One currently appointed medical examiner;

11 (4) One child death pathologist;

12 (5) One elected prosecuting attorney;

13 (6) One elected sheriff; and

**14 (7) The director of the department of health and senior services, or his or her
15 designee, who shall serve as a nonvoting member of the commission.**

16

**17 Each member of the coroner standards and training commission shall have been at the
18 time of his or her appointment a citizen of the United States and a resident of this state for
19 a period of at least one year, and members who are coroners shall be qualified as
20 established by chapter 58.**

21 3. The members of the commission shall serve for the following terms:

**22 (1) Every member of the commission who holds elected office shall serve an initial
23 term of two years;**

**24 (2) Every member of the commission who does not hold elected office shall serve
25 an initial term of four years; and**

**26 (3) Every member of the commission shall serve for a term of four years after the
27 initial term has been served.**

**28 4. Annually the commission shall elect one of the members as chair. The coroner
29 standards and training commission shall meet at least twice each year as determined by the
30 director of the department of health and senior services, the chair, or a majority of the**

31 members to perform its duties. A majority of the members of the coroner standards and
32 training commission shall constitute a quorum.

33 5. No member of the coroner standards and training commission shall receive any
34 compensation for the performance of his or her official duties.

35 6. The coroner standards and training commission shall establish training
36 standards, by rule, relating to the office of county coroner. These standards shall relate
37 to the operation of the office, the legal responsibilities of the office, and the technical skills
38 and knowledge required of the office. The commission shall establish the training
39 standards by September 1, 2021. The Missouri Coroners' and Medical Examiners'
40 Association shall begin providing such training by January 1, 2022.

41 7. Any rule or portion of a rule, as that term is defined in section 536.010, that is
42 created under the authority delegated in this section shall become effective only if it
43 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
44 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
45 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
46 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
47 grant of rulemaking authority and any rule proposed or adopted after August 28, 2020,
48 shall be invalid and void.

49 8. Once the commission has developed standards, the commission shall issue a
50 report detailing the standards. This report shall be submitted to the speaker of the house
51 of representatives and the president pro tempore of the senate, and shall be published on
52 the website of the department of health and senior services.

58.095. 1. The county coroner in any county~~], other than in a first classification~~
2 ~~chartered county,]~~ **not having a charter form of government** shall receive an annual salary
3 computed on a basis as set forth in the following schedule. The provisions of this section shall
4 not permit or require a reduction in the amount of compensation being paid for the office of
5 coroner on January 1, 1997:

	Assessed Valuation		Salary
6			
7	\$ 18,000,000	to 40,999,999	\$ 8,000
8	41,000,000	to 53,999,999	8,500
9	54,000,000	to 65,999,999	9,000
10	66,000,000	to 85,999,999	9,500
11	86,000,000	to 99,999,999	10,000
12	100,000,000	to 130,999,999	11,000
13	131,000,000	to 159,999,999	12,000
14	160,000,000	to 189,999,999	13,000

15	190,000,000	to	249,999,999	14,000
16	250,000,000	to	299,999,999	15,000
17	300,000,000	or more		16,000

18 2. One thousand dollars of the salary authorized in this section shall be payable to the
 19 coroner only if the coroner has completed at least twenty hours of classroom instruction each
 20 calendar year ~~[relating to the operations of the coroner's office when approved by a professional~~
 21 ~~association of the county coroners of Missouri]~~ **as established by the coroner standards and**
 22 **training commission** unless exempted from the training by the ~~[professional association]~~
 23 **Missouri Coroners' and Medical Examiners' Association for good cause.** The ~~[professional~~
 24 ~~association approving the program]~~ **Missouri Coroners' and Medical Examiners' Association**
 25 shall provide a certificate of completion to each coroner who completes the training program and
 26 shall send a list of certified coroners to the treasurer of each county **and the department of**
 27 **health and senior services.** **The coroner standards and training commission may certify**
 28 **training programs that satisfy the requirements of this section in lieu of the training**
 29 **provided by the Missouri Coroners' and Medical Examiners' Association. Certified**
 30 **training completion shall be submitted to the Missouri Coroners' and Medical Examiners'**
 31 **Association, which, upon validating the certified training, shall submit the individual's**
 32 **name to the county treasurer and department of health and senior services indicating the**
 33 **individual is compliant with the training requirements.** Expenses incurred for attending the
 34 training session may be reimbursed to the county coroner in the same manner as other expenses
 35 as may be appropriated for that purpose. All elected or appointed coroners, deputy coroners, and
 36 assistants to the coroner shall complete the annual training described in this subsection within
 37 six months of election or appointment.

38 3. The county coroner in any county, other than a first classification charter county, shall
 39 not, except upon two-thirds vote of all the members of the salary commission, receive an annual
 40 compensation in an amount less than the total compensation being received for the office of
 41 county coroner in the particular county for services rendered or performed on the date the salary
 42 commission votes.

43 4. For the term beginning in 1997, the compensation of the coroner, in counties in which
 44 the salary commission has not voted to pay one hundred percent of the maximum allowable
 45 salary, shall be a percentage of the maximum allowable salary established by this section. The
 46 percentage applied shall be the same percentage of the maximum allowable salary received or
 47 allowed, whichever is greater, to the presiding commissioner or sheriff, whichever is greater, of
 48 that county for the year beginning January 1, 1997. In those counties in which the salary
 49 commission has voted to pay one hundred percent of the maximum allowable salary, the
 50 compensation of the coroner shall be based on the maximum allowable salary in effect at each

51 time a coroner's term of office commences following the vote to pay one hundred percent of the
52 maximum allowable compensation. Subsequent compensation shall be determined as provided
53 in section 50.333.

54 5. Effective January 1, 1997, the county coroner in any county~~[, other than a county of~~
55 ~~the first classification with a charter form of government,]~~ **not having a charter form of**
56 **government** may, upon the approval of the county commission, receive additional compensation
57 for any month during which investigations or other services are performed for three or more
58 decedents in the same incident during such month. The additional compensation shall be an
59 amount that when added to the regular compensation the sum shall equal the monthly
60 compensation of the county sheriff.

58.208. 1. One dollar of the fee collected for any death certificate issued under
2 **section 193.265 shall be deposited into the Missouri state coroners' training fund**
3 **established under subsection 2 of this section. Moneys in such fund shall be used by the**
4 **Missouri Coroners' and Medical Examiners' Association:**

5 (1) For in-state training, equipment, and necessary supplies; and

6 (2) To provide aid to training programs approved by the coroner standards and
7 training commission.

8 2. (1) There is hereby created in the state treasury the "Missouri State Coroners'
9 Training Fund", which shall consist of moneys collected under subsection 1 of this section.
10 The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and
11 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund
12 and, upon appropriation, moneys in the fund shall be used solely for the administration of
13 subsection 1 of this section.

14 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
15 remaining in the fund over the amount of five hundred thousand dollars shall revert to the
16 credit of the general revenue fund.

17 (3) The state treasurer shall invest moneys in the fund in the same manner as other
18 funds are invested. Any interest and moneys earned on such investments shall be credited
19 to the fund.

20 3. Local registrars may, during states of emergency or disaster, request
21 reimbursement from the fund for copies of death certificates issued to individuals who are
22 unable to afford the associated fees.

58.451. 1. When any person, in any county in which a coroner is required by section
2 58.010, dies and there is reasonable ground to believe that such person died as a result of:

3 (1) Violence by homicide, suicide, or accident;

4 (2) Criminal abortions, including those self-induced;

5 (3) Some unforeseen sudden occurrence and the deceased had not been attended by a
6 physician during the thirty-six-hour period preceding the death;

7 (4) In any unusual or suspicious manner;

8 (5) Any injury or illness while in the custody of the law or while an inmate in a public
9 institution;

10

11 the police, sheriff, law enforcement officer or official, or any person having knowledge of such
12 a death shall immediately notify the coroner of the known facts concerning the time, place,
13 manner and circumstances of the death. Immediately upon receipt of notification, the coroner
14 or deputy coroner shall take charge of the dead body and fully investigate the essential facts
15 concerning the medical causes of death, including whether by the act of man, and the manner of
16 death. The coroner or deputy coroner may take the names and addresses of witnesses to the
17 death and shall file this information in the coroner's office. The coroner or deputy coroner shall
18 take possession of all property of value found on the body, making exact inventory of such
19 property on the report and shall direct the return of such property to the person entitled to its
20 custody or possession. The coroner or deputy coroner shall take possession of any object or
21 article which, in the coroner's or the deputy coroner's opinion, may be useful in establishing the
22 cause of death, and deliver it to the prosecuting attorney of the county.

23 2. When a death occurs outside a licensed health care facility, the first licensed medical
24 professional or law enforcement official learning of such death shall immediately contact the
25 county coroner. Immediately upon receipt of such notification, the coroner or the coroner's
26 deputy shall make the determination if further investigation is necessary, based on information
27 provided by the individual contacting the coroner, and immediately advise such individual of the
28 coroner's intentions.

29 3. **Notwithstanding the provisions of subsection 2 of this section to the contrary,**
30 **when a death occurs under the care of a hospice, no investigation shall be required if the**
31 **death is certified by the treating physician of the deceased or the medical director of the**
32 **hospice as a natural death due to disease or diagnosed illness. The hospice shall provide**
33 **written notice to the coroner within twenty-four hours of the death.**

34 4. Upon taking charge of the dead body and before moving the body the coroner shall
35 notify the police department of any city in which the dead body is found, or if the dead body is
36 found in the unincorporated area of a county governed by the provisions of sections 58.451 to
37 58.457, the coroner shall notify the county sheriff or the highway patrol and cause the body to
38 remain unmoved until the police department, sheriff or the highway patrol has inspected the body
39 and the surrounding circumstances and carefully noted the appearance, the condition and position
40 of the body and recorded every fact and circumstance tending to show the cause and manner of

41 death, with the names and addresses of all known witnesses, and shall subscribe the same and
42 make such record a part of the coroner's report.

43 ~~[4.]~~ **5.** In any case of sudden, violent or suspicious death after which the body was buried
44 without any investigation or autopsy, the coroner, upon being advised of such facts, may at the
45 coroner's own discretion request that the prosecuting attorney apply for a court order requiring
46 the body to be exhumed.

47 ~~[5.]~~ **6.** The coroner may certify the cause of death in any case where death occurred
48 without medical attendance or where an attending physician refuses to sign a certificate of death
49 or when a physician is unavailable to sign a certificate of death.

50 ~~[6.]~~ **7.** When the cause of death is established by the coroner, the coroner shall file a copy
51 of the findings in the coroner's office within thirty days.

52 ~~[7.]~~ **8.** If on view of the dead body and after personal inquiry into the cause and manner
53 of death, the coroner determines that a further examination is necessary in the public interest, the
54 coroner on the coroner's own authority may make or cause to be made an autopsy on the body.
55 The coroner may on the coroner's own authority employ the services of a pathologist, chemist,
56 or other expert to aid in the examination of the body or of substances supposed to have caused
57 or contributed to death, and if the pathologist, chemist, or other expert is not already employed
58 by the city or county for the discharge of such services, the pathologist, chemist, or other expert
59 shall, upon written authorization of the coroner, be allowed reasonable compensation, payable
60 by the city or county, in the manner provided in section 58.530. The coroner shall, at the time
61 of the autopsy, record or cause to be recorded each fact and circumstance tending to show the
62 condition of the body and the cause and manner of death.

63 ~~[8.]~~ **9.** If on view of the dead body and after personal inquiry into the cause and manner
64 of death, the coroner considers a further inquiry and examination necessary in the public interest,
65 the coroner shall make out the coroner's warrant directed to the sheriff of the city or county
66 requiring the sheriff forthwith to summon six good and lawful citizens of the county to appear
67 before the coroner, at the time and place expressed in the warrant, and to inquire how and by
68 whom the deceased died.

69 ~~[9.]~~ **10.** (1) When a person is being transferred from one county to another county for
70 medical treatment and such person dies while being transferred, or dies while being treated in
71 the emergency room of the receiving facility the place which the person is determined to be dead
72 shall be considered the place of death and the county coroner or medical examiner of the county
73 from which the person was originally being transferred shall be responsible for determining the
74 cause and manner of death for the Missouri certificate of death.

75 (2) The coroner or medical examiner in the county in which the person is determined to
76 be dead may with authorization of the coroner or medical examiner from the original transferring

77 county, investigate and conduct postmortem examinations at the expense of the coroner or
78 medical examiner from the original transferring county. The coroner or medical examiner from
79 the original transferring county shall be responsible for investigating the circumstances of such
80 and completing the Missouri certificate of death. The certificate of death shall be filed in the
81 county where the deceased was pronounced dead.

82 (3) Such coroner or medical examiner of the county where a person is determined to be
83 dead shall immediately notify the coroner or medical examiner of the county from which the
84 person was originally being transferred of the death of such person, and shall make available
85 information and records obtained for investigation of the death.

86 (4) If a person does not die while being transferred and is institutionalized as a regularly
87 admitted patient after such transfer and subsequently dies while in such institution, the coroner
88 or medical examiner of the county in which the person is determined to be dead shall
89 immediately notify the coroner or medical examiner of the county from which such person was
90 originally transferred of the death of such person. In such cases, the county in which the
91 deceased was institutionalized shall be considered the place of death. If the manner of death is
92 by homicide, suicide, accident, criminal abortion including those that are self-induced, child
93 fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death
94 shall revert to the county of origin, and this coroner or medical examiner shall be responsible for
95 the Missouri certificate of death. The certificate of death shall be filed in the county where the
96 deceased was pronounced dead.

97 ~~[10.]~~ **11.** There shall not be any statute of limitations or time limits on the cause of death
98 when death is the final result or determined to be caused by homicide, suicide, accident, child
99 fatality, criminal abortion including those self-induced, or any unusual or suspicious manner.
100 The place of death shall be the place in which the person is determined to be dead. The final
101 investigation of death in determining the cause and matter of death shall revert to the county of
102 origin, and the coroner or medical examiner of such county shall be responsible for the Missouri
103 certificate of death. The certificate of death shall be filed in the county where the deceased was
104 pronounced dead.

105 ~~[11.]~~ **12.** Except as provided in subsection ~~[9]~~ **10** of this section, if a person dies in one
106 county and the body is subsequently transferred to another county, for burial or other reasons,
107 the county coroner or medical examiner where the death occurred shall be responsible for the
108 certificate of death and for investigating the cause and manner of the death.

109 ~~[12.]~~ **13.** In performing the duties, the coroner or medical examiner shall comply with
110 sections 58.775 to 58.785 with respect to organ donation.

58.720. 1. When any person dies within a county having a medical examiner as a result
2 of:

- 3 (1) Violence by homicide, suicide, or accident;
4 (2) Thermal, chemical, electrical, or radiation injury;
5 (3) Criminal abortions, including those self-induced;
6 (4) Disease thought to be of a hazardous and contagious nature or which might constitute
7 a threat to public health; or when any person dies:
8 (a) Suddenly when in apparent good health;
9 (b) When unattended by a physician, chiropractor, or an accredited Christian Science
10 practitioner, during the period of thirty-six hours immediately preceding his death;
11 (c) While in the custody of the law, or while an inmate in a public institution;
12 (d) In any unusual or suspicious manner;

13

14 the police, sheriff, law enforcement officer or official, or any person having knowledge of such
15 a death shall immediately notify the office of the medical examiner of the known facts
16 concerning the time, place, manner and circumstances of the death. Immediately upon receipt
17 of notification, the medical examiner or his **or her** designated assistant shall take charge of the
18 dead body and fully investigate the essential facts concerning the medical causes of death. He
19 **or she** may take the names and addresses of witnesses to the death and shall file this information
20 in his office. The medical examiner or his **or her** designated assistant shall take possession of
21 all property of value found on the body, making exact inventory thereof on his **or her** report and
22 shall direct the return of such property to the person entitled to its custody or possession. The
23 medical examiner or his **or her** designated assistant examiner shall take possession of any object
24 or article which, in his **or her** opinion, may be useful in establishing the cause of death, and
25 deliver it to the prosecuting attorney of the county.

26 2. When a death occurs outside a licensed health care facility, the first licensed medical
27 professional or law enforcement official learning of such death shall contact the county medical
28 examiner. Immediately upon receipt of such notification, the medical examiner or the medical
29 examiner's deputy shall make a determination if further investigation is necessary, based on
30 information provided by the individual contacting the medical examiner, and immediately advise
31 such individual of the medical examiner's intentions.

32 3. **Notwithstanding the provisions of subsection 2 of this section to the contrary,**
33 **when a death occurs under the care of a hospice, no investigation shall be required if the**
34 **death is certified by the treating physician of the deceased or the medical director of the**
35 **hospice as a natural death due to disease or diagnosed illness. The hospice shall provide**
36 **written notice to the medical examiner within twenty-four hours of the death.**

37 4. In any case of sudden, violent or suspicious death after which the body was buried
38 without any investigation or autopsy, the medical examiner, upon being advised of such facts,

39 may at his own discretion request that the prosecuting attorney apply for a court order requiring
40 the body to be exhumed.

41 ~~[4.]~~ 5. The medical examiner shall certify the cause of death in any case where death
42 occurred without medical attendance or where an attending physician refuses to sign a certificate
43 of death, and may sign a certificate of death in the case of any death.

44 ~~[5.]~~ 6. When the cause of death is established by the medical examiner, he shall file a
45 copy of his findings in his office within thirty days after notification of the death.

46 ~~[6.]~~ 7. (1) When a person is being transferred from one county to another county for
47 medical treatment and such person dies while being transferred, or dies while being treated in
48 the emergency room of the receiving facility, the place which the person is determined to be dead
49 shall be considered the place of death and the county coroner or the medical examiner of the
50 county from which the person was originally being transferred shall be responsible for
51 determining the cause and manner of death for the Missouri certificate of death.

52 (2) The coroner or medical examiner in the county in which the person is determined to
53 be dead may, with authorization of the coroner or medical examiner from the transferring county,
54 investigate and conduct postmortem examinations at the expense of the coroner or medical
55 examiner from the transferring county. The coroner or medical examiner from the transferring
56 county shall be responsible for investigating the circumstances of such and completing the
57 Missouri certificate of death. The certificate of death shall be filed in the county where the
58 deceased was pronounced dead.

59 (3) Such coroner or medical examiner, or the county where a person is determined to be
60 dead, shall immediately notify the coroner or medical examiner of the county from which the
61 person was originally being transferred of the death of such person and shall make available
62 information and records obtained for investigation of death.

63 (4) If a person does not die while being transferred and is institutionalized as a regularly
64 admitted patient after such transfer and subsequently dies while in such institution, the coroner
65 or medical examiner of the county in which the person is determined to be dead shall
66 immediately notify the coroner or medical examiner of the county from which such person was
67 originally transferred of the death of such person. In such cases, the county in which the
68 deceased was institutionalized shall be considered the place of death. If the manner of death is
69 by homicide, suicide, accident, criminal abortion including those that are self-induced, child
70 fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death
71 shall revert to the county of origin, and this coroner or medical examiner shall be responsible for
72 the Missouri certificate of death. The certificate of death shall be filed in the county where the
73 deceased was pronounced dead.

74 [7-] 8. There shall not be any statute of limitations or time limits on cause of death when
75 death is the final result or determined to be caused by homicide, suicide, accident, criminal
76 abortion including those self-induced, child fatality, or any unusual or suspicious manner. The
77 place of death shall be the place in which the person is determined to be dead, but the final
78 investigation of death determining the cause and manner of death shall revert to the county of
79 origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of
80 death. The certificate of death shall be filed in the county where the deceased was pronounced
81 dead.

82 [8-] 9. Except as provided in subsection [6] 7 of this section, if a person dies in one
83 county and the body is subsequently transferred to another county, for burial or other reasons,
84 the county coroner or medical examiner where the death occurred shall be responsible for the
85 certificate of death and for investigating the cause and manner of the death.

86 [9-] 10. In performing the duties, the coroner or medical examiner shall comply with
87 sections 58.775 to 58.785 with respect to organ donation.

60.570. 1. The permanent headquarters of the land survey program shall be at or near
2 to the principal office of the Missouri state geological survey. Until such time as other
3 headquarters can be obtained by the land survey program, the state geologist shall provide such
4 space in the state geological survey building as may be available. No department shall charge
5 any fee over or above the amount paid to the office of administration for utilization of the
6 building. The land survey program may also establish and maintain regional offices in the
7 metropolitan areas of the state for the storage and distribution of local survey record information.

8 2. The building that occupies the permanent headquarters of the land survey program
9 ~~may~~ shall be renamed and referred to as the "Robert E. Myers Building".

190.094. 1. Any ambulance licensed in this state, when used as an ambulance and
2 staffed with volunteer staff, shall be staffed with a minimum of one emergency medical
3 technician and one other crew member who may be a licensed emergency medical technician,
4 registered nurse, **physician assistant, assistant physician**, physician, or someone who has an
5 emergency medical responder certification.

6 2. When transporting a patient, at least one licensed emergency medical technician,
7 registered nurse, **physician assistant, assistant physician**, or physician shall be in attendance
8 with the patient in the patient compartment at all times.

9 3. For purposes of this section, "volunteer" shall mean an individual who performs hours
10 of service without promise, expectation or receipt of compensation for services rendered.
11 Compensation such as a nominal stipend per call to compensate for fuel, uniforms, and training
12 shall not nullify the volunteer status.

190.100. As used in sections 190.001 to 190.245, the following words and terms mean:

- 2 (1) "Advanced emergency medical technician" or "AEMT", a person who has
3 successfully completed a course of instruction in certain aspects of advanced life support care
4 as prescribed by the department and is licensed by the department in accordance with sections
5 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections
6 190.001 to 190.245;
- 7 (2) "Advanced life support (ALS)", an advanced level of care as provided to the adult
8 and pediatric patient such as defined by national curricula, and any modifications to that curricula
9 specified in rules adopted by the department pursuant to sections 190.001 to 190.245;
- 10 (3) "Ambulance", any privately or publicly owned vehicle or craft that is specially
11 designed, constructed or modified, staffed or equipped for, and is intended or used, maintained
12 or operated for the transportation of persons who are sick, injured, wounded or otherwise
13 incapacitated or helpless, or who require the presence of medical equipment being used on such
14 individuals, but the term does not include any motor vehicle specially designed, constructed or
15 converted for the regular transportation of persons who are disabled, handicapped, normally
16 using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;
- 17 (4) "Ambulance service", a person or entity that provides emergency or nonemergency
18 ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245,
19 and the rules promulgated by the department pursuant to sections 190.001 to 190.245;
- 20 (5) "Ambulance service area", a specific geographic area in which an ambulance service
21 has been authorized to operate;
- 22 (6) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric
23 patient as defined by national curricula, and any modifications to that curricula specified in rules
24 adopted by the department pursuant to sections 190.001 to 190.245;
- 25 (7) "Council", the state advisory council on emergency medical services;
- 26 (8) "Department", the department of health and senior services, state of Missouri;
- 27 (9) "Director", the director of the department of health and senior services or the
28 director's duly authorized representative;
- 29 (10) "Dispatch agency", any person or organization that receives requests for emergency
30 medical services from the public, by telephone or other means, and is responsible for dispatching
31 emergency medical services;
- 32 (11) "Emergency", the sudden and, at the time, unexpected onset of a health condition
33 that manifests itself by symptoms of sufficient severity that would lead a prudent layperson,
34 possessing an average knowledge of health and medicine, to believe that the absence of
35 immediate medical care could result in:
- 36 (a) Placing the person's health, or with respect to a pregnant woman, the health of the
37 woman or her unborn child, in significant jeopardy;

38 (b) Serious impairment to a bodily function;

39 (c) Serious dysfunction of any bodily organ or part;

40 (d) Inadequately controlled pain;

41 (12) "Emergency medical dispatcher", a person who receives emergency calls from the
42 public and has successfully completed an emergency medical dispatcher course, meeting or
43 exceeding the national curriculum of the United States Department of Transportation and any
44 modifications to such curricula specified by the department through rules adopted pursuant to
45 sections 190.001 to 190.245;

46 (13) "Emergency medical responder", a person who has successfully completed an
47 emergency first response course meeting or exceeding the national curriculum of the U.S.
48 Department of Transportation and any modifications to such curricula specified by the
49 department through rules adopted under sections 190.001 to 190.245 and who provides
50 emergency medical care through employment by or in association with an emergency medical
51 response agency;

52 (14) "Emergency medical response agency", any person that regularly provides a level
53 of care that includes first response, basic life support or advanced life support, exclusive of
54 patient transportation;

55 (15) "Emergency medical services for children (EMS-C) system", the arrangement of
56 personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency
57 medical services required in prevention and management of incidents which occur as a result of
58 a medical emergency or of an injury event, natural disaster or similar situation;

59 (16) "Emergency medical services (EMS) system", the arrangement of personnel,
60 facilities and equipment for the effective and coordinated delivery of emergency medical services
61 required in prevention and management of incidents occurring as a result of an illness, injury,
62 natural disaster or similar situation;

63 (17) "Emergency medical technician", a person licensed in emergency medical care in
64 accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by
65 the department pursuant to sections 190.001 to 190.245;

66 (18) "Emergency medical technician-basic" or "EMT-B", a person who has successfully
67 completed a course of instruction in basic life support as prescribed by the department and is
68 licensed by the department in accordance with standards prescribed by sections 190.001 to
69 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

70 (19) "Emergency medical technician-community paramedic", "community paramedic",
71 or "EMT-CP", a person who is certified as an emergency medical technician-paramedic and is
72 certified by the department in accordance with standards prescribed in section 190.098;

73 (20) "Emergency medical technician-paramedic" or "EMT-P", a person who has
74 successfully completed a course of instruction in advanced life support care as prescribed by the
75 department and is licensed by the department in accordance with sections 190.001 to 190.245
76 and rules adopted by the department pursuant to sections 190.001 to 190.245;

77 (21) "Emergency services", health care items and services furnished or required to screen
78 and stabilize an emergency which may include, but shall not be limited to, health care services
79 that are provided in a licensed hospital's emergency facility by an appropriate provider or by an
80 ambulance service or emergency medical response agency;

81 (22) "Health care facility", a hospital, nursing home, physician's office or other fixed
82 location at which medical and health care services are performed;

83 (23) "Hospital", an establishment as defined in the hospital licensing law, subsection 2
84 of section 197.020, or a hospital operated by the state;

85 (24) "Medical control", supervision provided by or under the direction of physicians, or
86 their designated registered nurse, including both online medical control, instructions by radio,
87 telephone, or other means of direct communications, and offline medical control through
88 supervision by treatment protocols, case review, training, and standing orders for treatment;

89 (25) "Medical direction", medical guidance and supervision provided by a physician to
90 an emergency services provider or emergency medical services system;

91 (26) "Medical director", a physician licensed pursuant to chapter 334 designated by the
92 ambulance service or emergency medical response agency and who meets criteria specified by
93 the department by rules pursuant to sections 190.001 to 190.245;

94 (27) "Memorandum of understanding", an agreement between an emergency medical
95 response agency or dispatch agency and an ambulance service or services within whose territory
96 the agency operates, in order to coordinate emergency medical services;

97 (28) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise
98 incapacitated or helpless, or dead, excluding deceased individuals being transported from or
99 between private or public institutions, homes or cemeteries, and individuals declared dead prior
100 to the time an ambulance is called for assistance;

101 (29) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245,
102 any individual, firm, partnership, copartnership, joint venture, association, cooperative
103 organization, corporation, municipal or private, and whether organized for profit or not, state,
104 county, political subdivision, state department, commission, board, bureau or fraternal
105 organization, estate, public trust, business or common law trust, receiver, assignee for the benefit
106 of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

107 (30) "Physician", a person licensed as a physician pursuant to chapter 334;

108 (31) "Political subdivision", any municipality, city, county, city not within a county,
109 ambulance district or fire protection district located in this state which provides or has authority
110 to provide ambulance service;

111 (32) "Professional organization", any organized group or association with an ongoing
112 interest regarding emergency medical services. Such groups and associations could include those
113 representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians,
114 communications specialists and instructors. Organizations could also represent the interests of
115 ground ambulance services, air ambulance services, fire service organizations, law enforcement,
116 hospitals, trauma centers, communication centers, pediatric services, labor unions and poison
117 control services;

118 (33) "Proof of financial responsibility", proof of ability to respond to damages for
119 liability, on account of accidents occurring subsequent to the effective date of such proof, arising
120 out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules
121 promulgated by the department, but in no event less than the statutory minimum required for
122 motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

123 (34) "Protocol", a predetermined, written medical care guideline, which may include
124 standing orders;

125 (35) "Regional EMS advisory committee", a committee formed within an emergency
126 medical services (EMS) region to advise ambulance services, the state advisory council on EMS
127 and the department;

128 (36) "Specialty care transportation", the transportation of a patient requiring the services
129 of an emergency medical technician-paramedic who has received additional training beyond the
130 training prescribed by the department. Specialty care transportation services shall be defined in
131 writing in the appropriate local protocols for ground and air ambulance services and approved
132 by the local physician medical director. The protocols shall be maintained by the local
133 ambulance service and shall define the additional training required of the emergency medical
134 technician-paramedic;

135 (37) "Stabilize", with respect to an emergency, the provision of such medical treatment
136 as may be necessary to attempt to assure within reasonable medical probability that no material
137 deterioration of an individual's medical condition is likely to result from or occur during
138 ambulance transportation unless the likely benefits of such transportation outweigh the risks;

139 (38) "State advisory council on emergency medical services", a committee formed to
140 advise the department on policy affecting emergency medical service throughout the state;

141 (39) "State EMS medical directors advisory committee", a subcommittee of the state
142 advisory council on emergency medical services formed to advise the state advisory council on
143 emergency medical services and the department on medical issues;

144 (40) "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in which
145 impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation in
146 electrocardiogram analysis, and as further defined in rules promulgated by the department under
147 sections 190.001 to 190.250;

148 (41) "STEMI care", includes education and prevention, emergency transport, triage, and
149 acute care and rehabilitative services for STEMI that requires immediate medical or surgical
150 intervention or treatment;

151 (42) "STEMI center", a hospital that is currently designated as such by the department
152 to care for patients with ST-segment elevation myocardial infarctions;

153 (43) "Stroke", a condition of impaired blood flow to a patient's brain as defined by the
154 department;

155 (44) "Stroke care", includes emergency transport, triage, and acute intervention and other
156 acute care services for stroke that potentially require immediate medical or surgical intervention
157 or treatment, and may include education, primary prevention, acute intervention, acute and
158 subacute management, prevention of complications, secondary stroke prevention, and
159 rehabilitative services;

160 (45) "Stroke center", a hospital that is currently designated as such by the department;

161 (46) "Trauma", an injury to human tissues and organs resulting from the transfer of
162 energy from the environment;

163 (47) "Trauma care" includes injury prevention, triage, acute care and rehabilitative
164 services for major single system or multisystem injuries that potentially require immediate
165 medical or surgical intervention or treatment;

166 (48) "Trauma center", a hospital that is currently designated as such by the department.

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate,
2 conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business
3 or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any
4 public way or place of the state of Missouri unless such person holds a currently valid license
5 from the department for an ambulance service issued pursuant to the provisions of sections
6 190.001 to 190.245.

7 2. No ground ambulance shall be operated for ambulance purposes, and no individual
8 shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless
9 the ground ambulance is under the immediate supervision and direction of a person who is
10 holding a currently valid Missouri license as an emergency medical technician. Nothing in this
11 section shall be construed to mean that a duly registered nurse, **a duly licensed physician**
12 **assistant, a duly licensed assistant physician**, or a duly licensed physician be required to hold
13 an emergency medical technician's license. **A physician assistant or assistant physician shall**

14 **be exempt from any mileage requirement.** Each ambulance service is responsible for assuring
15 that any person driving its ambulance is competent in emergency vehicle operations and has a
16 safe driving record. Each ground ambulance shall be staffed with at least two licensed
17 individuals when transporting a patient, except as provided in section 190.094. In emergency
18 situations which require additional medical personnel to assist the patient during transportation,
19 an emergency medical responder, firefighter, or law enforcement personnel with a valid driver's
20 license and prior experience with driving emergency vehicles may drive the ground ambulance
21 provided the ground ambulance service stipulates to this practice in operational policies.

22 3. No license shall be required for an ambulance service, or for the attendant of an
23 ambulance, which:

24 (1) Is rendering assistance in the case of an emergency, major catastrophe or any other
25 unforeseen event or series of events which jeopardizes the ability of the local ambulance service
26 to promptly respond to emergencies; or

27 (2) Is operated from a location or headquarters outside of Missouri in order to transport
28 patients who are picked up beyond the limits of Missouri to locations within or outside of
29 Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for
30 transportation to locations within Missouri, except as provided in subdivision (1) of this
31 subsection.

32 4. The issuance of a license pursuant to the provisions of sections 190.001 to 190.245
33 shall not be construed so as to authorize any person to provide ambulance services or to operate
34 any ambulances without a franchise in any city not within a county or in a political subdivision
35 in any county with a population of over nine hundred thousand inhabitants, or a franchise,
36 contract or mutual-aid agreement in any other political subdivision which has enacted an
37 ordinance making it unlawful to do so.

38 5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or
39 regulation not in conflict with such sections by any city not within a county, or at least as strict
40 as such sections by any county, municipality or political subdivision except that no such
41 regulations or ordinances shall be adopted by a political subdivision in a county with a
42 population of over nine hundred thousand inhabitants except by the county's governing body.

43 6. In a county with a population of over nine hundred thousand inhabitants, the
44 governing body of the county shall set the standards for all ambulance services which shall
45 comply with subsection 5 of this section. All such ambulance services must be licensed by the
46 department. The governing body of such county shall not prohibit a licensed ambulance service
47 from operating in the county, as long as the ambulance service meets county standards.

48 7. An ambulance service or vehicle when operated for the purpose of transporting
49 persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or

50 contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad
51 safety.

52 8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor
53 vehicle used by an employer for the transportation of such employer's employees whose illness
54 or injury occurs on private property, and not on a public highway or property, nor to any person
55 operating such a motor vehicle.

56 9. A political subdivision that is authorized to operate a licensed ambulance service may
57 establish, operate, maintain and manage its ambulance service, and select and contract with a
58 licensed ambulance service. Any political subdivision may contract with a licensed ambulance
59 service.

60 10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection
61 2 of section 190.109, shall be construed to authorize any municipality or county which is located
62 within an ambulance district or a fire protection district that is authorized to provide ambulance
63 service to promulgate laws, ordinances or regulations related to the provision of ambulance
64 services. This provision shall not apply to any municipality or county which operates an
65 ambulance service established prior to August 28, 1998.

66 11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to
67 authorize any municipality or county which is located within an ambulance district or a fire
68 protection district that is authorized to provide ambulance service to operate an ambulance
69 service without a franchise in an ambulance district or a fire protection district that is authorized
70 to provide ambulance service which has enacted an ordinance making it unlawful to do so. This
71 provision shall not apply to any municipality or county which operates an ambulance service
72 established prior to August 28, 1998.

73 12. No provider of ambulance service within the state of Missouri which is licensed by
74 the department to provide such service shall discriminate regarding treatment or transportation
75 of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national
76 origin, ancestry, handicap, medical condition or ability to pay.

77 13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section,
78 is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter
79 or to fire protection districts pursuant to chapter 321, or to counties, cities, towns and villages
80 pursuant to chapter 67.

81 14. Upon the sale or transfer of any ground ambulance service ownership, the owner of
82 such service shall notify the department of the change in ownership within thirty days of such
83 sale or transfer. After receipt of such notice, the department shall conduct an inspection of the
84 ambulance service to verify compliance with the licensure standards of sections 190.001 to
85 190.245.

190.143. 1. Notwithstanding any other provisions of law, the department may grant a
2 ninety-day temporary emergency medical technician license to all levels of emergency medical
3 technicians who meet the following:

4 (1) Can demonstrate that they have, or will have, employment requiring an emergency
5 medical technician license;

6 (2) Are not currently licensed as an emergency medical technician in Missouri or have
7 been licensed as an emergency medical technician in Missouri and fingerprints need to be
8 submitted to the Federal Bureau of Investigation to verify the existence or absence of a criminal
9 history, or they are currently licensed and the license will expire before a verification can be
10 completed of the existence or absence of a criminal history;

11 (3) Have submitted a complete application upon such forms as prescribed by the
12 department in rules adopted pursuant to sections 190.001 to 190.245;

13 (4) Have not been disciplined pursuant to sections 190.001 to 190.245 and rules
14 promulgated pursuant to sections 190.001 to 190.245;

15 (5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to
16 190.245.

17 2. A temporary emergency medical technician license shall only authorize the license to
18 practice while under the immediate supervision of a licensed emergency medical technician,
19 registered nurse, **physician assistant, assistant physician**, or physician who is currently
20 licensed, without restrictions, to practice in Missouri.

21 3. A temporary emergency medical technician license shall automatically expire either
22 ninety days from the date of issuance or upon the issuance of a five-year emergency medical
23 technician license.

190.196. 1. No employer shall knowingly employ or permit any employee to perform
2 any services for which a license, certificate or other authorization is required by sections 190.001
3 to 190.245, or by rules adopted pursuant to sections 190.001 to 190.245, unless and until the
4 person so employed possesses all licenses, certificates or authorizations that are required.

5 2. Any person or entity that employs or supervises a person's activities as an emergency
6 medical responder, emergency medical dispatcher, emergency medical technician, registered
7 nurse, **physician assistant, assistant physician**, or physician shall cooperate with the
8 department's efforts to monitor and enforce compliance by those individuals subject to the
9 requirements of sections 190.001 to 190.245.

10 3. Any person or entity who employs individuals licensed by the department pursuant
11 to sections 190.001 to 190.245 shall report to the department within seventy-two hours of their
12 having knowledge of any charges filed against a licensee in their employ for possible criminal
13 action involving the following felony offenses:

14 (1) Child abuse or sexual abuse of a child;

15 (2) Crimes of violence; or

16 (3) Rape or sexual abuse.

17 4. Any licensee who has charges filed against him or her for the felony offenses in
18 subsection 3 of this section shall report such an occurrence to the department within seventy-two
19 hours of the charges being filed.

20 5. The department will monitor these reports for possible licensure action authorized
21 pursuant to section 190.165.

192.067. 1. The department of health and senior services, for purposes of conducting
2 epidemiological studies to be used in promoting and safeguarding the health of the citizens of
3 Missouri under the authority of this chapter, is authorized to receive information from patient
4 medical records. The provisions of this section shall also apply to the collection, analysis, and
5 disclosure of nosocomial infection data from patient records collected pursuant to section
6 192.667 and to the collection of data under section 192.990.

7 2. The department shall maintain the confidentiality of all medical record information
8 abstracted by or reported to the department. Medical information secured pursuant to the
9 provisions of subsection 1 of this section may be released by the department only in a statistical
10 aggregate form that precludes and prevents the identification of patient, physician, or medical
11 facility except that medical information may be shared with other public health authorities and
12 coinvestigators of a health study if they abide by the same confidentiality restrictions required
13 of the department of health and senior services and except as otherwise authorized by the
14 provisions of sections 192.665 to 192.667[~~]~~ or section 192.990. The department of health and
15 senior services, public health authorities and coinvestigators shall use the information collected
16 only for the purposes provided for in this section, section 192.667, or section 192.990.

17 3. No individual or organization providing information to the department in accordance
18 with this section shall be deemed to be or be held liable, either civilly or criminally, for divulging
19 confidential information unless such individual organization acted in bad faith or with malicious
20 purpose.

21 4. The department of health and senior services is authorized to reimburse medical care
22 facilities, within the limits of appropriations made for that purpose, for the costs associated with
23 abstracting data for special studies.

24 5. Any department of health and senior services employee, public health authority or
25 coinvestigator of a study who knowingly releases information which violates the provisions of
26 this section shall be guilty of a class A misdemeanor and, upon conviction, shall be punished as
27 provided by law.

193.145. 1. A certificate of death for each death which occurs in this state shall be filed
2 with the local registrar, or as otherwise directed by the state registrar, within five days after death
3 and shall be registered if such certificate has been completed and filed pursuant to this section.
4 All data providers in the death registration process, including, but not limited to, the state
5 registrar, local registrars, the state medical examiner, county medical examiners, coroners,
6 funeral directors or persons acting as such, embalmers, sheriffs, attending physicians and resident
7 physicians, physician assistants, assistant physicians, advanced practice registered nurses, and
8 the chief medical officers of licensed health care facilities, and other public or private institutions
9 providing medical care, treatment, or confinement to persons, shall be required to use and utilize
10 any electronic death registration system required and adopted under subsection 1 of section
11 193.265 within six months of the system being certified by the director of the department of
12 health and senior services, or the director's designee, to be operational and available to all data
13 providers in the death registration process. However, should the person or entity that certifies
14 the cause of death not be part of, or does not use, the electronic death registration system, the
15 funeral director or person acting as such may enter the required personal data into the electronic
16 death registration system and then complete the filing by presenting the signed cause of death
17 certification to the local registrar, in which case the local registrar shall issue death certificates
18 as set out in subsection 2 of section 193.265. ~~[Nothing in this section shall prevent the state~~
19 ~~registrar from adopting pilot programs or voluntary electronic death registration programs until~~
20 ~~such time as the system can be certified; however, no such pilot or voluntary electronic death~~
21 ~~registration program shall prevent the filing of a death certificate with the local registrar or the~~
22 ~~ability to obtain certified copies of death certificates under subsection 2 of section 193.265 until~~
23 ~~six months after such certification that the system is operational.]~~

24 2. If the place of death is unknown but the dead body is found in this state, the certificate
25 of death shall be completed and filed pursuant to the provisions of this section. The place where
26 the body is found shall be shown as the place of death. The date of death shall be the date on
27 which the remains were found.

28 3. When death occurs in a moving conveyance in the United States and the body is first
29 removed from the conveyance in this state, the death shall be registered in this state and the place
30 where the body is first removed shall be considered the place of death. When a death occurs on
31 a moving conveyance while in international waters or air space or in a foreign country or its air
32 space and the body is first removed from the conveyance in this state, the death shall be
33 registered in this state but the certificate shall show the actual place of death if such place may
34 be determined.

35 4. The funeral director or person in charge of final disposition of the dead body shall file
36 the certificate of death. The funeral director or person in charge of the final disposition of the
37 dead body shall obtain or verify and enter into the electronic death registration system:

38 (1) The personal data from the next of kin or the best qualified person or source
39 available;

40 (2) The medical certification **and attestation** from the person responsible for such
41 certification **and attestation** if designated to do so under subsection 5 of this section; and

42 (3) Any other information or data that may be required to be placed on a death certificate
43 or entered into the electronic death certificate system including, but not limited to, the name and
44 license number of the embalmer.

45 5. The medical certification shall be completed, attested to its accuracy either by
46 signature or an electronic process approved by the department, and returned to the funeral
47 director or person in charge of final disposition within seventy-two hours after death by the
48 physician, physician assistant, assistant physician, **or** advanced practice registered nurse in
49 charge of the patient's care for the illness or condition which resulted in death. In the absence
50 of the physician, physician assistant, assistant physician, advanced practice registered nurse or
51 with the physician's, physician assistant's, assistant physician's, or advanced practice registered
52 nurse's approval the certificate may be completed and attested to its accuracy either by signature
53 or an approved electronic process by the physician's associate physician, the chief medical officer
54 of the institution in which death occurred, or the physician who performed an autopsy upon the
55 decedent, provided such individual has access to the medical history of the case, views the
56 deceased at or after death and death is due to natural causes. The person authorized to complete
57 the medical certification may, in writing, designate any other person to enter the medical
58 certification information **and attestation** into the electronic death registration system if the
59 person authorized to complete the medical certificate has physically or by electronic process
60 signed a statement stating the cause of death. Any persons completing the medical certification
61 or entering data **and attestation** into the electronic death registration system shall be immune
62 from civil liability for such certification **and attestation** completion, data entry, or determination
63 of the cause of death, absent gross negligence or willful misconduct. The state registrar may
64 approve alternate methods of obtaining and processing the medical certification and filing the
65 death certificate. The Social Security number of any individual who has died shall be placed in
66 the records relating to the death and recorded on the death certificate.

67 6. When death occurs from natural causes more than thirty-six hours after the decedent
68 was last treated by a physician, physician assistant, assistant physician, advanced practice
69 registered nurse, the case shall be referred to the county medical examiner or coroner or
70 physician or local registrar for investigation to determine and certify the cause of death. If the

71 death is determined to be of a natural cause, the medical examiner or coroner or local registrar
72 shall refer the certificate of death to the attending physician, physician assistant, assistant
73 physician, **or** advanced practice registered nurse for such certification. If the attending physician,
74 physician assistant, assistant physician, **or** advanced practice registered nurse refuses or is
75 otherwise unavailable, the medical examiner or coroner or local registrar shall attest to the
76 accuracy of the certificate of death either by signature or an approved electronic process within
77 thirty-six hours.

78 7. If the circumstances suggest that the death was caused by other than natural causes,
79 the medical examiner or coroner shall determine the cause of death and shall ~~[complete and attest~~
80 ~~to the accuracy]~~ , either by signature or an approved electronic process, **complete and attest to**
81 **the accuracy of** the medical certification within seventy-two hours after taking charge of the
82 case.

83 8. If the cause of death cannot be determined within seventy-two hours after death, the
84 attending medical examiner, coroner, attending physician, physician assistant, assistant
85 physician, advanced practice registered nurse, or local registrar shall give the funeral director,
86 or person in charge of final disposition of the dead body, notice of the reason for the delay, and
87 final disposition of the body shall not be made until authorized by the medical examiner, coroner,
88 attending physician, physician assistant, assistant physician, advanced practice registered nurse,
89 or local registrar.

90 9. When a death is presumed to have occurred within this state but the body cannot be
91 located, a death certificate may be prepared by the state registrar upon receipt of an order of a
92 court of competent jurisdiction which shall include the finding of facts required to complete the
93 death certificate. Such a death certificate shall be marked "Presumptive", show on its face the
94 date of registration, and identify the court and the date of decree.

95 10. ~~[(4)]~~ The department of health and senior services shall notify all physicians,
96 physician assistants, assistant physicians, and advanced practice registered nurses licensed under
97 chapters 334 and 335 of the requirements regarding the use of the electronic vital records system
98 provided for in this section.

99 ~~[(2) On or before August 30, 2015, the department of health and senior services, division~~
100 ~~of community and public health shall create a working group comprised of representation from~~
101 ~~the Missouri electronic vital records system users and recipients of death certificates used for~~
102 ~~professional purposes to evaluate the Missouri electronic vital records system, develop~~
103 ~~recommendations to improve the efficiency and usability of the system, and to report such~~
104 ~~findings and recommendations to the general assembly no later than January 1, 2016.]~~

105 **11. Notwithstanding any provision of law to the contrary, if a coroner or deputy**
106 **coroner is not current with or is without the approved training under chapter 58, the**

107 **department of health and senior services shall prohibit such coroner from attesting to the**
108 **accuracy of a certificate of death. No person elected or appointed to the office of coroner**
109 **shall assume such elected office until the training, as established by the coroner standards**
110 **and training commission under the provisions of section 58.035, has been completed and**
111 **a certificate of completion has been issued. In the event a coroner is unable to fulfill his or**
112 **her duties or is no longer qualified to attest to the accuracy of a death certificate, the sheriff**
113 **of the county shall appoint a medical professional to attest death certificates until such time**
114 **as the coroner is able to resume his or her duties or another coroner is appointed or elected**
115 **to the office.**

193.265. 1. For the issuance of a certification or copy of a death record, the applicant
2 shall pay a fee of [~~thirteen~~] **fourteen** dollars for the first certification or copy and a fee of [~~ten~~]
3 **eleven** dollars for each additional copy ordered at that time. For the issuance of a certification
4 or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen
5 dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the
6 request for certification is made by the children's division, the division of youth services, a
7 guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of
8 age who has come under the jurisdiction of the juvenile court under section 211.031. All fees
9 **collected under this subsection** shall be deposited to the state department of revenue.
10 Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall
11 credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar
12 shall be credited to the endowed care cemetery audit fund, **one dollar for each certification or**
13 **copy of death records to the Missouri state coroners' training fund established in section**
14 **58.208**, and three dollars for the first copy of death records and five dollars for birth, marriage,
15 divorce, and fetal death records shall be credited to the Missouri public services health fund
16 established in section 192.900. Money in the endowed care cemetery audit fund shall be
17 available by appropriation to the division of professional registration to pay its expenses in
18 administering sections 214.270 to 214.410. All interest earned on money deposited in the
19 endowed care cemetery audit fund shall be credited to the endowed care cemetery fund.
20 Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed
21 care cemetery audit fund shall not be transferred and placed to the credit of general revenue until
22 the amount in the fund at the end of the biennium exceeds three times the amount of the
23 appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The
24 money deposited in the public health services fund under this section shall be deposited in a
25 separate account in the fund, and moneys in such account, upon appropriation, shall be used to
26 automate and improve the state vital records system, and develop and maintain an electronic
27 birth and death registration system. For any search of the files and records, when no record is

28 found, the state shall be entitled to a fee equal to the amount for a certification of a vital record
29 for a five-year search to be paid by the applicant. For the processing of each legitimation,
30 adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled
31 to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy
32 or copies of a vital record is required to perfect any claim of any person on relief, or any
33 dependent of any person who was on relief for any claim upon the government of the state or
34 United States, the state registrar shall, upon request, furnish a certified copy or so many certified
35 copies as are necessary, without any fee or compensation therefor.

36 2. For the issuance of a certification of a death record by the local registrar, the applicant
37 shall pay a fee of [~~thirteen~~] **fourteen** dollars for the first certification or copy and a fee of [~~ten~~]
38 **eleven** dollars for each additional copy ordered at that time. **For each fee collected under this**
39 **subsection, one dollar shall be deposited to the state department of revenue and the**
40 **remainder shall be deposited to the credit of the official city or county health agency. The**
41 **director of revenue shall credit all fees deposited to the state department of revenue under**
42 **this subsection to the Missouri state coroners' training fund established in section 58.208.**

43 3. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death
44 record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter
45 form of government and with more than six hundred thousand but fewer than seven hundred
46 thousand inhabitants, a donation of one dollar may be collected by the local registrar over and
47 above any fees required by law when a certification or copy of any marriage license or birth
48 certificate is provided, with such donations collected to be forwarded monthly by the local
49 registrar to the county treasurer of such county and the donations so forwarded to be deposited
50 by the county treasurer into the housing resource commission fund to assist homeless families
51 and provide financial assistance to organizations addressing homelessness in such county. The
52 local registrar shall include a check-off box on the application form for such copies. All fees
53 **collected under this subsection**, other than the donations collected in any county with a charter
54 form of government and with more than six hundred thousand but fewer than seven hundred
55 thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official
56 city or county health agency.

57 4. A certified copy of a death record by the local registrar can only be issued within
58 twenty-four hours of receipt of the record by the local registrar. Computer-generated
59 certifications of death records may be issued by the local registrar after twenty-four hours of
60 receipt of the records. **In the event that it is determined by the state registrar that any**
61 **required information from any data provider was missing or incomplete on records or**
62 **documentation that were filed with or submitted to the local registrar and then sent to the**
63 **state registrar, the state registrar shall return the records or documentation to the local**

64 registrar so that the data provider, funeral director, or person in charge of the final
65 disposition can provide the missing or incomplete information. Nothing in this subsection
66 removes any requirement in any statute or regulation as to when an affidavit or court
67 order is necessary to amend a death certificate that has been issued. The fees paid to the
68 official county health agency shall be retained by the local agency for local public health
69 purposes.

194.119. 1. As used in this section, the term "right of sepulcher" means the right to
2 choose and control the burial, cremation, or other final disposition of a dead human body.

3 2. For purposes of this chapter and chapters 193, 333, and 436, and in all cases relating
4 to the custody, control, and disposition of deceased human remains, including the common law
5 right of sepulcher, where not otherwise defined, the term "next-of-kin" means the following
6 persons in the priority listed if such person is eighteen years of age or older, is mentally
7 competent, and is willing to assume responsibility for the costs of disposition:

8 (1) An attorney in fact designated in a durable power of attorney wherein the deceased
9 specifically granted the right of sepulcher over his or her body to such attorney in fact;

10 (2) For a decedent who was on active duty in the United States military at the time of
11 death, the person designated by such decedent in the written instrument known as the United
12 States Department of Defense Form 93, Record of Emergency Data, in accordance with ~~[P.L.~~
13 ~~109-163, Section 564,]~~ 10 U.S.C. Section 1482;

14 (3) The surviving spouse, **unless an action for the dissolution of the marriage has**
15 **been filed and is pending in a court of competent jurisdiction;**

16 (4) Any surviving child of the deceased. If a surviving child is less than eighteen years
17 of age and has a legal or natural guardian, such child shall not be disqualified on the basis of the
18 child's age and such child's legal or natural guardian, if any, shall be entitled to serve in the place
19 of the child unless such child's legal or natural guardian was subject to an action in dissolution
20 from the deceased. In such event the person or persons who may serve as next-of-kin shall serve
21 in the order provided in subdivisions (5) to (9) of this subsection;

22 (5) (a) Any surviving parent of the deceased; or

23 (b) If the deceased is a minor, a surviving parent who has custody of the minor; or

24 (c) If the deceased is a minor and the deceased's parents have joint custody, the parent
25 whose residence is the minor child's residence for purposes of mailing and education;

26 (6) Any surviving sibling of the deceased;

27 (7) The next nearest surviving relative of the deceased by consanguinity or affinity;

28 (8) Any person or friend who assumes financial responsibility for the disposition of the
29 deceased's remains if no next-of-kin assumes such responsibility;

30 (9) The county coroner or medical examiner; provided however that such assumption
31 of responsibility shall not make the coroner, medical examiner, the county, or the state
32 financially responsible for the cost of disposition.

33 3. The next-of-kin of the deceased shall be entitled to control the final disposition of the
34 remains of any dead human being consistent with all applicable laws, including all applicable
35 health codes. **The next-of-kin may delegate the control of the final disposition of the**
36 **remains of any dead human being to a principal or an agent through either a specific or**
37 **general grant of power in accordance with section 404.710 if, at the time of delegation, the**
38 **next-of-kin was eighteen years of age or older and mentally competent and the principal**
39 **or agent is taking financial responsibility for the disposition.**

40 4. A funeral director or establishment is entitled to rely on and act according to the
41 lawful instructions of any person claiming to be the next-of-kin of the deceased; provided
42 however, in any civil cause of action against a funeral director or establishment licensed pursuant
43 to this chapter for actions taken regarding the funeral arrangements for a deceased person in the
44 director's or establishment's care, the relative fault, if any, of such funeral director or
45 establishment may be reduced if such actions are taken in reliance upon a person's claim to be
46 the deceased person's next-of-kin.

47 5. Any person who desires to exercise the right of sepulcher and who has knowledge of
48 an individual or individuals with a superior right to control disposition shall notify such
49 individual or individuals prior to making final arrangements.

50 6. If an individual with a superior claim is [~~personally served with written notice from~~]
51 **notified in person or by written notice with delivery confirmation to such person's last**
52 **known address** by a person with an inferior claim that such person desires to exercise the right
53 of sepulcher and the individual so served does not object within forty-eight hours of [~~receipt~~]
54 **such notice**, such individual shall be deemed to have waived such right. An individual with a
55 superior right may also waive such right at any time if such waiver is in writing and dated.

56 7. If there is more than one person in a class who are equal in priority and the funeral
57 director has no knowledge of any objection by other members of such class, the funeral director
58 or establishment shall be entitled to rely on and act according to the instructions of the first such
59 person in the class to make arrangements; provided that such person assumes responsibility for
60 the costs of disposition and no other person in such class provides written notice of his or her
61 objection. If the funeral director has knowledge that there is more than one person in a class who
62 are equal in priority and who do not agree on the disposition, the decision of the majority of the
63 members of such class shall control the disposition.

64 8. For purposes of conducting a majority vote under subsection 7 of this section, the
65 funeral director shall allow voting by proxy using a written authorization or instrument.

210.195. 1. The director of the department of social services shall establish a special
2 team which shall:

3 (1) Develop and implement protocols for the evaluation and review of child fatalities;

4 (2) Provide training, expertise and assistance to county child fatality review panels for
5 the review of child fatalities; **and**

6 (3) When required and unanimously requested by the county fatality review panel, assist
7 in the review and prosecution of specific child fatalities; ~~and~~

8 ~~——(4)]~~

9

10 The special team may be known as the department of social services, state technical assistance
11 team.

12 2. The director of the department of social services shall appoint regional coordinators
13 to serve as resources to child fatality review panels established pursuant to section 210.192.

14 3. The director of the department of social services shall appoint a state child fatality
15 review panel which shall meet at least biannually to provide oversight and make
16 recommendations to the department of social services, state technical assistance team. The
17 department of social services, state technical assistance team shall gather data from local child
18 fatality review panels to identify systemic problems and shall submit findings and
19 recommendations to the director of the department of social services, the governor, the speaker
20 of the house of representatives, the president pro tempore of the senate, the children's services
21 commission, juvenile officers, and the chairman of the local child fatality review panel, at least
22 once a year, on ways to prevent further child abuse and injury deaths. The report shall include
23 a summary of compliance with the provisions of sections 210.192 to 210.196 for each county or
24 city not within a county.

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

2 (1) "License", a license, certificate, registration, permit, or accreditation that enables a
3 person to legally practice an occupation or profession in a particular jurisdiction[~~; except that~~
4 ~~"license" shall not include a certificate of license to teach in public schools under section~~
5 ~~168.021];~~

6 (2) "Nonresident military spouse", a nonresident spouse of an active duty member of the
7 Armed Forces of the United States who has been transferred or is scheduled to be transferred to
8 the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent
9 state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri
10 on a permanent change-of-station basis;

11 (3) "Oversight body", any board, department, agency, or office of a jurisdiction that
12 issues licenses[~~; except, for the purposes of this section, oversight body shall not include the state~~

13 ~~board of registration for the healing arts, the state board of nursing, the board of pharmacy, the~~
14 ~~state committee of psychologists, the Missouri dental board, the Missouri board for architects,~~
15 ~~professional engineers, professional land surveyors and professional landscape architects, the~~
16 ~~state board of optometry, or the Missouri veterinary medical board];~~

17 (4) "Resident military spouse", a spouse of an active duty member of the Armed Forces
18 of the United States who has been transferred or is scheduled to be transferred to the state of
19 Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is
20 domiciled in the state of Missouri, or who has Missouri as his or her home of record.

21 2. Any person [~~who is a resident of Missouri~~], a resident military spouse, or a
22 nonresident military spouse and who holds a valid current license issued by another state, a
23 territory of the United States, or the District of Columbia, **and who has been licensed for at**
24 **least one year in such other jurisdiction**, may submit an application for a license in Missouri
25 in the same occupation or profession, **and at the same practice level**, for which he or she holds
26 the current license, along with proof of current licensure **and proof of licensure for at least one**
27 **year in [all] the other [jurisdictions] jurisdiction**, to the relevant oversight body in this state.

28 3. The oversight body in this state shall:

29 (1) Within six months of receiving an application described in subsection 2 of this
30 section [~~from a resident of Missouri~~], waive any examination, educational, or experience
31 requirements for licensure in this state for the applicant if it determines that [~~the licensing~~
32 ~~requirements in the jurisdiction that issued the applicant's license are substantially similar to or~~
33 ~~more stringent than the licensing requirements in Missouri for the same occupation or profession~~
34 ~~and shall issue such applicant a license under this section if such applicant otherwise meets the~~
35 ~~requirements of this section]~~ **there were minimum education requirements and, if applicable,**
36 **work experience and clinical supervision requirements in effect and the other state verifies**
37 **that the person met those requirements in order to be licensed or certified in that state. An**
38 **oversight body that administers an examination on laws of this state as part of its licensing**
39 **application requirement may require an applicant to take and pass an examination specific**
40 **to the laws of this state; or**

41 (2) Within thirty days of receiving an application described in subsection 2 of this
42 section from a nonresident military spouse or a resident military spouse, waive any examination,
43 educational, or experience requirements for licensure in this state for the applicant and issue such
44 applicant a license under this section if such applicant otherwise meets the requirements of this
45 section.

46 4. (1) The oversight body shall not waive any examination, educational, or experience
47 requirements for any applicant who **has had his or her license revoked by an oversight body**
48 **outside the state; who is currently under investigation, who has a complaint pending, or**

49 **who** is currently under disciplinary action, **except as provided in subdivision (2) of this**
50 **subsection**, with an oversight body outside the state; **who does not hold a license in good**
51 **standing with an oversight body outside the state; who has a criminal record that would**
52 **disqualify him or her for licensure in Missouri**; or who does not hold a valid current license
53 in the other jurisdiction on the date the oversight body receives his or her application under this
54 section.

55 **(2) If another jurisdiction has taken disciplinary action against an applicant, the**
56 **oversight body shall determine if the cause for the action was corrected and the matter**
57 **resolved. If the matter has not been resolved by that jurisdiction, the oversight body may**
58 **deny a license until the matter is resolved.**

59 5. ~~[The oversight body shall not waive any examination, educational, or experience~~
60 ~~requirements for any applicant if it determines that waiving the requirements for the applicant~~
61 ~~may endanger the public health, safety, or welfare.~~

62 ~~————6.]~~ Nothing in this section shall prohibit the oversight body from denying a license to an
63 applicant under this section for any reason described in any section associated with the
64 occupation or profession for which the applicant seeks a license.

65 **6. Any person who is licensed under the provisions of this section shall be subject**
66 **to the applicable oversight body's jurisdiction and all rules and regulations pertaining to**
67 **the practice of the licensed occupation or profession in this state.**

68 7. This section shall not be construed to waive any requirement for an applicant to pay
69 any fees, post any bonds or surety bonds, or submit proof of insurance associated with the license
70 the applicant seeks.

71 8. This section shall not apply to business, professional, or occupational licenses issued
72 or required by political subdivisions.

73 9. **The provisions of this section shall not impede an oversight body's authority to**
74 **require an applicant to submit fingerprints as part of the application process.**

75 **10. The provisions of this section shall not apply to an oversight body that has**
76 **entered into a licensing compact with another state for the regulation of practice under the**
77 **oversight body's jurisdiction.** The provisions of this section shall not be construed to alter the
78 authority granted by, or any requirements promulgated pursuant to, any interjurisdictional or
79 interstate compacts adopted by Missouri statute or any reciprocity agreements with other states~~[-~~
80 ~~If any conflict arises between the provisions of this section and the provisions of any~~
81 ~~interjurisdictional or interstate compact or reciprocity agreement, the provisions of such compact~~
82 ~~or agreement shall prevail. If a conflict arises between the provisions of this section and any~~
83 ~~federal law or rule, the provisions of the federal law or rule shall prevail] **in effect on August**~~
84 **28, 2018, and whenever possible this section shall be interpreted so as to imply no conflict**

85 **between it and any compact, or any reciprocity agreements with other states in effect on**
86 **August 28, 2018.**

87 ~~[10.]~~ **11.** For the purposes of this section, resident military spouses and nonresident
88 military spouses shall be eligible to apply for a license with any board, department, agency, or
89 office of a jurisdiction that issues licenses including, but not limited to, the state board of
90 registration for the healing arts; the state board of nursing; the board of pharmacy; the state
91 committee of psychologists; the Missouri dental board; the Missouri board for architects,
92 professional engineers, professional land surveyors, and professional landscape architects; the
93 state board of optometry; and the Missouri veterinary medical board.

94 **12. Notwithstanding any other provision of law, a license issued under this section**
95 **shall be valid only in this state and shall not make a licensee eligible to be part of an**
96 **interstate compact. An applicant who is licensed in another state pursuant to an interstate**
97 **compact shall not be eligible for licensure by an oversight body under the provisions of this**
98 **section.**

324.035. No board, commission, or committee within the division of professional
2 **registration or any outside vendor or agency contracted with a board, commission, or**
3 **committee within the division of professional registration shall utilize occupational**
4 **licensure fees, or any other fees associated with licensing requirements, for the purpose of**
5 **offering continuing education classes. Nothing in this section shall be construed to**
6 **preclude a board, commission, or committee within the division of professional registration**
7 **from utilizing occupational licensure fees for the purpose of attending, participating in, or**
8 **presenting in a conference, seminar, class, or other outreach for the purpose of**
9 **communicating information to its licensees with respect to changes in policy, law, or**
10 **regulation.**

324.950. 1. Sections 324.950 to 324.983 shall be known and may be cited as the
2 **"Missouri Statewide Mechanical Contractor Licensing Act".**

3 **2. As used in sections 324.950 to 324.983, unless the context clearly indicates**
4 **otherwise, the following terms mean:**

5 **(1) "Division", the division of professional registration within the department of**
6 **commerce and insurance;**

7 **(2) "Field employee", any person who is an employee of a mechanical contractor**
8 **and is engaged in mechanical work at a jobsite within Missouri;**

9 **(3) "License holder", any person who is granted a statewide license by the division;**

10 **(4) "Local license", a valid business or occupational license issued by a Missouri**
11 **political subdivision;**

12 **(5) "Mechanical contractor", a company engaged in mechanical contracting work**
13 **per the International Code Council (ICC) and National Fire Protection Association**
14 **(NFPA), including the design, installation, maintenance, construction, alteration, repair,**
15 **and inspection of any:**

16 **(a) HVAC system;**

17 **(b) HVAC duct system;**

18 **(c) Exhaust systems;**

19 **(d) Combustion air or make up air;**

20 **(e) Chimneys and vents;**

21 **(f) Hydronic piping systems that are part of an HVAC**
22 **system;**

23 **(g) Boilers, water heaters, and pressure vessels;**

24 **(h) Process piping systems;**

25 **(i) Fuel gas distribution piping;**

26 **(j) Fuel gas-fired, fuel oil-fired, and solid fuel appliances;**

27 **(k) Fuel oil piping and storage vessels;**

28 **(l) Fuel gas-fired, fuel oil-fired, and solid fuel appliance venting systems;**

29 **(m) Equipment and appliances intended to utilize solar energy for space heating**
30 **or cooling;**

31 **(n) Domestic hot water heating, swimming pool heating, or process heating;**

32 **(o) Refrigeration systems, including all equipment and components thereof;**

33 **(p) Backflow preventers;**

34 **(q) Medical gas piping;**

35 **(r) Air, oxygen, and vacuum piping;**

36 **(s) Fire suppression systems; and**

37 **(t) Chillers and cooling towers.**

38

39 **"Mechanical contractor" shall not include design, service, maintenance, installation, and**
40 **inspection of solid-fuel and gas-fueled hearth appliances, such as wood stoves and**
41 **fireplaces, including manufacturer specified venting systems, fireplace chimneys, outdoor**
42 **cooking appliances with manufacturer specified venting systems, outdoor fireplaces and**
43 **outdoor firepits. Additional certification may be required by the division for a particular**
44 **scope of mechanical work;**

45 **(6) "Office", the office of mechanical contractors within the division;**

46 **(7) "Person", an individual, corporation, partnership, association, or other legal**
47 **entity;**

48 **(8) "Statewide mechanical contractor license", a valid license issued by the division**
49 **that allows the mechanical contractor and any of its employees or manufacturers'**
50 **representatives or subcontractors to practice in any jurisdiction in Missouri regardless of**
51 **local licensing requirements. Political subdivisions shall not require any member of the**
52 **work force of a licensed statewide mechanical contractor to obtain an individual**
53 **occupational license.**

324.953. 1. The division shall adopt, implement, rescind, amend, and administer
2 **such rules as may be necessary to carry out the provisions of sections 324.950 to 324.983.**
3 **The division may promulgate necessary rules as authorized or required to explain or**
4 **clarify sections 324.950 to 324.983 including, but not limited to, rules relating to**
5 **professional conduct, continuing competency requirements for the renewal of licenses,**
6 **approval of continuing competency programs, fees, and the establishment of ethical**
7 **standards of business practice for persons holding a license under sections 324.950 to**
8 **324.983. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
9 **created under the authority delegated in this section shall become effective only if it**
10 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
11 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
12 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
13 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
14 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2020,**
15 **shall be invalid and void.**

16 **2. For the purpose of sections 324.950 to 324.983, the division shall:**

17 **(1) Establish all applicable fees, set at an amount that shall not substantially exceed**
18 **the cost of administering sections 324.950 to 324.983; and**

19 **(2) Deposit all fees collected under sections 324.950 to 324.983 by transmitting such**
20 **funds to the department of revenue for deposit to the state treasury to the credit of the**
21 **Missouri mechanical contractor licensing fund.**

324.956. There is hereby created the "Office of Mechanical Contractors" to be
2 **housed within the division of professional registration. The division shall:**

3 **(1) Employ, within the limits of the funds appropriated, persons as are necessary**
4 **to carry out the provisions of sections 324.950 to 324.983, including both administrative**
5 **and professional staff and legal counsel, with the discretion to hire experts in mechanical**
6 **contracting to advise the division on technical matters related to mechanical contracting;**

7 **(2) Exercise all budgeting, purchasing, reporting, and related management**
8 **functions;**

9 **(3) Conduct investigations to determine compliance with sections 324.950 to**
10 **324.983; and**

11 **(4) File suit in its own name on behalf of the office to enforce the provisions of**
12 **sections 324.950 to 324.983.**

324.959. 1. The applicant for a statewide mechanical license shall satisfy the
2 **following requirements:**

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

4 **(2) Provide proof of liability insurance in the amount of one million dollars and**
5 **post bond with each political subdivision in which he or she will perform work as required**
6 **by that political subdivision. If a political subdivision requires any license holder to be**
7 **named on a document including, but not limited to, the bond, the license holder of the**
8 **mechanical contractor shall be allowed to provide services in the political subdivision;**

9 **(3) Pass one of the following standardized and nationally offered mechanical**
10 **assessment tests:**

11 **(a) International Code Council;**

12 **(b) Prometric; or**

13 **(c) International Association of Plumbing and Mechanical Officials (IAPMO); or**
14

15 **a similar test that is administered by an independent professional testing agency not**
16 **affiliated with any political subdivision or the state of Missouri and is approved by the**
17 **division. The applicant shall pay for all costs associated with the examinations;**

18 **(4) Complete the application form provided by the division and pay any applicable**
19 **application fees; and**

20 **(5) Have completed seven thousand five hundred hours of verifiable field**
21 **experience in mechanical contracting work or a bachelor's or further advanced degree in**
22 **mechanical or civil engineering from an accredited college or university with a minimum**
23 **of three years verifiable experience directing and supervising at least one field employee.**

24 **2. Any applicant for licensure who holds a local license or other license authorizing**
25 **him or her to engage in mechanical contracting, who has seven thousand five hundred**
26 **hours of verifiable field experience in mechanical contracting work, and who is otherwise**
27 **eligible for licensure shall be issued a statewide mechanical license. The provisions of this**
28 **subsection shall apply only to licenses issued by a political subdivision with the legal**
29 **authority to issue such licenses.**

30 **3. If a corporation, firm, institution, organization, company, or representative**
31 **thereof desires to engage in mechanical contracting under sections 324.950 to 324.983, it**
32 **shall have in its employ at least one statewide license holder in accordance with sections**

33 **324.950 to 324.983.** A statewide mechanical license holder shall represent only one
34 corporation, firm, institution, organization, or company at one time. A mechanical
35 contractor shall have one license holder responsible for offering Missouri-based field
36 employees eight contact hours of industry training per year; such mechanical contractor
37 shall be responsible for providing proof of training to the division upon request. In the
38 event of a loss of a license holder, a mechanical contractor shall remain in good standing
39 with the division for six months after notifying the division of the change in status. Within
40 the six-month period, a new license holder shall be registered with the division. If no
41 license holder is registered within such six-month period, the division shall declare the
42 mechanical contractor inactive.

43 **4.** The division may issue a mechanical contractor license to any person who holds
44 a current and active license to engage in the practice of a mechanical contractor or as a
45 master pipefitter or master plumber issued by any other state, the District of Columbia,
46 or territories of the United States that require standards for licensure, registration, or
47 certification considered to be equivalent or more stringent than the requirements for
48 licensure under sections 324.950 to 324.983.

49 **5.** If the contact information of a mechanical contractor's employees is required to
50 fulfill the obligations of a license, such contact information shall be considered a trade
51 secret and therefore not a public record under chapter 610.

324.962. 1. Political subdivisions may establish their own local mechanical
2 contractor's license but shall recognize a statewide license in lieu of a local license for the
3 purposes of performing contracting work or obtaining permits to perform work within
4 such political subdivision. No political subdivision shall require the employees of a
5 statewide licensed mechanical contractor or its subcontractors or manufacturers'
6 representatives to obtain journeyman licenses, apprentice licenses, or occupational licenses
7 that require passing any examination or any special requirements to assess proficiency or
8 mastery of the mechanical trade. The workforce of a statewide licensee shall be deemed
9 eligible to perform mechanical contracting work and to obtain permits to perform such
10 work from any political subdivision within the state of Missouri.

11 **2.** If a political subdivision does not recognize a statewide license in lieu of a local
12 license for the purposes of performing contracting work or obtaining permits to perform
13 work within the political subdivision, a statewide mechanical contractor licensee may file
14 a complaint with the division. The division shall perform an investigation into the
15 complaint, and if the division finds that the political subdivision failed to recognize a
16 statewide license in accordance with this section, the division shall notify the political
17 subdivision that the political subdivision has violated the provisions of this section and has

18 thirty days to comply with this section. If after thirty days the political subdivision still
19 does not recognize the statewide license, the division shall notify the director of the
20 department of revenue, who shall withhold any moneys the noncompliant political
21 subdivision would otherwise be entitled to from local sales tax, as defined in section 32.085,
22 until the director has received notice from the division that the political subdivision is in
23 compliance with this section. Upon the political subdivision coming into compliance with
24 the provisions of this section, the division shall notify the director of the department of
25 revenue, who shall disburse all funds held under this subsection. Moneys held by the
26 director of the department of revenue under this subsection shall not be deemed to be state
27 funds and shall not be commingled with any funds of the state.

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

- 30 (1) Enforcing any technical code or law contained in this section;
- 31 (2) Requiring a business license to perform mechanical contracting work;
- 32 (3) Issuing mechanical contracting permits;
- 33 (4) Enforcing technical codes of the political subdivision; and
- 34 (5) Inspecting the work of a statewide mechanical contractor.

35 4. Political subdivisions that do not have the authority to issue or require
36 mechanical contractor licenses prior to August 28, 2020, shall not be granted such
37 authority under the provisions of this section.

324.965. There is hereby created in the state treasury the "Missouri Mechanical
2 Contractor Licensing Fund", which shall consist of moneys collected under sections
3 324.950 to 324.983. The state treasurer shall be custodian of the fund and may approve
4 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon
5 appropriation, moneys in the fund shall be used solely for the administration of sections
6 324.950 to 324.983. The provisions of section 33.080 to the contrary notwithstanding,
7 moneys in this fund shall not be transferred and placed to the credit of general revenue
8 until the amount in the fund at the end of the biennium exceeds three times the amount of
9 the appropriation from the fund for the preceding fiscal year. The amount, if any, in the
10 fund that shall lapse is that amount in the fund that exceeds the appropriate multiple of
11 the appropriations from the fund for the preceding fiscal year. The state treasurer shall
12 invest moneys in the fund in the same manner as other funds are invested. Any interest
13 and moneys earned on such investments shall be credited to the fund.

324.968. 1. Licenses shall expire on a renewal date established by the division. The
2 term of licensure shall be twenty-four months. The division shall mail a renewal notice to
3 the last known address of each person licensed under sections 324.950 to 324.983 prior to

4 the renewal date. Failure to provide the division with the information required for renewal
5 or to pay the required fee after such notice shall result in the license being declared
6 inactive. The licensee shall not practice until he or she applies for reinstatement and pays
7 the required fees. The license shall be restored if the application for reinstatement is
8 received within two years of the renewal date.

9 2. In addition to other requirements provided by sections 324.950 to 324.983 and
10 established by the division, in order to renew such license under this section, the person
11 shall have at least sixteen contact hours of industry-related training.

 324.971. Any person operating as a mechanical contractor in a political subdivision
2 that does not require the mechanical contractor to hold a local license, or who operates as
3 a mechanical contractor in a political subdivision that requires a local license possessed by
4 that person, shall not be required to possess a statewide license under sections 324.950 to
5 324.983 to operate as a mechanical contractor in such political subdivision.

 324.977. The statewide license shall be regulated by the division of professional
2 registration and not a state-appointed licensing board.

 324.980. 1. The division may refuse to issue any certificate of registration or
2 authority, permit, or license required under sections 324.950 to 324.983 for one or any
3 combination of causes stated in subsection 2 of this section. The division shall notify the
4 applicant in writing of the reasons for the refusal and shall advise the applicant of his or
5 her right to file a complaint with the administrative hearing commission as provided by
6 chapter 621.

7 2. The division may cause a complaint to be filed with the administrative hearing
8 commission under chapter 621 against any holder of any certificate of registration or
9 authority, permit, or license required by sections 324.950 to 324.983, or any person who
10 has failed to renew or has surrendered his or her certificate of registration or authority,
11 permit, or license for any one or any combination of the following causes:

12 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage
13 to an extent that such use impairs a person's ability to perform the work of any profession
14 licensed or regulated by sections 324.950 to 324.983;

15 (2) The person has been finally adjudicated and found guilty, or entered a plea of
16 guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the
17 United States for any offense reasonably related to the qualifications, functions, or duties
18 of any profession licensed or regulated under sections 324.950 to 324.983, for any offense
19 involving a controlled substance, or for any offense an essential element of which is fraud,
20 dishonesty, or an act of violence;

21 **(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate**
22 **of registration or authority, permit, or license issued under sections 324.950 to 324.983 or**
23 **in obtaining permission to take any examination given or required under sections 324.950**
24 **to 324.983;**

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

27 **(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or**
28 **dishonesty in the performance of the functions or duties of any profession licensed or**
29 **regulated by sections 324.950 to 324.983;**

30 **(6) Violation of, or assisting or enabling any person to violate, any provision of**
31 **sections 324.950 to 324.983, or of any lawful rule or regulation adopted thereunder;**

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

35 **(8) Disciplinary action against the holder of a license or other right to practice any**
36 **profession regulated by sections 324.950 to 324.983 granted by another political**
37 **subdivision, state, territory, federal agency, or country upon grounds for which revocation**
38 **or suspension is authorized in this state;**

39 **(9) A person is finally adjudged mentally incompetent by a court of competent**
40 **jurisdiction;**

41 **(10) Assisting or enabling any person to practice or offer to practice any profession**
42 **licensed or regulated by sections 324.950 to 324.983 who is not licensed or registered and**
43 **currently eligible to practice thereunder;**

44 **(11) Issuance of a certificate of registration or authority, permit, or license based**
45 **upon a material mistake of fact;**

46 **(12) Failure to maintain liability coverage as required for initial licensure;**

47 **(13) Violation of any professional trust or confidence;**

48 **(14) Use of any advertisement or solicitation which is false, misleading, or deceptive**
49 **to the general public or persons to whom the advertisement or solicitation is primarily**
50 **directed; or**

51 **(15) Failure to post bond as required by any local jurisdiction.**

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

57 deems appropriate for a period not to exceed five years, or may suspend, for a period not
58 to exceed three years, or revoke any certificate of registration or authority, permit, or
59 license issued under sections 324.950 to 324.983.

60 4. An individual whose certificate of registration or authority, permit, or license has
61 been revoked shall wait three years from the date of revocation to apply for any certificate
62 of registration or authority, permit, or license under sections 324.950 to 324.983. Any
63 certificate of registration or authority, permit, or license shall be issued at the discretion
64 of the board after compliance with all the requirements of sections 324.950 to 324.983
65 relating to the licensing or registration of the applicant for the first time.

66 5. The division may file suit to enforce compliance, including the authority to seek
67 injunctions and restraining orders to enjoin any person from:

68 (1) Offering to engage or engaging in the performance of any acts or practices for
69 which a license is required upon a showing that such acts or practices were performed or
70 offered to be performed without a certificate of registration or authority, permit, or
71 license;

72 (2) Engaging in the practice of business authorized by a license issued under a
73 building trades contractor law upon a showing that the license holder presents a
74 substantial probability of serious harm to the health, safety, or welfare of any resident of
75 this state or owner or lessee of real property within this state; or

76 (3) Refusing to recognize a statewide license as a valid license within any political
77 subdivision, requiring journeymen or apprentices to be individually licensed, or requiring
78 subcontractors and manufacturer's representatives or other members of the contractor's
79 workforce to be licensed.

80 6. The division may assess fines for violations of any of the provisions of sections
81 324.950 to 324.983 in an amount not to exceed five thousand dollars per occurrence upon
82 a judicial or administrative finding of violation of law.

83 7. The division may compel the production of documents, things, or persons by
84 subpoena.

85 8. The division may refer any violations of the provisions of any state law or local
86 ordinance relating to the work performed by a licensee to the appropriate state or local
87 official.

324.983. 1. Any person that knowingly violates any provision of sections 324.950
2 to 324.983 is guilty of a class B misdemeanor.

3 2. Any officer or agent of a corporation or member or agent of a partnership or
4 association who knowingly and personally participates in or is an accessory to any
5 violation of sections 324.950 to 324.983 is guilty of a class B misdemeanor.

6 **3. The division may file suit for any violation of sections 324.950 to 324.983 in any**
7 **court of competent jurisdiction and perform such other acts as may be necessary to enforce**
8 **the provisions of sections 324.950 to 324.983.**

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

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

8 (2) "Accredited school of engineering", any school or other institution which teaches
9 engineering and whose curricula on the subjects in question are or have been, at the time in
10 question certified as accredited by the engineering accreditation commission of the accreditation
11 board for engineering and technology or its successor organization;

12 (3) "Accredited school of landscape architecture", any school or other institution which
13 teaches landscape architecture and whose curricula on the subjects in question are or have been
14 at the times in question certified as accredited by the Landscape Architecture Accreditation
15 Board of the American Society of Landscape Architects;

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

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

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

22 (7) "Design coordination", the review and coordination of technical submissions
23 prepared by others including, as appropriate and without limitation, architects, professional
24 engineers, professional land surveyors, professional landscape architects, and other consultants;

25 (8) "Design survey", a survey which includes all activities required to gather information
26 to support the sound conception, planning, design, construction, maintenance, and operation of
27 design projects, but excludes the surveying of real property for the establishment of land
28 boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of
29 the public land survey system;

30 (9) "Incidental practice", the performance of other professional services licensed under
31 chapter 327 that are related to a licensee's professional service, but are secondary and
32 substantially less in scope and magnitude when compared to the professional services usually
33 and normally performed by the licensee practicing in their licensed profession. This incidental
34 professional service shall be safely and competently performed by the licensee without

34 jeopardizing the health, safety, and welfare of the public. The licensee shall be qualified by
35 education, training, and experience as determined by the board and in sections 327.091, 327.181,
36 327.272, and 327.600 and applicable board rules to perform such incidental professional service;

37 (10) "Licensee", a person licensed to practice any profession regulated under this chapter
38 or a corporation authorized to practice any such profession;

39 (11) "Partnership", any partnership or limited liability partnership;

40 (12) "Person", any ~~person~~ **individual**, corporation, firm, partnership, association or
41 other entity **authorized to do business**;

42 (13) "Professional engineer", any person authorized pursuant to the provisions of this
43 chapter to practice as a professional engineer in Missouri, as the practice of engineering is
44 defined in section 327.181;

45 (14) "Professional land surveyor", any person authorized pursuant to the provisions of
46 this chapter to practice as a professional land surveyor in Missouri as the practice of land
47 surveying is ~~defined~~ **described** in section 327.272;

48 (15) "Professional landscape architect", any person authorized pursuant to the provisions
49 of this chapter to practice as a professional landscape architect in Missouri as the practice of
50 landscape architecture is defined in section 327.600;

51 (16) "Responsible charge", the independent direct control of a licensee's work and
52 personal supervision of such work pertaining to the practice of architecture, engineering, land
53 surveying, or landscape architecture.

327.041. 1. The board shall have the duty and the power to carry out the purposes and
2 to enforce and administer the provisions of this chapter, to require, by summons or subpoena,
3 with the vote of two-thirds of the voting board members, the attendance and testimony of
4 witnesses, and the production of drawings, plans, plats, specifications, books, papers or any
5 document representing any matter under hearing or investigation, pertaining to the issuance,
6 probation, suspension or revocation of certificates of registration or certificates of authority
7 provided for in this chapter, or pertaining to the unlawful practice of architecture, professional
8 engineering, professional land surveying or professional landscape architecture.

9 2. The board shall, within the scope and purview of the provisions of this chapter,
10 prescribe the duties of its officers and employees and adopt, publish and enforce the rules and
11 regulations of professional conduct which shall establish and maintain appropriate standards of
12 competence and integrity in the professions of architecture, professional engineering,
13 professional land surveying and professional landscape architecture, and adopt, publish and
14 enforce procedural rules and regulations as may be considered by the board to be necessary or
15 proper for the conduct of the board's business and the management of its affairs, and for the
16 effective administration and interpretation of the provisions of this chapter. Any rule or portion

17 of a rule, as that term is defined in section 536.010, that is created under the authority delegated
18 in this chapter shall become effective only if it complies with and is subject to all of the
19 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
20 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536
21 to review, to delay the effective date or to disapprove and annul a rule are subsequently held
22 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
23 August 28, 2001, shall be invalid and void.

24 3. Rules promulgated by the board pursuant to sections 327.272 to 327.635 shall be
25 consistent with and shall not supersede the rules promulgated by the department of [~~natural~~
26 ~~resources~~] **agriculture** pursuant to chapter 60.

327.091. 1. [~~Any person practices as an architect in Missouri who renders or offers to~~
2 ~~render or represents himself or herself as willing or able to render service or creative work which~~
3 ~~requires architectural education, training and experience, including services and work such as~~
4 ~~consultation, evaluation, planning, aesthetic and structural design, the preparation of drawings,~~
5 ~~specifications and related documents, and the coordination of services furnished by structural,~~
6 ~~civil, mechanical and electrical engineers and other consultants as they relate to architectural~~
7 ~~work in connection with the construction or erection of any private or public building, building~~
8 ~~structure, building project or integral part or parts of buildings or of any additions or alterations~~
9 ~~thereto; or who uses the title "architect" or the terms "architect" or "architecture" or~~
10 ~~"architectural" alone or together with any words other than "landscape" that indicate or imply that~~
11 ~~such person is or holds himself or herself out to be an architect]~~ **The practice of architecture**
12 **shall be the rendering or offering to render services in connection with the design and**
13 **construction of public and private buildings, structures, shelters, and site improvements,**
14 **in whole or in part and including any additions or alterations thereto, as well as to the**
15 **spaces within and the site surrounding such buildings and structures that have as its**
16 **principal purpose human occupancy or habitation. Such services shall include the**
17 **following:**

- 18 (1) **Consultations;**
- 19 (2) **Design surveys;**
- 20 (3) **Feasibility studies;**
- 21 (4) **Evaluations;**
- 22 (5) **The development of plans;**
- 23 (6) **The development of aesthetic and structural designs;**
- 24 (7) **The development of preliminary designs;**
- 25 (8) **Drawings;**
- 26 (9) **The development of specifications;**

- 27 **(10) Technical submissions and other instruments of service;**
 28 **(11) The administration of construction contracts, construction observations, and**
 29 **inspections; and**
 30 **(12) The coordination of any elements of technical submissions prepared by others,**
 31 **including professional engineers, landscape architects, and other consultants that pertain**
 32 **to the practice of architecture.**

33

34 **No person shall use the title "architect" or the words "architecture" or "architectural"**
 35 **alone or together with any words other than "landscape" to indicate or imply that such**
 36 **person is or holds himself or herself out to be an architect unless such person has the**
 37 **required architectural education, practical training, relevant work experience, and license**
 38 **to practice as an architect in Missouri.**

39 2. Architects shall be in responsible charge of all architectural design of buildings and
 40 structures that can affect the health, safety, and welfare of the public within their scope of
 41 practice.

327.101. 1. No person shall practice architecture in Missouri as ~~[defined]~~ **described** in
 2 section 327.091 unless and until there is issued to the person a license or a certificate of authority
 3 certifying that the person has been duly licensed as an architect or authorized to practice
 4 architecture, in Missouri, and unless such license has been renewed as hereinafter specified[;
 5 ~~provided, however, that nothing in this chapter shall apply to the following persons:] .~~

6 **2. Notwithstanding the provisions of subsection 1 of this section, the following**
 7 **persons may engage in the practice of architecture under section 327.091 so long as such**
 8 **persons shall not use the title "architect" or the terms "architecture" or "architectural"**
 9 **alone or together with any words other than "landscape" to indicate or imply that such**
 10 **persons are or hold themselves out to be an architect:**

11 (1) Any person who is an employee of a person holding a currently valid license as an
 12 architect or who is an employee of any person holding a currently valid certificate of authority
 13 pursuant to this chapter, and who performs architectural work under the direction and continuing
 14 supervision of and is checked by one holding a currently valid license as an architect pursuant
 15 to this chapter;

16 (2) ~~[Any person who is a regular full-time employee who performs architectural work for~~
 17 ~~the person's employer if and only if all such work and service so performed is in connection with~~
 18 ~~a facility owned or wholly operated by the employer and which is occupied by the employer of~~
 19 ~~the employee performing such work or service, and if and only if such work and service so~~
 20 ~~performed do not endanger the public health or safety] **Any person who renders architectural**~~

21 **services in connection with the construction, remodeling, or repairing of any building or**
22 **structure used exclusively for agricultural purposes;**

23 (3) Any holder of a currently valid license or certificate of authority as a professional
24 engineer who performs only such architecture as incidental practice and necessary to the
25 completion of professional services lawfully being performed by such licensed professional
26 engineer;

27 (4) Any person who is a professional landscape architect, city planner or regional planner
28 who performs work consisting only of consultations concerning and preparation of master plans
29 for parks, land areas or communities, or the preparation of plans for and the supervision of the
30 planting and grading or the construction of walks and paving for parks or land areas and such
31 other minor structural features as fences, steps, walls, small decorative pools and other
32 construction not involving structural design or stability and which is usually and customarily
33 included within the area of work of a professional landscape architect or planner;

34 (5) Any person who renders architectural services in connection with the construction,
35 remodeling, or repairing of any privately owned building described in ~~[paragraphs]~~ **paragraph**
36 **(a), (b), or (c)**~~[(d), and (e)]~~ which follow, and who indicates on any drawings, specifications,
37 estimates, reports or other documents furnished in connection with such services that the person
38 is not a licensed architect:

39 (a) A dwelling house; ~~[or]~~

40 (b) A multiple family dwelling house, flat, or apartment containing not more than two
41 families; or

42 ~~(c) [A commercial or industrial building or structure which provides for the employment,~~
43 ~~assembly, housing, sleeping or eating of not more than nine persons; or~~

44 ~~—— (d) Any one structure containing less than two thousand square feet, except as provided~~
45 ~~in (b) and (c) above, and which is not a part or a portion of a project which contains more than~~
46 ~~one structure; or~~

47 ~~—— (e) A building or structure used exclusively for farm purposes]~~ **Any one building or**
48 **structure, except for those buildings or structures referenced under subdivision (2) of this**
49 **subsection, that provides for the employment, assembly, housing, sleeping, or eating of no**
50 **more than nine persons, contains less than two thousand square feet, and is not part of**
51 **another building or structure;**

52 (6) Any person who renders architectural services in connection with the remodeling or
53 repairing of any privately owned multiple family dwelling house, flat or apartment containing
54 three or four families, provided that the alteration, renovation, or remodeling does not affect
55 architectural or engineering safety features of the building and who indicates on any drawings,

56 specifications, estimates, reports or other documents furnished in connection with such services
57 that the person is not a licensed architect;

58 (7) Any person or corporation who is offering, but not performing or rendering,
59 architectural services if the person or corporation is licensed to practice architecture in the state
60 or country of residence or principal place of business.

327.131. Any person may apply to the board for licensure as an architect who is [~~over~~
2 ~~the age of twenty-one, is~~] of good moral character, has acquired an accredited degree from an
3 accredited degree program from a school of architecture, holds a certified Intern Development
4 Program (IDP) or **Architectural Experience Program (AXP)** record with the National Council
5 of Architectural Registration Boards, and has taken and passed all divisions of the Architect
6 Registration Examination.

327.191. 1. No person shall practice as a professional engineer in Missouri, as [~~defined~~
2 **described**] in section 327.181 unless and until there is issued to such person a professional
3 license or a certificate of authority certifying that such person has been duly licensed as a
4 professional engineer or authorized to practice engineering in Missouri, and unless such license
5 or certificate has been renewed as provided in section 327.261 [~~provided that section 327.181~~
6 ~~shall not be construed to prevent the practice of engineering by the following persons:~~].

7 **2. Notwithstanding the provisions of subsection 1 of this section, the following**
8 **persons may engage in actions described as the practice of professional engineering under**
9 **section 327.181 so long as such persons do not use the title "professional engineer" or**
10 **"consulting engineer" or the word "engineer" alone or preceded by any word indicating**
11 **or implying that such persons are or hold themselves out to be professional engineers, or**
12 **use any word or words, letters, figures, degrees, titles, or other description indicating or**
13 **implying that such persons are professional engineers or are willing or able to practice**
14 **engineering:**

15 (1) Any person who is an employee of a person holding a currently valid license as a
16 professional engineer or who is an employee of a person holding a currently valid certificate of
17 authority pursuant to this chapter, and who performs professional engineering work under the
18 direction and continuing supervision of and is checked by one holding a currently valid license
19 as a professional engineer pursuant to this chapter;

20 (2) [~~Any person who is a regular full-time employee of a person or any former employee~~
21 ~~under contract to a person, who performs professional engineering work for such employer if and~~
22 ~~only if all such work and service so performed is done solely in connection with a facility owned~~
23 ~~or wholly operated by the employer and occupied or maintained by the employer of the employee~~
24 ~~performing such work or service, and does not affect the health, safety, and welfare of the public]~~

25 **Any person who renders engineering services in connection with the construction,**

26 **remodeling, or repairing of any building or structure used exclusively for agricultural**
27 **purposes;**

28 (3) Any person engaged in engineering who is a full-time, regular employee of a person
29 engaged in manufacturing operations and which engineering so performed by such person relates
30 to the manufacture, sale or installation of the products of such person, and does not affect the
31 health, safety, and welfare of the public;

32 (4) Any holder of a currently valid license or certificate of authority as an architect,
33 professional land surveyor, or professional landscape architect who performs only such
34 engineering as incidental practice and necessary to the completion of professional services
35 lawfully being performed by such architect, professional land surveyor, or professional landscape
36 architect;

37 (5) **Any person who renders engineering services in connection with the**
38 **construction, remodeling, or repairing of any privately owned building described in**
39 **paragraph (a), (b), or (c) of this subdivision, and who indicates on any drawings,**
40 **specifications, estimates, reports, or other documents furnished in connection with such**
41 **services that the person is not a licensed professional engineer:**

42 (a) **A dwelling house;**

43 (b) **A multiple-family dwelling house, flat, or apartment containing no more than**
44 **two families; or**

45 (c) **Any one building or structure, except for those buildings or structures**
46 **referenced in subdivision (2) of subsection 2 of this section, that provides for the**
47 **employment, assembly, housing, sleeping, or eating of no more than nine persons, contains**
48 **less than two thousand square feet, and is not part of another building or structure;**

49 (6) **Any person who renders engineering services in connection with the remodeling**
50 **or repairing of any privately owned multiple-family dwelling house, flat, or apartment**
51 **containing three or four families, provided that the alteration, renovation, or remodeling**
52 **does not affect architectural or engineering safety features of the building and who**
53 **indicates on any drawings, specifications, estimates, reports, or other documents furnished**
54 **in connection with such services that the person is not a licensed professional engineer; and**

55 (7) Any person or corporation who is offering, but not performing or rendering,
56 professional engineering services if the person or corporation is licensed to practice professional
57 engineering in the state or country of residence or principal place of business.

327.241. 1. After it has been determined that an applicant possesses the qualifications
2 entitling the applicant to be examined, each applicant for examination and licensure as a
3 professional engineer in Missouri shall appear before the board or its representatives for
4 examination at the time and place specified.

5 2. The examination or examinations shall be of such form, content and duration as shall
6 be determined by the board to thoroughly test the qualifications of each applicant to practice as
7 a professional engineer in Missouri.

8 3. Any applicant to be eligible for a license must make a grade on each examination of
9 at least seventy percent.

10 4. The engineering examination shall consist of two parts; the first part may be taken by
11 any person after such person has satisfied the educational requirements of section 327.221, or
12 who is in his or her final year of study in an accredited school of engineering; and upon passing
13 part one of the examination and providing proof that such person has satisfied the educational
14 requirements of section 327.221 and upon payment of the required fee, such person shall be an
15 engineer-intern, subject to the other provisions of this chapter.

16 5. Any engineer-intern, as ~~defined~~ **described** in subsection 4 of this section~~[, who has~~
17 ~~acquired at least four years of satisfactory engineering experience,]~~ may take part two of the
18 engineering examination and upon passing it **and having acquired at least four years of**
19 **satisfactory engineering experience** shall be entitled to receive a license~~;~~ **; however, the**
20 **license shall be** subject~~[, however,]~~ to the other provisions of this chapter.

21 6. Notwithstanding the provisions of subsections 4 and 5 of this section, the board may,
22 in its discretion, provide by rule that any person who has graduated from and holds an
23 engineering degree from an accredited school of engineering may thereupon be eligible to take
24 both parts of the engineering examination and that upon passing said examination and acquiring
25 four years of satisfactory engineering experience, after graduating and receiving a degree as
26 aforesaid, shall be entitled to receive a license to practice as a professional engineer, subject,
27 however, to the other provisions of this chapter.

28 7. Any person who has graduated from and has received a degree in engineering from
29 an accredited school of engineering may ~~[then acquire four years of satisfactory engineering~~
30 ~~experience and thereafter]~~ take both parts of the examination and upon passing **and having**
31 **acquired four years of satisfactory engineering experience** shall be entitled to receive a
32 license to practice as a professional engineer, subject, however, to the other provisions of this
33 chapter.

34 ~~[8. Any person entitled to be licensed as a professional engineer as provided in~~
35 ~~subsection 5, 6, or 7 of this section must be so licensed within four years after the date on which~~
36 ~~he or she was so entitled, and if one is not licensed within the time he or she is so entitled, the~~
37 ~~engineering division of the board may require him to take and satisfactorily pass such further~~
38 ~~examination as provided by rule before issuing to him a license.]~~

327.312. 1. Any person may apply to the board for enrollment as a land surveyor-in-training who is of good moral character, who is a high school graduate, or who holds a Missouri certificate of high school equivalence (GED), and either:

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

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

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

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

327.314. 1. Any person may apply to the board for licensure as a professional land surveyor who has been enrolled as a land surveyor-in-training and has presented evidence to the satisfaction of the board that said person has:

(1) Acquired at least four years of satisfactory professional field and office experience in land surveying ~~from the date of~~ , only one year of which may occur prior to enrollment as a land surveyor-in-training for individuals who enroll as a land surveyor-in-training under subdivisions (1) and (2) of subsection 1 of section 327.312 and only two years of which may occur prior to enrollment as a land surveyor-in-training for individuals who enroll as a land surveyor-in-training under subdivision (3) of subsection 1 of section 327.312. This experience shall have been under the immediate personal supervision of a professional land surveyor; and

12 **(2) Beginning January 1, 2025, passed at least fifteen semester hours of approved**
 13 **surveying course work as defined by board regulation of which at least five semester hours**
 14 **shall be in legal aspects of land surveying.**

15 **2. Any credit hours passed prior to applying for enrollment as a land surveyor-in-**
 16 **training shall count toward the number of hours required in this section.**

327.612. Any person who is of good moral character, [~~has attained the age of twenty-one~~
 2 ~~years, and]~~ has a degree in landscape architecture from an accredited school of landscape
 3 architecture [~~and]~~ **or possesses an education that in the opinion of the board equals or**
 4 **exceeds the education received by a graduate of an accredited school**, has acquired at least
 5 three years satisfactory landscape architectural experience after acquiring such a degree, **and**
 6 **who has taken and passed all sections of the landscape architectural registration**
 7 **examination administered by the Council of Landscape Architectural Registration Boards**
 8 **(CLARB)** may apply to the board for licensure as a professional landscape architect.

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

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

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

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

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

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

15 (a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving,
 16 permanent waving, [~~cleansing,~~] cutting, bleaching, tinting, coloring or similar work upon the hair
 17 of any person by any means; or removing superfluous hair from the body of any person by means
 18 other than electricity, or any other means of arching or tinting eyebrows or tinting eyelashes.
 19 Class CH - hairdresser also includes any person who either with the person's hands or with
 20 mechanical or electrical apparatuses or appliances, or by the use of cosmetic preparations,
 21 antiseptics, tonics, lotions or creams engages for compensation in any one or any combination
 22 of the following: massaging, cleaning, stimulating, manipulating, exercising, beautifying or
 23 similar work upon the scalp, face, neck, arms or bust;

24 (b) "Class MO - manicurist" includes cutting, trimming, polishing, coloring, tinting,
25 cleaning or otherwise beautifying a person's fingernails, applying artificial fingernails,
26 massaging, cleaning a person's hands and arms; pedicuring, which includes cutting, trimming,
27 polishing, coloring, tinting, cleaning or otherwise beautifying a person's toenails, applying
28 artificial toenails, massaging and cleaning a person's legs and feet;

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

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

38 (6) "Cosmetology establishment", that part of any building wherein or whereupon any
39 of the classified occupations are practiced including any space rented within a licensed
40 establishment by a person licensed under this chapter, for the purpose of rendering cosmetology
41 services;

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

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

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

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

53 (11) "Instructor", any person who is licensed to teach cosmetology or any practices of
54 cosmetology pursuant to this chapter;

55 (12) "Manicurist", any person who, for compensation, engages in any or all of the
56 practices in paragraph (b) of subdivision (5) of this section;

57 (13) "Parental consent", the written informed consent of a minor's parent or legal
58 guardian that must be obtained prior to providing body waxing on or near the genitalia;

59 (14) "School of cosmetology" or "school of manicuring", an establishment operated for
60 the purpose of teaching cosmetology as defined in subdivision (5) of this section.

332.181. 1. No person shall engage in the practice of dentistry in Missouri without
2 having first secured a license as provided for in this chapter.

3 2. Any person desiring a license to practice dentistry in Missouri shall pay the required
4 fee and make application to the board on a form prescribed by the board pursuant to section
5 332.141. An application for licensure shall be active for one year after the date it is received by
6 the board. The application becomes void if not completed within such one-year period.

7 3. All persons once licensed to practice dentistry in Missouri shall renew his or her
8 license to practice dentistry in Missouri on or before the license renewal date and shall display
9 his or her license for each current licensing period in the office in which he or she practices or
10 offers to practice dentistry.

11 4. Effective with the licensing period beginning on December 1, 2002, a license shall be
12 renewed every two years. To renew a license, each dentist shall submit satisfactory evidence of
13 completion of fifty hours of continuing education during the two-year period immediately
14 preceding the renewal period. Each dentist shall maintain documentation of completion of the
15 required continuing education hours as provided by rule. Failure to obtain the required
16 continuing education hours, submit satisfactory evidence, or maintain documentation is a
17 violation of section 332.321. As provided by rule, the board may waive and/or extend the time
18 requirements for completion of continuing education for reasons related to health, military
19 service, foreign residency or for other good cause. All requests for waivers and/or extensions
20 of time shall be made in writing and submitted to the board before the renewal date.

21 5. **The board shall give credit for continuing education hours performed by a**
22 **dentist on a volunteer basis working within his or her professional scope of practice at a**
23 **nonprofit entity. The board shall determine how many hours of continuing education**
24 **credit shall be given for each hour of volunteering and specify the maximum number of**
25 **continuing education credit hours that shall be given for volunteer work under this**
26 **subsection.**

27 6. Any licensed dentist who fails to renew his or her license on or before the renewal
28 date may apply to the board for renewal of his or her license within four years subsequent to the
29 date of the license expiration. To renew an expired license, the person shall submit an
30 application for renewal, pay the renewal fee and renewal penalty fee as set by rule, and submit
31 satisfactory evidence of completion of at least fifty hours of continuing education for each
32 renewal period that his or her license was expired as provided by rule. The required hours must
33 be obtained within four years prior to renewal. The license of any dentist who fails to renew
34 within four years of the time his or her license has expired shall be void. The dentist may apply

35 for a new license; provided that, unless application is made under section 332.321, the dentist
36 shall pay the same fees and be examined in the same manner as an original applicant for
37 licensure as a dentist.

332.261. 1. No person shall engage in the practice of dental hygiene without having first
2 secured a license as provided for in this chapter.

3 2. Any person desiring a license to practice dental hygiene in Missouri shall pay the
4 required fee and make application to the board on a form prescribed by the board pursuant to
5 section 332.241. An application for licensure shall be active for one year after the date it is
6 received by the board. The application becomes void if not completed within such one-year
7 period.

8 3. All persons once licensed to practice as a dental hygienist in Missouri shall renew his
9 or her license to practice on or before the renewal date and shall display his or her license for
10 each current licensing period in the office in which he or she practices or offers to practice as a
11 dental hygienist.

12 4. Effective with the licensing period beginning on December 1, 2002, a license shall be
13 renewed every two years. To renew a license, each dental hygienist shall submit satisfactory
14 evidence of completion of thirty hours of continuing education during the two-year period
15 immediately preceding the renewal period. Each dental hygienist shall maintain documentation
16 of completion of the required continuing education hours as provided by rule. Failure to obtain
17 the required continuing education hours, submit satisfactory evidence, or maintain
18 documentation is a violation of section 332.321 and may subject the licensee to discipline. As
19 provided by rule, the board may waive and/or extend the time requirements for completion of
20 the continuing education for reasons related to health, military service, foreign residency or for
21 other good cause. All requests for waivers and/or extensions of time shall be made in writing
22 and submitted to the board before the renewal date.

23 5. **The board shall give credit for continuing education hours performed by a dental**
24 **hygienist on a volunteer basis working within his or her professional scope of practice at**
25 **a nonprofit entity. The board shall determine how many hours of continuing education**
26 **credit shall be given for each hour of volunteering and specify the maximum number of**
27 **continuing education credit hours that shall be given for volunteer work under this**
28 **subsection.**

29 6. Any licensed dental hygienist who fails to renew his or her license on or before the
30 renewal date may apply to the board for renewal of his or her license within four years
31 subsequent to the date of the license expiration. To renew an expired license, the person shall
32 submit an application for renewal, pay the renewal fee and renewal penalty fee as set by rule, and
33 submit satisfactory evidence of completion of at least thirty hours of continuing education for

34 each renewal period that his or her license was expired as provided by rule. The required hours
35 must be obtained within four years prior to renewal. The license of any dental hygienist who
36 fails to renew within four years of the time his or her license has expired shall be void. The
37 dental hygienist may reapply for a license; provided that, unless application is made under
38 section 332.281, the dental hygienist shall pay the same fees and be examined in the same
39 manner as an original applicant for licensure as a dental hygienist.

334.002. 1. Notwithstanding any law to the contrary, any person licensed pursuant to
2 this chapter may apply to the state board of registration for the healing arts for an inactive license
3 status on a form furnished by the board. Upon receipt of the completed inactive status
4 application form and the board's determination that the licensee meets the requirements
5 established by rule, the board shall declare the licensee inactive and shall place the licensee on
6 an inactive status list. A person whose license is inactive or who has discontinued his or her
7 practice because of retirement shall not practice his or her profession within this state, but shall
8 be allowed to practice his or her profession on himself or herself or on his or her immediate
9 family, however, such person shall not be allowed to prescribe controlled substances. Such
10 person may continue to use the title of his or her profession or the initials of his or her profession
11 after such person's name.

12 2. During the period of inactive status, the licensee shall not be required to comply with
13 the board's minimum requirements for continuing education.

14 3. If a licensee is granted inactive status, the licensee may return to active status by
15 notifying the board in advance of his or her intention, paying the appropriate fees, and meeting
16 all established requirements of the board as a condition of reinstatement; **except any licensee**
17 **who intends to return to active status solely for the duration of any state of emergency**
18 **proclaimed by the governor or the legislature under section 44.100 shall have his or her**
19 **license returned to active status without having to pay any fees or meet any other**
20 **requirements of reinstatement.**

21 4. Any licensee allowing his or her license to become inactive may within five years of
22 the inactive status return his or her license to active status by notifying the board in advance of
23 such intention, paying the appropriate fees, and meeting all established licensure requirements
24 of the board, excluding the licensing examination, as a condition of reinstatement.

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

2 (1) "Assistant physician", any medical school graduate who:

3 (a) Is a resident and citizen of the United States or is a legal resident alien;

4 (b) Has successfully completed Step 2 of the United States Medical Licensing
5 Examination or the equivalent of such step of any other board-approved medical licensing
6 examination within the three-year period immediately preceding application for licensure as an

7 assistant physician, or within three years after graduation from a medical college or osteopathic
8 medical college, whichever is later;

9 (c) Has not completed an approved postgraduate residency and has successfully
10 completed Step 2 of the United States Medical Licensing Examination or the equivalent of such
11 step of any other board-approved medical licensing examination within the immediately
12 preceding three-year period unless when such three-year anniversary occurred he or she was
13 serving as a resident physician in an accredited residency in the United States and continued to
14 do so within thirty days prior to application for licensure as an assistant physician; and

15 (d) Has proficiency in the English language.

16

17 Any medical school graduate who could have applied for licensure and complied with the
18 provisions of this subdivision at any time between August 28, 2014, and August 28, 2017, may
19 apply for licensure and shall be deemed in compliance with the provisions of this subdivision;

20 (2) "Assistant physician collaborative practice arrangement", an agreement between a
21 physician and an assistant physician that meets the requirements of this section and section
22 334.037;

23 (3) "Medical school graduate", any person who has graduated from a medical college or
24 osteopathic medical college described in section 334.031.

25 2. (1) An assistant physician collaborative practice arrangement shall limit the assistant
26 physician to providing only primary care services and only in medically underserved rural or
27 urban areas of this state or in any pilot project areas established in which assistant physicians
28 may practice.

29 (2) For a physician-assistant physician team working in a rural health clinic under the
30 federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

31 (a) An assistant physician shall be considered a physician assistant for purposes of
32 regulations of the Centers for Medicare and Medicaid Services (CMS); and

33 (b) No supervision requirements in addition to the minimum federal law shall be
34 required.

35 3. (1) For purposes of this section, the licensure of assistant physicians shall take place
36 within processes established by rules of the state board of registration for the healing arts. The
37 board of healing arts is authorized to establish rules under chapter 536 establishing licensure and
38 renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such
39 other matters as are necessary to protect the public and discipline the profession. No licensure
40 fee for an assistant physician shall exceed the amount of any licensure fee for a physician
41 assistant. An application for licensure may be denied or the licensure of an assistant physician
42 may be suspended or revoked by the board in the same manner and for violation of the standards

43 as set forth by section 334.100, or such other standards of conduct set by the board by rule. No
44 rule or regulation shall require an assistant physician to complete more hours of continuing
45 medical education than that of a licensed physician. **The board shall give credit for continuing
46 education hours performed by an assistant physician on a volunteer basis working within
47 his or her professional scope of practice at a nonprofit entity. The board shall determine
48 how many hours of continuing education credit shall be given for each hour of
49 volunteering and specify the maximum number of continuing education credit hours that
50 shall be given for volunteer work under this subsection.**

51 (2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created
52 under the authority delegated in this section shall become effective only if it complies with and
53 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
54 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
55 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
56 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
57 or adopted after August 28, 2014, shall be invalid and void.

58 (3) Any rules or regulations regarding assistant physicians in effect as of the effective
59 date of this section that conflict with the provisions of this section and section 334.037 shall be
60 null and void as of the effective date of this section.

61 4. An assistant physician shall clearly identify himself or herself as an assistant physician
62 and shall be permitted to use the terms "doctor", "Dr.", or "doc". No assistant physician shall
63 practice or attempt to practice without an assistant physician collaborative practice arrangement,
64 except as otherwise provided in this section and in an emergency situation.

65 5. The collaborating physician is responsible at all times for the oversight of the
66 activities of and accepts responsibility for primary care services rendered by the assistant
67 physician.

68 6. The provisions of section 334.037 shall apply to all assistant physician collaborative
69 practice arrangements. Any renewal of licensure under this section shall include verification of
70 actual practice under a collaborative practice arrangement in accordance with this subsection
71 during the immediately preceding licensure period.

72 7. Each health carrier or health benefit plan that offers or issues health benefit plans that
73 are delivered, issued for delivery, continued, or renewed in this state shall reimburse an assistant
74 physician for the diagnosis, consultation, or treatment of an insured or enrollee on the same basis
75 that the health carrier or health benefit plan covers the service when it is delivered by another
76 comparable mid-level health care provider including, but not limited to, a physician assistant.

334.075. 1. The board shall not renew any certificate of registration unless the licensee
2 shall provide satisfactory evidence that he has complied with the board's minimum requirements

3 for continuing education. At the discretion of the board, compliance with the provisions of this
4 section may be waived for licensed physicians who have discontinued their practice of medicine
5 because of retirement.

6 **2. The board shall give credit for continuing education hours performed by a**
7 **licensee on a volunteer basis working within his or her professional scope of practice at a**
8 **nonprofit entity. The board shall determine how many hours of continuing education**
9 **credit shall be given for each hour of volunteering and specify the maximum number of**
10 **continuing education credit hours that shall be given for volunteer work under this**
11 **subsection.**

334.110. Any person licensed to practice as physician and surgeon in this state who
2 retires from such practice shall file with the board an affidavit, on a form to be furnished by the
3 board, which states the date on which he retired from such practice and such other facts as tend
4 to verify the retirement as the board may deem necessary; but if he thereafter reengages in the
5 practice, he shall renew his registration with the board as provided by section 334.090, **unless**
6 **he reengages in practice solely for the duration of any state of emergency proclaimed by**
7 **the governor or the legislature under section 44.100.**

334.150. It is not intended by sections 334.010 to 334.140 to prohibit isolated or
2 occasional gratuitous service to and treatment of the afflicted, and sections 334.010 to 334.140
3 shall not apply to physicians and surgeons commissioned as officers of the Armed Forces of the
4 United States or of the public health services of the United States while in the performance of
5 their official duties, nor to any licensed practitioner of medicine and surgery in [~~a border~~]
6 **another state attending the sick in this state, including attending to the sick in a 501(c)(3)**
7 **organization located in this state**, if he **or she** does not maintain an office or appointed place
8 to meet patients or receive calls within the limits of this state, and if he **or she** complies with the
9 statutes of Missouri and the rules and regulations of the department of social services relating
10 to the reports of births, deaths and contagious diseases; and sections 334.010 to 334.140 shall
11 not apply to Christian Science practitioners who endeavor to cure or prevent disease or suffering
12 exclusively by spiritual means or prayer, so long as quarantine regulations relating to contagious
13 diseases are not infringed upon; but no provision of this section shall be construed or held in any
14 way to interfere with the enforcement of the rules and regulations adopted and approved by the
15 department of health and senior services or any municipality under the laws of this state for the
16 control of communicable or contagious diseases.

334.408. 1. Notwithstanding any law to the contrary, any person licensed pursuant to
2 sections 334.400 to 334.430 may apply to the board for an inactive license status on a form
3 furnished by the board. Upon receipt of the completed inactive status application form and a
4 determination by the board that the licensee meets the requirements defined by board rule, the

5 board shall declare the licensee inactive and shall place the licensee on an inactive status list.
6 A person that has an inactive license or has discontinued the practice of an anesthesiologist
7 assistant because of retirement shall not practice as an anesthesiologist assistant within this state.

8 2. During the period of inactive status, the licensee shall not be required to comply with
9 the board's minimum requirements for continuing education.

10 3. If a licensee is granted inactive status, the licensee may return to active status by
11 notifying the board of the intention to resume the practice of an anesthesiologist assistant, paying
12 the appropriate fees, and meeting all established licensure requirements of the board as a
13 condition of reinstatement.

14 4. Any licensee that allows the license to become inactive for a period of five years or
15 less may return the license to active status by notifying the board in advance of such intention,
16 paying the appropriate fees, and meeting all established licensure requirements of the board,
17 excluding the licensing examination, as a condition of reinstatement.

18 **5. All inactive licenses shall automatically return to active status for the duration**
19 **of any state of emergency proclaimed by the governor or the legislature under section**
20 **44.100.**

334.410. Any person licensed to practice as an anesthesiologist assistant in this state who
2 retires from such practice shall file with the board an affidavit, on a form to be furnished by the
3 board, which states the date of retirement and such other facts to verify the retirement as defined
4 by board rule. Registration with the board must be renewed pursuant to section 334.414 for any
5 person that wants to resume the practice of an anesthesiologist assistant, **unless such person is**
6 **practicing solely for the duration of any state of emergency proclaimed by the governor or**
7 **the legislature under section 44.100.**

334.412. 1. Upon the applicant paying a fee equivalent to the required licensing fee and
2 furnishing the board with all locations of previous practice and licensure in chronological order,
3 the board may, subject to the prescribed rules and regulations, license, without examination or
4 additional certification, any qualified applicant that meets the requirements of this state including
5 any person that is licensed in any state or territory of the United States or the District of
6 Columbia with the authority to practice in the same manner and to the same extent as an
7 anesthesiologist assistant is authorized to practice pursuant to sections 334.400 to 334.430.
8 Pursuant to sections 334.400 to 334.430, the board shall have the authority to negotiate
9 reciprocal compacts with licensing boards of other states for the admission of licensed
10 anesthesiologist assistants from Missouri to practice in other states.

11 2. The board shall issue a license to any anesthesiologist assistant, who is licensed in
12 another jurisdiction and who has had no violations, suspensions, or revocations of a license, to
13 practice as an anesthesiologist assistant in any jurisdiction, provided that, such person is licensed

14 in a jurisdiction whose requirements are substantially equal to, or greater than, the requirements
15 for licensure of anesthesiologist assistants in Missouri at the time the applicant applies for
16 licensure.

17 **3. Any anesthesiologist assistant who meets the requirements of subsection 2 of this**
18 **section shall be allowed to practice without meeting the requirements of subsection 1 of this**
19 **section for the duration of any state of emergency proclaimed by the governor or the**
20 **legislature under section 44.100.**

334.507. Each person licensed pursuant to sections 334.500 to 334.685 shall accumulate
2 thirty hours of continuing education every two years to be eligible for relicensure, as follows:

3 (1) Continuing education shall be obtained through courses approved by the Missouri
4 advisory commission for physical therapists and physical therapist assistants;

5 (2) Ten hours of continuing education shall be equivalent to one continuing education
6 unit;

7 (3) Adherence to the continuing education requirement shall be reviewed for licensure
8 renewal in each even-numbered year and shall include all approved continuing education courses
9 taken during the previous two years;

10 **(4) The board shall give credit for continuing education hours performed by a**
11 **licensee on a volunteer basis working within his or her professional scope of practice at a**
12 **nonprofit entity. The board shall determine how many hours of continuing education**
13 **credit shall be given for each hour of volunteering and specify the maximum number of**
14 **continuing education credit hours that shall be given for volunteer work under this**
15 **subsection.**

334.600. Any person licensed to practice as a physical therapist in this state who retires
2 from the practice shall file with the board an affidavit, on a form furnished by the board, which
3 states the date on which the person retired from the practice and such other facts as tend to verify
4 the retirement as the board deems necessary~~[, and]~~ . if the person thereafter reengages in the
5 practice, the person shall register as provided by sections 334.500 to 334.620, **unless the person**
6 **reengages in practice solely for the duration of any state of emergency proclaimed by the**
7 **governor or the legislature under section 44.100.**

334.685. Any person licensed to practice as a physical therapist assistant in this state
2 who retires from the practice shall file with the board an affidavit, on a form furnished by the
3 board, which states the date on which the person retired from practice and such other information
4 required by the board to verify such retirement. If a person reengages in practice as a physical
5 therapy assistant after a person submits an affidavit of retirement required by this section, the
6 person shall reapply for licensure as required by sections 334.650 to 334.685, **unless the person**

7 **reengages in practice solely for the duration of any state of emergency proclaimed by the**
8 **governor or the legislature under section 44.100.**

336.080. 1. Every licensed optometrist who continues in active practice or service shall,
2 on or before the renewal date, renew his or her license and pay the required renewal fee and
3 present satisfactory evidence to the board of his or her attendance for a minimum of thirty-two
4 hours of board-approved continuing education, or their equivalent during the preceding two-year
5 continuing education reporting period as established by rule and regulation. **As part of the**
6 **thirty-two hours of continuing education, a licensed optometrist shall be required to obtain**
7 **two hours in the area of Missouri jurisprudence, as approved by the board. The board**
8 **shall give credit for continuing education hours performed by a optometrist on a volunteer**
9 **basis working within his or her professional scope of practice at a nonprofit entity. The**
10 **board shall determine how many hours of continuing education credit shall be given for**
11 **each hour of volunteering and specify the maximum number of continuing education credit**
12 **hours that shall be given for volunteer work under this subsection.** The continuing
13 education requirement may be waived by the board upon presentation to it of satisfactory
14 evidence of the illness of the optometrist or for other good cause as defined by rule and
15 regulation. The board shall not reject any such application if approved programs are not
16 available within the state of Missouri. Every license which has not been renewed on or before
17 the renewal date shall expire.

18 2. Any licensed optometrist who permits his or her license to expire may renew it within
19 five years of expiration upon payment of the required reactivation fee and presentation of
20 satisfactory evidence to the board of his or her attendance for a minimum of forty-eight hours
21 of board-approved continuing education, or their equivalent, during the five years.

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

12 2. Each applicant, whether for temporary, provisional or permanent licensure, shall
13 submit evidence satisfactory to the committee that the applicant is at least twenty-one years of

14 age, is of good moral character, and meets the appropriate educational requirements as set forth
15 in either section 337.021 or 337.025, or is qualified for licensure without examination pursuant
16 to section 337.029. In determining the acceptability of the applicant's qualifications, the
17 committee may require evidence that it deems reasonable and proper, in accordance with law,
18 and the applicant shall furnish the evidence in the manner required by the committee.

19 3. The committee with assistance from the division shall issue a permanent license to
20 and register as a psychologist any applicant who, in addition to having fulfilled the other
21 requirements of sections 337.010 to 337.090, passes the examination for professional practice
22 in psychology and such other examinations in psychology which may be adopted by the
23 committee, except that an applicant fulfilling the requirement of section 337.029 shall upon
24 successful completion of the jurisprudence examination and completion of the oral examination
25 be permanently licensed without having to retake the examination for professional practice in
26 psychology.

27 4. The committee, with assistance from the division, shall issue a provisional license to,
28 and register as being a provisionally licensed psychologist, any applicant who is a graduate of
29 a recognized educational institution with a doctoral degree in psychology as defined in section
30 337.025, and who otherwise meets all requirements to become a licensed psychologist, except
31 for passage of the national and state licensing exams, oral examination and completion of the
32 required period of postdegree supervised experience as specified in subsection 2 of section
33 337.025.

34 5. A provisional license issued pursuant to subsection 4 of this section shall only
35 authorize and permit the applicant to render those psychological services which are under the
36 supervision and the full professional responsibility and control of such person's postdoctoral
37 degree licensed supervisor. A provisional license shall automatically terminate upon issuance
38 of a permanent license, upon a finding of cause to discipline after notice and hearing pursuant
39 to section 337.035, upon the expiration of one year from the date of issuance whichever event
40 first occurs, or upon termination of supervision by the licensed supervisor. The provisional
41 license may be renewed after one year with a maximum issuance of two years total per
42 provisional licensee. The committee by rule shall provide procedures for exceptions and
43 variances from the requirement of a maximum issuance of two years due to vacations, illness,
44 pregnancy and other good causes.

45 6. The committee, with assistance from the division, shall immediately issue a temporary
46 license to any applicant for licensure either by reciprocity pursuant to section 337.029, or by
47 endorsement of the score from the examination for professional practice in psychology upon
48 receipt of an application for such licensure and upon proof that the applicant is either licensed

49 as a psychologist in another jurisdiction, is a diplomate of the American Board of Professional
50 Psychology, or is a member of the National Register of Health Services Providers in Psychology.

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

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

57 (2) In cases where the committee has found the applicant ineligible for licensure and no
58 appeal has been taken to the administrative hearing commission, then at the expiration of such
59 appeal time; or

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

64 8. Written and oral examinations pursuant to sections 337.010 to 337.090 shall be
65 administered by the committee at least twice each year to any applicant who meets the
66 educational requirements set forth in either section 337.021 or 337.025 or to any applicant who
67 is seeking licensure either by reciprocity pursuant to section 337.029, or by endorsement of the
68 score from the examination of professional practice in psychology. The committee shall examine
69 in the areas of professional knowledge, techniques and applications, research and its
70 interpretation, professional affairs, ethics, and Missouri law and regulations governing the
71 practice of psychology. The committee may use, in whole or in part, the examination for
72 professional practice in psychology national examination in psychology or such other national
73 examination in psychology which may be available.

74 9. If an applicant fails any examination, the applicant shall be permitted to take a
75 subsequent examination, upon the payment of an additional reexamination fee. This
76 reexamination fee shall not be refundable.

337.029. 1. A psychologist licensed in another jurisdiction who has had no violations
2 and no suspensions and no revocation of a license to practice psychology in any jurisdiction may
3 receive a license in Missouri, provided the psychologist passes a written examination on
4 Missouri laws and regulations governing the practice of psychology and meets one of the
5 following criteria:

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

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

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

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

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

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

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

18 or

19 ~~[(5)]~~ (4) Holds a current certificate of professional qualification (CPQ) issued by the
20 Association of State and Provincial Psychology Boards (ASPPB).

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

23 3. A psychologist who receives a license for the practice of psychology in the state of
24 Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement
25 of the score from the examination of professional practice in psychology score will also be
26 eligible for and shall receive certification from the committee as a health service provider if the
27 psychologist meets one or more of the following criteria:

28 (1) Is a diplomate of the American Board of Professional Psychology in one or more of
29 the specialties recognized by the American Board of Professional Psychology as pertaining to
30 health service delivery;

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

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

337.050. 1. There is hereby created and established a "State Committee of
2 Psychologists", which shall consist of seven licensed psychologists and one public member. The
3 state committee of psychologists existing on August 28, 1989, is abolished. Nothing in this
4 section shall be construed to prevent the appointment of any current member of the state
5 committee of psychologists to the new state committee of psychologists created on August 28,
6 1989.

7 2. Appointments to the committee shall be made by the governor upon the
8 recommendations of the director of the division, upon the advice and consent of the senate. The
9 division, prior to submitting nominations, shall solicit nominees from professional psychological
10 associations and licensed psychologists in the state. The term of office for committee members

11 shall be five years, and committee members shall not serve more than ten years. No person who
12 has previously served on the committee for ten years shall be eligible for appointment. In
13 making initial appointments to the committee, the governor shall stagger the terms of the
14 appointees so that two members serve initial terms of two years, two members serve initial terms
15 of three years, and two members serve initial terms of four years.

16 3. Each committee member shall be a resident of the state of Missouri for one year, shall
17 be a United States citizen, and shall, other than the public member, have been licensed as a
18 psychologist in this state for at least three years. Committee members shall reflect a diversity
19 of practice specialties. To ensure adequate representation of the diverse fields of psychology,
20 the committee shall consist of at least two psychologists who are engaged full time in the
21 doctoral teaching and training of psychologists, and at least two psychologists who are engaged
22 full time in the professional practice of psychology. In addition, the first appointment to the
23 committee shall include at least one psychologist who shall be licensed on the basis of a master's
24 degree who shall serve a full term of five years. Nothing in sections 337.010 to 337.090 shall
25 be construed to prohibit full membership rights on the committee for psychologists licensed on
26 the basis of a master's degree. If a member of the committee shall, during the member's term as
27 a committee member, remove the member's domicile from the state of Missouri, then the
28 committee shall immediately notify the director of the division, and the seat of that committee
29 member shall be declared vacant. All such vacancies shall be filled by appointment of the
30 governor with the advice and consent of the senate, and the member so appointed shall serve for
31 the unexpired term of the member whose seat has been declared vacant.

32 4. The public member shall be at the time of the public member's appointment a citizen
33 of the United States; a resident of this state for a period of one year and a registered voter; a
34 person who is not and never was a member of any profession licensed or regulated pursuant to
35 sections 337.010 to 337.093 or the spouse of such person; and a person who does not have and
36 never has had a material, financial interest in either the providing of the professional services
37 regulated by sections 337.010 to 337.093, or an activity or organization directly related to any
38 profession licensed or regulated pursuant to sections 337.010 to 337.093. The duties of the
39 public member shall not include the determination of the technical requirements to be met for
40 licensure or whether any person meets such technical requirements or of the technical
41 competence or technical judgment of a licensee or a candidate for licensure.

42 5. The committee shall hold a regular annual meeting at which it shall select from among
43 its members a chairperson and a secretary. A quorum of the committee shall consist of a
44 majority of its members. In the absence of the chairperson, the secretary shall conduct the office
45 of the chairperson.

46 6. Each member of the committee shall receive, as compensation, an amount set by the
47 division not to exceed fifty dollars for each day devoted to the affairs of the committee and shall
48 be entitled to reimbursement for necessary and actual expenses incurred in the performance of
49 the member's official duties.

50 7. Staff for the committee shall be provided by the director of the division of professional
51 registration.

52 8. The governor may remove any member of the committee for misconduct, inefficiency,
53 incompetency, or neglect of office.

54 9. In addition to the powers set forth elsewhere in sections 337.010 to 337.090, the
55 division may adopt rules and regulations, not otherwise inconsistent with sections 337.010 to
56 337.090, to carry out the provisions of sections 337.010 to 337.090. The committee may
57 promulgate, by rule, "Ethical Rules of Conduct" governing the practices of psychology which
58 rules shall be based upon the ethical principles promulgated and published by the American
59 Psychological Association.

60 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is
61 promulgated to administer and enforce sections 337.010 to 337.090, shall become effective only
62 if the agency has fully complied with all of the requirements of chapter 536 including but not
63 limited to section 536.028 if applicable, after August 28, 1998. All rulemaking authority
64 delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998,
65 however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted
66 and promulgated prior to August 28, 1998. If the provisions of section 536.028 apply, the
67 provisions of this section are nonseverable and if any of the powers vested with the general
68 assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and
69 annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of
70 rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be
71 invalid and void, except that nothing in this act shall affect the validity of any rule adopted and
72 promulgated prior to August 28, 1998.

73 11. The committee may sue and be sued in its official name, and shall have a seal which
74 shall be affixed to all certified copies or records and papers on file, and to such other instruments
75 as the committee may direct. All courts shall take judicial notice of such seal. Copies of records
76 and proceedings of the committee, and of all papers on file with the division on behalf of the
77 committee certified under the seal shall be received as evidence in all courts of record.

78 12. When applying for a renewal of a license pursuant to section 337.030, each licensed
79 psychologist shall submit proof of the completion of at least forty hours of continuing education
80 credit within the two-year period immediately preceding the date of the application for renewal
81 of the license, **with a minimum of three of the forty hours of continuing education dedicated**

82 **to professional ethics.** The type of continuing education to be considered shall include, but not
83 be limited to:

84 (1) Attending recognized educational seminars, the content of which are primarily
85 psychological, as defined by rule;

86 (2) Attending a graduate level course at a recognized educational institution where the
87 contents of which are primarily psychological, as defined by rule;

88 (3) Presenting a recognized educational seminar, the contents of which are primarily
89 psychological, as defined by rule;

90 (4) Presenting a graduate level course at a recognized educational institution where the
91 contents of which are primarily psychological, as defined by rule; and

92 (5) Independent course of studies, the contents of which are primarily psychological,
93 which have been approved by the committee and defined by rule.

94

95 The committee shall determine by administrative rule the amount of training, instruction, self-
96 instruction or teaching that shall be counted as an hour of continuing education credit. **The**
97 **committee shall give credit for continuing education hours performed by a psychologist on**
98 **a volunteer basis working within his or her professional scope of practice at a nonprofit**
99 **entity. The board shall determine how many hours of continuing education credit shall be**
100 **given for each hour of volunteering and specify the maximum number of continuing**
101 **education credit hours that shall be given for volunteer work under this subsection.**

337.068. 1. If the board finds merit to a complaint by an individual incarcerated or under
2 the care and control of the department of corrections or who has been ordered to be taken into
3 custody, detained, or held under sections 632.480 to 632.513, **or who has been ordered to be**
4 **evaluated under chapter 552** and takes further investigative action, no documentation may
5 appear on file or disciplinary action may be taken in regards to the licensee's license unless the
6 provisions of subsection 2 of section 337.035 have been violated. Any case file documentation
7 that does not result in the board filing an action pursuant to subsection 2 of section 337.035 shall
8 be destroyed within three months after the final case disposition by the board. No notification
9 to any other licensing board in another state or any national registry regarding any investigative
10 action shall be made unless the provisions of subsection 2 of section 337.035 have been violated.

11 2. Upon written request of the psychologist subject to a complaint, prior to August 28,
12 1999, by an individual incarcerated or under the care and control of the department of
13 corrections; or prior to August 28, 2008, by an individual who has been ordered to be taken into
14 custody, detained, or held under sections 632.480 to 632.513; **or prior to August 28, 2020, by**
15 **an individual who has been ordered to be evaluated under chapter 552** that did not result

16 in the board filing an action pursuant to subsection 2 of section 337.035, the board and the
17 division of professional registration, shall in a timely fashion:

18 (1) Destroy all documentation regarding the complaint;

19 (2) Notify any other licensing board in another state or any national registry regarding
20 the board's actions if they have been previously notified of the complaint; and

21 (3) Send a letter to the licensee that clearly states that the board found the complaint to
22 be unsubstantiated, that the board has taken the requested action, and notify the licensee of the
23 provisions of subsection 3 of this section.

24 3. Any person who has been the subject of an unsubstantiated complaint as provided in
25 subsection 1 or 2 of this section shall not be required to disclose the existence of such complaint
26 in subsequent applications or representations relating to their psychology professions.

436.218. As used in sections 436.215 to 436.272, the following terms mean:

2 (1) "Agency contract", an agreement in which a student athlete authorizes a person to
3 negotiate or solicit on behalf of the student athlete a professional sports services contract or an
4 endorsement contract;

5 (2) "Athlete agent"~~], an individual who enters into an agency contract with a student~~
6 ~~athlete or directly or indirectly recruits or solicits a student athlete to enter into an agency~~
7 ~~contract. The term does not include a spouse, parent, sibling, grandparent, or guardian of the~~
8 ~~student athlete or an individual acting solely on behalf of a professional sports team or~~
9 ~~professional sports organization. The term includes an individual who represents to the public~~
10 ~~that the individual is an athlete agent] :~~

11 **(a) An individual, registered or unregistered under sections 436.215 to 436.272,**
12 **who:**

13 **a. Directly or indirectly recruits or solicits a student athlete to enter into an agency**
14 **contract or, for compensation, procures employment or offers, promises, attempts, or**
15 **negotiates to obtain employment for a student athlete as a professional athlete or member**
16 **of a professional sports team or organization;**

17 **b. For compensation or in anticipation of compensation related to a student**
18 **athlete's participation in athletics:**

19 **(i) Serves the student athlete in an advisory capacity on a matter related to finances,**
20 **business pursuits, or career management decisions, unless the individual is an employee**
21 **of an educational institution acting exclusively as an employee of the institution for the**
22 **benefit of the institution; or**

23 **(ii) Manages the business affairs of the student athlete by providing assistance with**
24 **bills, payments, contracts, or taxes; or**

- 25 **c. In anticipation of representing a student athlete for a purpose related to the**
26 **student athlete's participation in athletics:**
- 27 **(i) Gives consideration to the student athlete or another person;**
28 **(ii) Serves the student athlete in an advisory capacity on a matter related to**
29 **finances, business pursuits, or career management decisions; or**
30 **(iii) Manages the business affairs of the student athlete by providing assistance with**
31 **bills, payments, contracts, or taxes;**
- 32 **(b) "Athlete agent" does not include an individual who:**
- 33 **a. Acts solely on behalf of a professional sports team or organization; or**
34 **b. Is a licensed, registered, or certified professional and offers or provides services**
35 **to a student athlete customarily provided by members of the profession, unless the**
36 **individual:**
- 37 **(i) Recruits or solicits the student athlete to enter into an agency contract;**
38 **(ii) For compensation, procures employment or offers, promises, attempts, or**
39 **negotiates to obtain employment for the student athlete as a professional athlete or member**
40 **of a professional sports team or organization; or**
- 41 **(iii) Receives consideration for providing the services calculated using a different**
42 **method than for an individual who is not a student athlete;**
- 43 (3) "Athletic director", an individual responsible for administering the overall athletic
44 program of an educational institution or, if an educational institution has separately administered
45 athletic programs for male students and female students, the athletic program for males or the
46 athletic program for females, as appropriate;
- 47 (4) ~~["Contact", a direct or indirect communication between an athlete agent and a student~~
48 ~~athlete to recruit or solicit the student athlete to enter into an agency contract;~~
- 49 ~~(5)]~~ (5) "Director", the director of the division of professional registration;
- 50 ~~[(6)]~~ (5) "Division", the division of professional registration;
- 51 (6) "Educational institution", a public or private elementary school, secondary
52 school, technical or vocational school, community college, college, or university;
- 53 (7) "Endorsement contract", an agreement under which a student athlete is employed or
54 receives consideration to use on behalf of the other party any value that the student athlete may
55 have because of publicity, reputation, following, or fame obtained because of athletic ability or
56 performance;
- 57 (8) "Enrolled" or "enrolls", the act of registering, or having already registered, for
58 courses at an educational institution and attending or planning to attend athletic practice
59 or class;

60 (9) "Intercollegiate sport", a sport played at the collegiate level for which eligibility
61 requirements for participation by a student athlete are established by a national association for
62 the promotion or regulation of collegiate athletics;

63 (10) **"Interscholastic sport", a sport played between educational institutions that
64 are not community colleges, colleges, or universities;**

65 (11) **"Licensed, registered, or certified professional", an individual licensed,
66 registered, or certified as an attorney, dealer in securities, financial planner, insurance
67 agent, real estate broker or sales agent, tax consultant, accountant, or member of a
68 profession, other than that of athlete agent, who is licensed, registered, or certified by the
69 state or a nationally recognized organization that licenses, registers, or certifies members
70 of the profession on the basis of experience, education, or testing;**

71 ~~[(9)]~~ (12) "Person", an individual, corporation, business trust, estate, trust, partnership,
72 limited liability company, association, joint venture, government, governmental subdivision,
73 agency, or instrumentality, public corporation, or any other legal or commercial entity;

74 ~~[(10)]~~ (13) "Professional sports services contract", an agreement under which an
75 individual is employed ~~[or]~~ **as a professional athlete and** agrees to render services as a player
76 on a professional sports team~~;~~ **or** with a professional sports organization~~], or as a professional
77 athlete];~~

78 ~~[(11)]~~ (14) "Record", information that is inscribed on a tangible medium or that is stored
79 in an electronic or other medium and is retrievable in perceivable form;

80 (15) **"Recruit or solicit", an attempt to influence the choice of an athlete agent by
81 a student athlete or, if the student athlete is a minor, a parent or guardian of the student
82 athlete. "Recruit or solicit" does not include giving advice on the selection of a particular
83 agent in a family, coaching, or social situation unless the individual giving the advice does
84 so because of the receipt or anticipated receipt of an economic benefit, directly or
85 indirectly, from the agent;**

86 ~~[(12)]~~ (16) "Registration", registration as an athlete agent under sections 436.215 to
87 436.272;

88 (17) **"Sign", the intent to authenticate or adopt a record:**

89 (a) **To execute or adopt a tangible symbol; or**

90 (b) **To attach to or logically associate with the record an electronic symbol, sound,
91 or process;**

92 ~~[(13)]~~ (18) "State", a state of the United States, the District of Columbia, Puerto Rico,
93 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
94 of the United States;

95 ~~[(14)]~~ **(19)** "Student athlete", ~~[a current student who engages in, has engaged in, is~~
 96 ~~eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport]~~ **an**
 97 **individual who is eligible to attend an educational institution and engages in, is eligible to**
 98 **engage in, or may be eligible in the future to engage in any interscholastic or intercollegiate**
 99 **sport. "Student athlete" does not include an individual permanently ineligible to**
 100 **participate in a particular interscholastic or intercollegiate sport.**

436.224. 1. Except as otherwise provided in subsection 2 of this section, an individual
 2 may not act as an athlete agent in this state ~~[before]~~ **without** being issued a certificate of
 3 registration under section 436.230 or 436.236.

4 2. ~~[An individual with a temporary license]~~ **Before being issued a certificate of**
 5 **registration** under section 436.236, **an individual** may act as an athlete agent ~~[before being~~
 6 ~~issued a certificate of registration]~~ for all purposes except signing an agency contract if:

7 (1) A student athlete or another acting on behalf of the student athlete initiates
 8 communication with the individual; and

9 (2) Within seven days after an initial act ~~[as an athlete agent]~~ **that requires the**
 10 **individual to register as an athlete agent**, the individual submits an application to register as
 11 an athlete agent in this state.

12 3. An agency contract resulting from conduct in violation of this section is void. The
 13 athlete agent shall return any consideration received under the contract.

436.227. 1. An applicant for registration shall submit an application for registration to
 2 the director in a form prescribed by the director. The application ~~[must]~~ **shall** be in the name of
 3 an individual and signed by the applicant under penalty of perjury and ~~[must]~~ **shall** state or
 4 contain **at least the following**:

5 (1) The name, **date of birth, and place of birth** of the applicant ~~[and]~~ ;

6 (2) The address **and telephone numbers** of the applicant's principal place of business;

7 (3) **The applicant's mobile telephone numbers and any means of communicating**
 8 **electronically, including a facsimile number, email address, and personal, business, or**
 9 **employer websites, as applicable;**

10 ~~[(2)]~~ (4) The name of the applicant's business or employer, if applicable, **including for**
 11 **each business or employer, the mailing address, telephone number, organization form, and**
 12 **the nature of the business;**

13 (5) **Each social media account with which the applicant or the applicant's business**
 14 **or employer is affiliated;**

15 ~~[(3)]~~ (6) Any business or occupation engaged in by the applicant for the five years ~~[next]~~
 16 preceding the date of submission of the application, **including self-employment and**

17 **employment by others, and any professional or occupational license, registration, or**
18 **certification held by the applicant during that time;**

19 ~~[(4)]~~ (7) A description of the applicant's:

20 (a) Formal training as an athlete agent;

21 (b) Practical experience as an athlete agent; and

22 (c) Educational background relating to the applicant's activities as an athlete agent;

23 ~~[(5) The names and addresses of three individuals not related to the applicant who are~~
24 ~~willing to serve as references;~~

25 ~~—[(6)]~~ (8) The name~~], sport, and last known team for each individual~~ of each student
26 **athlete** for whom the applicant ~~[provided services]~~ **acted** as an athlete agent during the five years
27 ~~[next]~~ preceding the date of submission of the application **or, if the student athlete is a minor,**
28 **the name of the parent or guardian of the minor, together with the student athlete's sport**
29 **and last known team;**

30 ~~[(7)]~~ (9) The names and addresses of all persons who are:

31 (a) With respect to the athlete agent's business if it is not a corporation, the partners,
32 officers, **managers**, associates, or profit-sharers, **or persons who directly or indirectly hold**
33 **an equity interest of five percent or greater;** and

34 (b) With respect to a corporation employing the ~~[athlete agent]~~ **applicant**, the officers,
35 directors, and any shareholder of the corporation with a five percent or greater interest;

36 (10) **A description of the status of any application by the applicant, or any person**
37 **named under subdivision (9) of this subsection, for a state or federal business, professional,**
38 **or occupational license, other than as an athlete agent, from a state or federal agency,**
39 **including any denial, refusal to renew, suspension, withdrawal, or termination of the**
40 **license and any reprimand or censure related to the license;**

41 ~~[(8)]~~ (11) Whether the applicant or any other person named under subdivision ~~[(7)]~~ (9)
42 of this section has ~~[been convicted]~~ **pled guilty to or been found guilty** of a crime that if
43 committed in this state would be a felony or other crime involving moral turpitude, and ~~[a~~
44 ~~description of]~~ **information regarding the crime, including the crime, the law enforcement**
45 **agency involved, and, if applicable, the date of the verdict and the penalty imposed;**

46 (12) **Whether, within fifteen years before the date of application, the applicant or**
47 **any person named under subdivision (9) of this subsection has been a defendant or**
48 **respondent in a civil proceeding, including a proceeding seeking an adjudication of legal**
49 **incompetence and, if so, the date and a full explanation of each proceeding;**

50 (13) **Whether the applicant or any person named under subdivision (9) of this**
51 **subsection has an unsatisfied judgment or a judgment of continuing effect, including**

52 **alimony or a domestic order in the nature of child support, that is not current on the date**
53 **of the application;**

54 **(14) Whether, within ten years before the date of application, the applicant or any**
55 **person named under subdivision (9) of this subsection was adjudicated bankrupt or was**
56 **an owner of a business that was adjudicated bankrupt;**

57 ~~[(9)]~~ **(15) Whether there has been any administrative or judicial determination that the**
58 **applicant or any other person named under subdivision [(7)] (9) of this section has made a false,**
59 **misleading, deceptive, or fraudulent representation;**

60 ~~[(10)]~~ **(16) Any instance in which the prior conduct of the applicant or any other person**
61 **named under subdivision [(7)] (9) of this section resulted in the imposition of a sanction,**
62 **suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate**
63 **athletic event on a student athlete or educational institution;**

64 ~~[(11)]~~ **(17) Any sanction, suspension, or disciplinary action taken against the applicant**
65 **or any other person named under subdivision [(7)] (9) of this section arising out of occupational**
66 **or professional conduct; ~~and~~**

67 ~~[(12)]~~ **(18) Whether there has been any denial of an application for, suspension or**
68 **revocation of, or refusal to renew the registration or licensure of the applicant or any other person**
69 **named under subdivision [(7)] (9) of this section as an athlete agent in any state;**

70 **(19) Each state in which the applicant is currently registered as an athlete agent or**
71 **has applied to be registered as an athlete agent;**

72 **(20) If the applicant is certified or registered by a professional league or players**
73 **association:**

74 **(a) The name of the league or association;**

75 **(b) The date of certification or registration, and the date of expiration of the**
76 **certification or registration, if any; and**

77 **(c) If applicable, the date of any denial of an application for, suspension or**
78 **revocation of, refusal to renew, withdrawal of, or termination of the certification or**
79 **registration or any reprimand or censure related to the certification or registration; and**

80 **(21) Any additional information as required by the director.**

81 **2. In lieu of submitting the application and information required under subsection**
82 **1 of this section, an applicant who is registered as an athlete agent in another state may**
83 **apply for registration as an athlete agent by submitting the following:**

84 **(1) A copy of the application for registration in the other state;**

85 **(2) A statement that identifies any material change in the information on the**
86 **application or verifies there is no material change in the information, signed under penalty**
87 **of perjury; and**

88 **(3) A copy of the certificate of registration from the other state.**

89 **3. The director shall issue a certificate of registration to an applicant who applies**
90 **for registration under subsection 2 of this section if the director determines:**

91 **(1) The application and registration requirements of the other state are**
92 **substantially similar to or more restrictive than the requirements provided under sections**
93 **436.215 to 436.272; and**

94 **(2) The registration has not been revoked or suspended and no action involving the**
95 **applicant's conduct as an athlete agent is pending against the applicant or the applicant's**
96 **registration in any state.**

97 **4. For purposes of implementing subsection 3 of this section, the director shall:**

98 **(1) Cooperate with national organizations concerned with athlete agent issues and**
99 **agencies in other states that register athlete agents to develop a common registration form**
100 **and determine which states have laws that are substantially similar to or more restrictive**
101 **than sections 436.215 to 436.272; and**

102 **(2) Exchange information, including information related to actions taken against**
103 **registered athlete agents or their registrations, with those organizations and agencies.**

 436.230. 1. Except as otherwise provided in subsection 2 of this section, the director
2 shall issue a certificate of registration to an individual who complies with section 436.227.

3 2. The director may refuse to issue a certificate of registration if the director determines
4 that the applicant has engaged in conduct that has a significant adverse effect on the applicant's
5 fitness to serve as an athlete agent. In making the determination, the director may consider
6 whether the applicant has:

7 (1) Been convicted of a crime that if committed in this state would be a felony or other
8 crime involving moral turpitude;

9 (2) Made a materially false, misleading, deceptive, or fraudulent representation as an
10 athlete agent or in the application;

11 (3) Engaged in conduct that would disqualify the applicant from serving in a fiduciary
12 capacity;

13 (4) Engaged in conduct prohibited by section 436.254;

14 (5) Had a registration or licensure as an athlete agent suspended, revoked, or denied or
15 been refused renewal of registration or licensure in any state;

16 (6) Engaged in conduct or failed to engage in conduct the consequence of which was that
17 a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or
18 intercollegiate athletic event was imposed on a student athlete or educational institution; or

19 (7) Engaged in conduct that significantly adversely reflects on the applicant's credibility,
20 honesty, or integrity.

21 3. In making a determination under subsection ~~[3]~~ **2** of this section, the director shall
22 consider:

23 (1) How recently the conduct occurred;

24 (2) The nature of the conduct and the context in which it occurred; and

25 (3) Any other relevant conduct of the applicant.

26 4. An athlete agent may apply to renew a registration by submitting an application for
27 renewal in a form prescribed by the director. The application for renewal ~~[must]~~ **shall** be signed
28 by the applicant under penalty of perjury under section 575.040 and shall contain current
29 information on all matters required in an original registration.

30 5. **An athlete agent registered under subsection 3 of section 436.227 may renew the**
31 **registration by proceeding under subsection 4 of this section or, if the registration in the**
32 **other state has been renewed, by submitting to the director copies of the application for**
33 **renewal in the other state and the renewed registration from the other state. The director**
34 **shall renew the registration if the director determines:**

35 (1) **The registration requirements of the other state are substantially similar to or**
36 **more restrictive than the requirements provided under sections 436.215 to 436.272; and**

37 (2) **The renewed registration has not been suspended or revoked and no action**
38 **involving the individual's conduct as an athlete agent is pending against the individual or**
39 **the individual's registration in any state.**

40 6. A certificate of registration or a renewal of a registration is valid for two years.

436.236. The director may issue a temporary certificate of registration ~~[valid for sixty~~
2 ~~days]~~ while an application for registration or renewal is pending.

436.242. 1. An agency contract ~~[must]~~ **shall** be in a record signed by the parties.

2 2. An agency contract ~~[must]~~ **shall** state or contain:

3 (1) **A statement that the athlete agent is registered as an athlete agent in this state**
4 **and a list of any other states in which the agent is registered as an athlete agent;**

5 (2) The amount and method of calculating the consideration to be paid by the student
6 athlete for services to be provided by the athlete agent under the contract and any other
7 consideration the athlete agent has received or will receive from any other source for entering
8 into the contract or for providing the services;

9 ~~[(2)]~~ (3) The name of any person not listed in the application for registration or renewal
10 who will be compensated because the student athlete signed the agency contract;

11 ~~[(3)]~~ (4) A description of any expenses that the student athlete agrees to reimburse;

12 ~~[(4)]~~ (5) A description of the services to be provided to the student athlete;

13 ~~[(5)]~~ (6) The duration of the contract; and

14 ~~[(6)]~~ (7) The date of execution.

15 3. An agency contract shall contain in close proximity to the signature of the student
16 athlete a conspicuous notice in boldface type in capital letters stating:

17 "WARNING TO STUDENT ATHLETE IF YOU SIGN THIS CONTRACT:

18 (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT
19 ATHLETE IN YOUR SPORT;

20 (2) BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL YOUR
21 ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS
22 AFTER ENTERING INTO AN AGENCY CONTRACT **OR BEFORE THE NEXT**
23 **ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST,**
24 **AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE**
25 **AGENT; AND**

26 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING
27 IT. CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR
28 ELIGIBILITY."

29 4. **An agency contract shall be accompanied by a separate record signed by the**
30 **student athlete or, if the student athlete is a minor, the parent or guardian of the student**
31 **athlete acknowledging that signing the contract may result in the loss of the student**
32 **athlete's eligibility to participate in the student athlete's sport.**

33 5. An agency contract that does not conform to this section is voidable by the student
34 athlete **or, if the student athlete is a minor, by the parent or guardian of the student athlete.**
35 **If the contract is voided, any consideration received by the student athlete from the athlete**
36 **agent under the contract to induce entering into the contract is not required to be returned.**

37 [5-] 6. The athlete agent shall give a copy of the signed agency contract to the student
38 athlete **or, if the student athlete is a minor, to the parent or guardian of the student athlete**
39 **[at the time of signing].**

40 7. **If a student athlete is a minor, an agency contract shall be signed by the parent**
41 **or guardian of the minor, and the notice required by subsection 3 of this section shall be**
42 **revised accordingly.**

436.245. 1. As used in this section, "communicating or attempting to
2 **communicate" shall mean contacting or attempting to contact by an in-person meeting, a**
3 **record, or any other method that conveys or attempts to convey a message.**

4 2. Within seventy-two hours after entering into an agency contract or before the next
5 scheduled athletic event in which the student athlete may participate, whichever occurs first, the
6 athlete agent shall give notice in ~~writing~~ **a record** of the existence of the contract to the athletic
7 director of the educational institution at which the student athlete is enrolled or the athlete agent
8 has reasonable grounds to believe the student athlete intends to enroll.

9 **3. If an athlete agent enters into an agency contract with a student athlete and the**
10 **student athlete subsequently enrolls at an educational institution, the athlete agent shall**
11 **notify the athletic director of the educational institution of the existence of the contract**
12 **within seventy-two hours after the agent knows or should have known the student athlete**
13 **enrolled.**

14 **4. If an athlete agent has a relationship with a student athlete before the student**
15 **athlete enrolls in an educational institution and receives an athletic scholarship from the**
16 **educational institution, the athlete agent shall notify the athletic director of the educational**
17 **institution of the relationship no later than ten days after the enrollment if the athlete agent**
18 **knows or should have known of the enrollment and:**

19 **(1) The relationship was motivated in whole or in part by the intention of the**
20 **athlete agent to recruit or solicit the student athlete to enter an agency contract in the**
21 **future; or**

22 **(2) The athlete agent directly or indirectly recruited or solicited the student athlete**
23 **to enter an agency contract before the enrollment.**

24 **5. An athlete agent shall give notice in a record to the athletic director of any**
25 **educational institution at which a student athlete is enrolled before the agent communicates**
26 **or attempts to communicate with:**

27 **(1) The student athlete or, if the student athlete is a minor, a parent or guardian**
28 **of the student athlete to influence the student athlete or parent or guardian to enter into**
29 **an agency contract; or**

30 **(2) Another individual to have that individual influence the student athlete or, if**
31 **the student athlete is a minor, the parent or guardian of the student athlete to enter into**
32 **an agency contract.**

33 **6. If a communication or attempted communication with an athlete agent is**
34 **initiated by a student athlete or another individual on behalf of the student athlete, the**
35 **athlete agent shall give notice in a record to the athletic director of any educational**
36 **institution at which the student athlete is enrolled. The notification shall be made no later**
37 **than ten days after the communication or attempted communication.**

38 **7. An educational institution that becomes aware of a violation of sections 436.215**
39 **to 436.272 by an athlete agent shall notify the director of the violation and any professional**
40 **league or players' association with which the educational institution is aware the agent is**
41 **licensed or registered.**

42 ~~2.~~ **8. Within seventy-two hours after entering into an agency contract or before the next**
43 **athletic event in which the student athlete may participate, whichever occurs first, the student**
44 **athlete shall in [writing] a record inform the athletic director of the educational institution at**

45 which the student athlete is enrolled that he or she has entered into an agency contract **and the**
 46 **name and contact information of the athlete agent.**

436.248. 1. A student athlete **or, if the student athlete is a minor, the parent or**
 2 **guardian of the student athlete** may cancel an agency contract by giving notice in writing to
 3 the athlete agent of the cancellation within fourteen days after the contract is signed.

4 2. A student athlete **or, if the student athlete is a minor, the parent or guardian of**
 5 **the student athlete** may not waive the right to cancel an agency contract.

6 3. If a student athlete, **parent, or guardian** cancels an agency contract within fourteen
 7 days of signing the contract, the student athlete, **parent, or guardian** is not required to pay any
 8 consideration under the contract or to return any consideration received from the agent to induce
 9 the student athlete to enter into the contract.

436.254. ~~1.] An athlete agent [may] shall not intentionally [do any of the following~~
 2 ~~with the intent to induce a student athlete to enter into an agency contract]:~~

3 (1) Give ~~[any]~~ **a student athlete or, if the student athlete is a minor, a parent or**
 4 **guardian of the student athlete** materially false or misleading information or make a materially
 5 false promise or representation **with the intent to influence the student athlete, parent, or**
 6 **guardian to enter into an agency contract;**

7 (2) Furnish anything of value to a student athlete ~~[before the student athlete enters into~~
 8 ~~the agency contract;]~~ **or another individual, if to do so may result in loss of the student**
 9 **athlete's eligibility to participate in the student athlete's sport, unless:**

10 (a) **The athlete agent notifies the athletic director of the educational institution at**
 11 **which the student athlete is enrolled or at which the athlete agent has reasonable grounds**
 12 **to believe the student athlete intends to enroll, no later than seventy-two hours after giving**
 13 **the thing of value; and**

14 (b) **The student athlete or, if the student athlete is a minor, a parent or guardian**
 15 **of the student athlete acknowledges to the athlete agent in a record that receipt of the thing**
 16 **of value may result in loss of the student athlete's eligibility to participate in the student**
 17 **athlete's sport;**

18 (3) ~~[Furnish anything of value to any individual other than the student athlete or another~~
 19 ~~registered athlete agent.~~

20 ~~2. An athlete agent may not intentionally:~~

21 ~~——(1)] Initiate contact, directly or indirectly, with a student athlete or, if the student~~
 22 ~~athlete is a minor, a parent or guardian of the student athlete to recruit or solicit the~~
 23 ~~student athlete, parent, or guardian to enter into an agency contract unless registered under~~
 24 ~~sections 436.215 to 436.272;~~

25 ~~[(2) Refuse or willfully]~~ **(4) Fail to create, retain, or permit inspection of the records**
 26 **required by section 436.251;**

27 ~~[(3) Violate section 436.224 by failing]~~ **(5) Fail to register if required under section**
 28 **436.224;**

29 ~~[(4)]~~ **(6) Provide materially false or misleading information in an application for**
 30 **registration or renewal of registration;**

31 ~~[(5)]~~ **(7) Predate or postdate an agency contract; [or**

32 ~~—(6)]~~ **(8) Fail to notify a student athlete or, if the student athlete is a minor, a parent**
 33 **or guardian of the student athlete [prior to] before the student [athlete's] athlete, parent, or**
 34 **guardian [signing] signs an agency contract for a particular sport that the signing [by the student**
 35 **athlete] may [make the student athlete ineligible] result in loss of the student athlete's**
 36 **eligibility to participate [as a student athlete in that] in the student athlete's sport;**

37 **(9) Encourage another individual to do any of the acts described in subdivisions (1)**
 38 **to (8) of this subsection on behalf of the athlete agent; or**

39 **(10) Encourage another individual to assist any other individual in doing any of the**
 40 **acts described in subdivisions (1) to (8) of this subsection on behalf of the athlete agent.**

436.260. 1. An educational institution ~~[has a right of]~~ **or a student athlete may bring**
 2 **an action for damages** against an athlete agent ~~[or a former student athlete for damages caused~~
 3 ~~by a]~~ **if the institution or student athlete is adversely affected by an act or omission of the**
 4 **athlete agent in violation of sections 436.215 to 436.272. [In an action under this section, the**
 5 ~~court may award to the prevailing party costs and reasonable attorney's fees.]~~

6 **(1) In order for a student athlete to qualify as "adversely affected by an act or**
 7 **omission of the athlete agent" under this section, the student athlete shall demonstrate that**
 8 **he or she was a student athlete and enrolled at the institution at the time the act or**
 9 **omission of the athlete agent occurred and that he or she:**

10 **(a) Was suspended or disqualified from participation in an interscholastic or**
 11 **intercollegiate sports event by a state or national federation or association that promotes**
 12 **or regulates interscholastic or intercollegiate sports; or**

13 **(b) Suffered financial damage; and**

14 **(2) In order for an educational institution to qualify as "adversely affected by an**
 15 **act or omission of the athlete agent" under this section, the institution shall demonstrate**
 16 **that the institution:**

17 **(a) Was disqualified from participation in an interscholastic or intercollegiate**
 18 **sports event by a state or national federation or association that promotes or regulates**
 19 **interscholastic or intercollegiate sports; or**

20 **(b) Suffered financial damage.**

21 2. ~~[Damages of an educational institution under subsection 1 of this section include~~
 22 ~~losses and expenses incurred because as a result of the activities of an athlete agent or former~~
 23 ~~student athlete the educational institution was injured by a violation of sections 436.215 to~~
 24 ~~436.272 or was penalized, disqualified, or suspended from participation in athletics by a national~~
 25 ~~association for the promotion and regulation of athletics, by an athletic conference, or by~~
 26 ~~reasonable self-imposed disciplinary action taken to mitigate sanctions.] A plaintiff who~~
 27 **prevails in an action under this section may recover actual damages, costs, and reasonable**
 28 **attorney's fees. An athlete agent found liable under this section forfeits any right of**
 29 **payment for anything of benefit or value provided to the student athlete and shall refund**
 30 **any consideration paid to the athlete agent by or on behalf of the student athlete.**

31 3. ~~[A right of action under this section does not accrue until the educational institution~~
 32 ~~discovers or by the exercise of reasonable diligence would have discovered the violation by the~~
 33 ~~athlete agent or former student athlete.]~~

34 ~~4. Any liability of the athlete agent or the former student athlete under this section is~~
 35 ~~several and not joint.~~

36 ~~5. Sections 436.215 to 436.272 do not restrict rights, remedies, or defenses of any person~~
 37 ~~under law or equity.] A violation of any provision of sections 436.215 to 436.272 is an unfair~~
 38 **trade practice for purposes of sections 375.930 to 375.948.**

 436.263. Any ~~[person]~~ **individual** who violates any ~~[provisions]~~ **provision** of sections
 2 436.215 to ~~[436.269]~~ **436.272** is guilty of a class A misdemeanor **and liable for a civil penalty**
 3 **not to exceed fifty thousand dollars.**

 436.266. In applying and construing sections 436.215 to 436.272, consideration ~~[must]~~
 2 **s hall** be given to the need to promote uniformity of the law with respect to the subject matter of
 3 sections 436.215 to 436.272 among states that enact it.

~~[324.009. 1. For purposes of this section, the following terms mean:~~

2 ~~(1) "License", a license, certificate, registration, permit, or accreditation~~
 3 ~~that enables a person to legally practice an occupation or profession in a~~
 4 ~~particular jurisdiction; except that "license" shall not include a certificate of~~
 5 ~~license to teach in public schools under section 168.021;~~

6 ~~(2) "Nonresident military spouse", a nonresident spouse of an active~~
 7 ~~duty member of the Armed Forces of the United States who has been~~
 8 ~~transferred or is scheduled to be transferred to the state of Missouri, or who~~
 9 ~~has been transferred or is scheduled to be transferred to an adjacent state~~
 10 ~~and is or will be domiciled in the state of Missouri, or has moved to the state~~
 11 ~~of Missouri on a permanent change-of-station basis;~~

12 ~~(3) "Oversight body", any board, department, agency, or office of a~~
 13 ~~jurisdiction that issues licenses; except, for the purposes of this section, oversight~~
 14 ~~body shall not include the state board of registration for the healing arts, the state~~

15 ~~board of nursing, the board of pharmacy, the state committee of psychologists,~~
16 ~~the Missouri dental board, the Missouri board for architects, professional~~
17 ~~engineers, professional land surveyors and professional landscape architects, the~~
18 ~~state board of optometry, or the Missouri veterinary medical board;~~

19 ~~(4) "Resident military spouse", a spouse of an active duty member~~
20 ~~of the Armed Forces of the United States who has been transferred or is~~
21 ~~scheduled to be transferred to the state of Missouri or an adjacent state and~~
22 ~~who is a permanent resident of the state of Missouri, who is domiciled in the~~
23 ~~state of Missouri, or who has Missouri as his or her home of record.~~

24 ~~2. Any person who is a resident of Missouri, a resident military~~
25 ~~spouse, or a nonresident military spouse and who holds a valid current license~~
26 ~~issued by another state, territory of the United States, or the District of Columbia~~
27 ~~may submit an application for a license in Missouri in the same occupation or~~
28 ~~profession for which he or she holds the current license, along with proof of~~
29 ~~current licensure in [the] all other [jurisdiction] jurisdictions, to the relevant~~
30 ~~oversight body in this state.~~

31 ~~3. The oversight body in this state shall,] :~~

32 ~~(1) Within six months of receiving an application described in subsection~~
33 ~~2 of this section from a resident of Missouri, waive any examination,~~
34 ~~educational, or experience requirements for licensure in this state for the~~
35 ~~applicant if it determines that the licensing requirements in the jurisdiction that~~
36 ~~issued the applicant's license are substantially similar to or more stringent than~~
37 ~~the licensing requirements in Missouri for the same occupation or profession and~~
38 ~~shall issue such applicant a license under this section if such applicant~~
39 ~~otherwise meets the requirements of this section; or~~

40 ~~(2) Within thirty days of receiving an application described in~~
41 ~~subsection 2 of this section from a nonresident military spouse or a resident~~
42 ~~military spouse, waive any examination, educational, or experience~~
43 ~~requirements for licensure in this state for the applicant and issue such~~
44 ~~applicant a license under this section if such applicant otherwise meets the~~
45 ~~requirements of this section.~~

46 ~~4. The oversight body shall not waive any examination, educational, or~~
47 ~~experience requirements for any applicant who is currently under disciplinary~~
48 ~~action with an oversight body outside the state or who does not hold a valid~~
49 ~~current license in the other jurisdiction on the date the oversight body receives his~~
50 ~~or her application under this section.~~

51 ~~5. The oversight body shall not waive any examination, educational, or~~
52 ~~experience requirements for any applicant if it determines that waiving the~~
53 ~~requirements for the applicant may endanger the public health, safety, or welfare.~~

54 ~~6. Nothing in this section shall prohibit the oversight body from denying~~
55 ~~a license to an applicant under this section for any reason described in any section~~
56 ~~associated with the occupation or profession for which the applicant seeks a~~
57 ~~license.~~

58 ~~7. This section shall not be construed to waive any requirement for an~~
59 ~~applicant to pay any fees, post any bonds or surety bonds, or submit proof of~~
60 ~~insurance associated with the license the applicant seeks.~~

61 ~~8. This section shall not apply to business, professional, or occupational~~
62 ~~licenses issued or required by political subdivisions.~~

63 ~~9. The provisions of this section shall not be construed to alter the~~
64 ~~authority granted by, or any requirements promulgated pursuant to, any~~
65 ~~interjurisdictional or interstate compacts adopted by Missouri statute or any~~
66 ~~reciprocity agreements with other states [in effect on August 28, 2018, and~~
67 ~~whenever possible this section shall be interpreted so as to imply no conflict~~
68 ~~between it and any compact, or any reciprocity agreements with other states in~~
69 ~~effect on August 28, 2018]. **If any conflict arises between the provisions of**~~
70 ~~**this section and the provisions of any interjurisdictional or interstate**~~
71 ~~**compact or reciprocity agreement, the provisions of such compact or**~~
72 ~~**agreement shall prevail. If a conflict arises between the provisions of this**~~
73 ~~**section and any federal law or rule, the provisions of the federal law or rule**~~
74 ~~**shall prevail.**~~

75 ~~10. For the purposes of this section, resident military spouses and~~
76 ~~nonresident military spouses shall be eligible to apply for a license with any~~
77 ~~board, department, agency, or office of a jurisdiction that issues licenses~~
78 ~~including, but not limited to, the state board of registration for the healing~~
79 ~~arts; the state board of nursing; the board of pharmacy; the state committee~~
80 ~~of psychologists; the Missouri dental board; the Missouri board for~~
81 ~~architects, professional engineers, professional land surveyors, and~~
82 ~~professional landscape architects; the state board of optometry; and the~~
83 ~~Missouri veterinary medical board.]~~

84
2 ~~[436.257. The commission of any act prohibited by section 436.254 by~~
~~an athlete agent is a class B misdemeanor.]~~

✓