

SECOND REGULAR SESSION

SENATE BILL NO. 991

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time February 23, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

5039S.02I

AN ACT

To repeal sections 8.650, 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 162.1000, 190.176, 191.400, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 207.023, 208.153, 208.175, 208.195, 208.197, 208.530, 208.533, 208.535, 208.792, 208.955, 210.496, 253.375, 260.372, 260.705, 260.720, 260.725, 260.735, 262.217, 286.001, 286.005, 286.200, 286.205, 286.210, 301.142, 302.136, 304.028, 316.203, 316.204, 316.205, 316.210, 320.094, 320.205, 324.001, 324.028, 324.400, 324.402, 324.403, 324.406, 324.409, 324.412, 324.415, 324.418, 324.421, 324.424, 324.427, 324.430, 324.433, 324.436, 324.439, 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 324.493, 324.496, 324.499, 324.600, 324.603, 324.609, 324.624, 324.1100, 324.1102 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, 324.1102 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, 324.1108, 324.1110, 324.1112, 324.1116, 324.1124, 324.1126, 324.1130, 324.1132, 324.1134, 324.1140, 331.010, 331.020, 331.030, 331.032, 331.045, 331.050, 331.060, 331.070, 331.080, 331.085, 331.090, 331.110, 334.721, 344.060, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.105, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240, 376.423, 620.638,

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

620.641, 620.644, 620.647, 620.650, 620.653, 621.045, 630.910, 630.915, 632.020, 660.010, 701.302, 701.350, 701.353, 701.355, and 701.377, RSMo, and to enact in lieu thereof one hundred twenty-eight new sections relating to the sole purpose of repealing and revising certain state boards, councils, committees, and commissions, with penalty provisions and a contingent effective date for certain sections.

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

Section A. Sections 8.650, 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 162.1000, 190.176, 191.400, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 207.023, 208.153, 208.175, 208.195, 208.197, 208.530, 208.533, 208.535, 208.792, 208.955, 210.496, 253.375, 260.372, 260.705, 260.720, 260.725, 260.735, 262.217, 286.001, 286.005, 286.200, 286.205, 286.210, 301.142, 302.136, 304.028, 316.203, 316.204, 316.205, 316.210, 320.094, 320.205, 324.001, 324.028, 324.400, 324.402, 324.403, 324.406, 324.409, 324.412, 324.415, 324.418, 324.421, 324.424, 324.427, 324.430, 324.433, 324.436, 324.439, 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 324.493, 324.496, 324.499, 324.600, 324.603, 324.609, 324.624, 324.1100, 324.1102 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, 324.1102 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, 324.1108, 324.1110, 324.1112, 324.1116, 324.1124, 324.1126, 324.1130, 324.1132, 324.1134, 324.1140, 331.010, 331.020, 331.030, 331.032, 331.045, 331.050, 331.060, 331.070, 331.080, 331.085, 331.090, 331.110, 334.721, 344.060, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.105, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240, 376.423, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 621.045, 630.910, 630.915, 632.020, 660.010, 701.302, 701.350, 701.353, 701.355, and 701.377, RSMo, are repealed and one hundred twenty-eight new sections enacted in lieu thereof, to be known as sections 8.650, 37.735, 37.740, 37.745, 162.1000, 190.176, 191.400, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 207.023, 208.153, 208.175, 208.955, 210.496, 260.372, 260.705, 260.720, 260.735,

30 262.217, 286.001, 286.005, 301.142, 304.028, 316.203, 316.205, 316.210, 320.094,
31 320.205, 324.001, 324.028, 324.424, 324.600, 324.609, 324.624, 324.1100,
32 324.1102, 324.1108, 324.1110, 324.1112, 324.1116, 324.1124, 324.1126, 324.1130,
33 324.1132, 324.1134, 324.1140, 331.010, 331.030, 331.032, 331.045, 331.050,
34 331.060, 331.070, 331.080, 331.085, 331.090, 331.110, 331.479, 331.481, 331.484,
35 331.487, 331.490, 331.493, 331.496, 331.499, 334.721, 344.060, 361.070, 361.092,
36 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.105,
37 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.314,
38 369.329, 371.060, 371.090, 371.240, 376.423, 620.580, 620.582, 620.584, 620.586,
39 620.588, 620.590, 620.592, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653,
40 621.045, 630.915, 632.020, 660.010, 701.350, 701.353, 701.355, and 701.377, to
41 read as follows:

8.650. 1. Deviations from the standards set forth in sections 8.620 and
2 8.622 may be permitted where conformance to such standards is impractical and
3 where the method, material, and dimension used in lieu thereof does not create
4 a hazard.

5 2. Permission to deviate from the standards set forth in sections 8.620 and
6 8.622 may be granted only by the commissioner of administration after consulting
7 with the governor's [committee on employment of the handicapped] **council on**
8 **disability** established in section [286.200, RSMo] **37.735**. Application to deviate
9 from the standards may be submitted by the owner of the building
10 only. Applications shall be submitted in such written forms as the commissioner
11 may require.

12 3. The commissioner shall maintain a codified listing of all applications
13 received. The listing shall indicate the action taken by the commissioner on each
14 application.

37.735. 1. The "Governor's Council on Disability" is hereby
2 **assigned to the office of administration.**

3 **2. The council shall consist of a chairperson, twenty members,**
4 **and an executive director.**

5 **3. The chairperson shall be appointed by the governor with the**
6 **advice and consent of the senate. The members of the council shall be**
7 **appointed by the governor. Recruitment and appointment of members**
8 **to the council shall provide for representation of various ethnic, age,**
9 **gender, and physical and mental disability groups.**

10 **4. The funds necessary for the executive director and such other**

11 personnel as necessary shall be appropriated through the office of
12 administration. The executive director shall serve under the
13 supervision of the committee chairman. The executive director shall
14 be exempted from the state merit system.

15 5. All members shall be appointed for four-year terms. Vacancies
16 occurring in the membership of the council for any reason shall be
17 filled by appointment by the governor for the unexpired term. Upon
18 expiration of their terms, members of the council shall continue to hold
19 office until the appointment and qualification of their successors. No
20 person shall be appointed for more than two consecutive terms, except
21 that a person appointed to fill a vacancy may serve for two additional
22 successive terms. The governor may remove a member for cause.

23 6. Members of the council shall be chosen to meet the following
24 criteria:

25 (1) The majority of the council shall be comprised of people with
26 disabilities, representing the various disability groups. The remaining
27 positions shall be filled by family members of people with disabilities,
28 persons who represent other disability-related groups, and other
29 advocates. A person considered to have a disability shall meet the
30 federal definition of disability as defined by P.L. 101-336;

31 (2) The council shall include at least one member from each
32 congressional district;

33 (3) Members of the council shall be knowledgeable about
34 disability-related issues and have demonstrated a commitment to full
35 participation of people with disabilities in all aspects of community
36 life.

37 7. The chairperson of the council shall serve without
38 compensation but shall be reimbursed for actual and necessary travel
39 and other expenses incurred in the performance of the duties as
40 chairperson of the council on disability. The members of the council
41 shall serve without compensation but may be reimbursed for their
42 actual and necessary expenses incurred in attending all meetings
43 provided for by sections 37.735 to 37.745.

44 8. The council shall meet at least once each calendar quarter to
45 conduct its business. The executive director shall give written notice
46 to each member of the time and place of each meeting of the council at
47 least ten days before the scheduled date of the meetings, and notice of

48 any special meetings shall state the specific matters to be considered
49 in the special meeting which is not a regular quarterly meeting.

50 9. The chairperson, with the advice and consent of the council,
51 shall appoint an executive director who shall serve as a nonvoting
52 member and executive officer of the council. The executive director
53 shall serve under the supervision of the chairperson of the
54 council. The executive director shall be a person who is knowledgeable
55 about disability-related issues and has demonstrated a commitment to
56 full participation of people with disabilities in all aspects of community
57 life.

58 10. The director of each state department shall designate at least
59 one employee who shall act as a liaison with the council.

37.740. The governor's council on disability shall:

2 (1) Act in an advisory capacity to all state agencies and have
3 direct input to all divisions of the office of administration on policies
4 and practices which impact people with disabilities. Input shall
5 include policies and practices affecting personnel, purchasing, design
6 and construction of new facilities, facilities management, budget and
7 planning and general services. In the administration of its duties, the
8 governor's council on disability in cooperation with the office of
9 administration shall offer technical assistance to help all departments,
10 divisions and branches of state government comply with applicable
11 state and federal law regarding persons with disabilities;

12 (2) Work and cooperate with other state commissions, councils
13 or committees pertaining to disabilities and other national, state and
14 local entities to create public policies and encourage system changes
15 which eliminate barriers to people with disabilities;

16 (3) Advocate for public policies and practices which:

17 (a) Promote employment of people with disabilities;

18 (b) Expand opportunities in all aspects of life; and

19 (c) Promote awareness of and compliance with various federal,
20 state and local laws dealing with disabilities;

21 (4) Gather input from disability-related organizations and the
22 public on disability-related issues and report the results of this
23 information in council reports to the governor;

24 (5) Accept grants, private gifts, and bequests, to be used to
25 achieve the purposes of sections 37.735 to 37.745;

26 **(6) Promulgate those bylaws necessary for the efficient operation**
27 **of the council;**

28 **(7) Prepare an annual report to be presented to the governor not**
29 **later than January first of each year.**

37.745. The governor's council on disability may receive funds
2 **and property by gift, devise, bequest or otherwise and may solicit funds**
3 **to be used in carrying out the purposes of sections 37.735 to 37.745.**

 162.1000. 1. As used in this section, the following terms mean:

2 (1) "Transition", a coordinated set of activities for a student, designed
3 within an outcome oriented process, which promotes movement to integrated
4 employment, including supported employment, postsecondary education,
5 vocational training, continuing and adult education services, independent living
6 and community participation. The coordinated set of activities shall be based
7 upon the individual student's needs, taking into account the student's preferences
8 and interests, and shall include, but not be limited to, instruction, community
9 experiences, the development of employment and other postschool adult living
10 objectives, and when appropriate, acquisition of daily living skills and functional
11 vocational evaluation;

12 (2) "Youth with disabilities", any person who is found eligible for special
13 education as defined in federal Public Law 101-476, the Individuals with
14 Disabilities Education Act.

15 2. The individualized education program required for each student
16 enrolled in special education shall include a statement of the needed transition
17 services for students beginning not later than age sixteen and annually
18 thereafter, and shall include, when appropriate, a statement of interagency
19 responsibility or linkages before the student leaves the school setting.

20 3. The "Missouri Interagency Council on Transition" is hereby created
21 within the division of special education, and shall be composed of the
22 commissioner of the department of elementary and secondary education, the
23 assistant commissioners of the division of vocational rehabilitation, the division
24 of special education, and the division of vocational and adult education, the
25 director of the department of health and senior services, the director of the
26 division of maternal, child and family health, the director of the department of
27 mental health, the director of the department of social services, the president of
28 the Missouri planning council for developmental disabilities, the chairman of the
29 Missouri [head] **brain** injury advisory council, the president of the advisory

30 council for comprehensive psychiatric services, the president of the Missouri
31 Association for Rehabilitation Facilities, or their designees, a representative of
32 the governor's [committee on employment of persons with disabilities] **council**
33 **on disability**, and seven professionals and consumer representatives with no
34 less than three parents or primary consumers, to be appointed by the governor
35 from names submitted by any interested agency or organization serving
36 individuals with disabilities. At the first meeting a chair shall be selected from
37 the members to serve a term of two years. The council shall meet at least
38 quarterly, and at such other times at the call of the chair.

39 4. The Missouri interagency council on transition shall:

40 (1) Gather and coordinate data on transition services for secondary age
41 youth with disabilities;

42 (2) Provide information, consultation, and technical assistance to state
43 and local agencies and school districts involved in the delivery of services to youth
44 with disabilities who are in transition from school to work or postsecondary
45 transition programs;

46 (3) Assist state and local agencies and school districts in establishing
47 interagency agreements to assure the necessary transition from school to work or
48 postsecondary training programs;

49 (4) Conduct an annual statewide assessment of transition needs and
50 postsecondary school outcomes from information supplied by local education
51 agencies and local interagency transition committees;

52 (5) Assist regions and local areas in planning interagency in-service
53 training to develop and improve transition services.

54 5. Members of the Missouri interagency council on transition shall receive
55 no compensation for their services while serving on the council; however,
56 members may receive reimbursement for their actual and necessary expenses
57 incurred in the performance of their duties.

58 6. Beginning on January 1, 1995, and on or before January first of each
59 successive year, the council shall make a written report to the governor and to the
60 general assembly of its activities for the preceding fiscal year. The council's
61 annual report shall include recommendations for administrative and legislative
62 policies and programs to enhance the delivery of transition services and supports.

190.176. 1. The department shall develop and administer a uniform data
2 collection system on all ambulance runs and injured patients, pursuant to rules
3 promulgated by the department for the purpose of injury etiology, patient care

4 outcome, injury and disease prevention and research purposes. The department
5 shall not require disclosure by hospitals of data elements pursuant to this section
6 unless those data elements are required by a federal agency or were submitted
7 to the department as of January 1, 1998, pursuant to:

8 (1) Departmental regulation of trauma centers; or

9 (2) The Missouri [head] **brain** and spinal cord injury registry established
10 by sections 192.735 to 192.745, RSMo; or

11 (3) Abstracts of inpatient hospital data; or

12 (4) If such data elements are requested by a lawful subpoena or subpoena
13 duces tecum.

14 2. All information and documents in any civil action, otherwise
15 discoverable, may be obtained from any person or entity providing information
16 pursuant to the provisions of sections 190.001 to 190.245.

191.400. 1. There is hereby created a "State Board of Health" which shall
2 consist of seven members, who shall be appointed by the governor, by and with
3 the advice and consent of the senate. No member of the state board of health
4 shall hold any other office or employment under the state of Missouri other than
5 in a consulting status relevant to the member's professional status, licensure or
6 designation. Not more than four of the members of the state board of health shall
7 be from the same political party.

8 2. Each member shall be appointed for a term of four years; except that
9 of the members first appointed, two shall be appointed for a term of one year, two
10 for a term of two years, two for a term of three years, and one for a term of four
11 years. The successors of each shall be appointed for full terms of four years. No
12 person may serve on the state board of health for more than two terms. The
13 terms of all members shall continue until their successors have been duly
14 appointed and qualified. Three of the persons appointed to the state board of
15 health shall be persons who are physicians and surgeons licensed by the state
16 board of registration for the healing arts of Missouri. One of the persons
17 appointed to the state board of health shall be a dentist licensed by the Missouri
18 dental board. One of the persons appointed to the state board of health shall be
19 a chiropractic physician licensed by the Missouri state board of chiropractic
20 examiners **and acupuncturists**. Two of the persons appointed to the state
21 board of health shall be persons other than those licensed by the state board of
22 registration for the healing arts, the Missouri dental board, or the Missouri state
23 board of chiropractic examiners **and acupuncturists** and shall be representative

24 of those persons, professions and businesses which are regulated and supervised
25 by the department of health and senior services and the state board of health. If
26 a vacancy occurs in the appointed membership, the governor may appoint a
27 member for the remaining portion of the unexpired term created by the vacancy.
28 If the vacancy occurs while the senate is not in session, the governor shall make
29 a temporary appointment subject to the approval of the senate when it next
30 convenes. The members shall receive actual and necessary expenses plus
31 twenty-five dollars per day for each day of actual attendance.

32 3. The board shall elect from among its membership a chairperson and a
33 vice chairperson, who shall act as chairperson in his or her absence. The board
34 shall meet at the call of the chairperson. The chairperson may call meetings at
35 such times as he or she deems advisable, and shall call a meeting when requested
36 to do so by three or more members of the board.

192.735. As used in sections 192.735 to 192.745, unless the context clearly
2 indicates otherwise, the following terms shall mean:

- 3 (1) ["Department", the department of health and senior services;
- 4 (2) "Head] **Brain** injury" or "traumatic [head] **brain** injury", a sudden
5 insult or damage to the brain or its coverings, not of a degenerative nature. Such
6 insult or damage may produce an altered state of consciousness and may result
7 in a decrease of one or more of the following: mental, cognitive, behavioral or
8 physical functioning resulting in partial or total disability. Cerebral vascular
9 accidents, aneurisms and congenital deficits are specifically excluded from this
10 definition;
- 11 **(2) "Department", the department of health and senior services;**
- 12 (3) "Spinal cord injury", an injury that occurs as a result of trauma, which
13 may involve spinal vertebral fracture, and where the injured person suffers two
14 or more of the following effects either immediately or within forty-eight hours of
15 injury:
- 16 (a) Effects on the sensory system including numbness, tingling or loss of
17 sensation in the body or in one or more extremities;
- 18 (b) Effects on the motor system including weakness or paralysis in one or
19 more extremities;
- 20 (c) Effects on the visceral system including bowel or bladder dysfunction
21 or hypotension.

192.737. 1. The department of health and senior services shall establish
2 and maintain an information registry and reporting system for the purpose of

3 data collection and needs assessment of [head] **brain** and spinal cord injured
4 persons in this state.

5 2. Reports of traumatic [head] **brain** and spinal cord injuries shall be
6 filed with the department by a treating physician or his designee within seven
7 days of identification. The attending physician of any patient with traumatic
8 [head] **brain** or spinal cord injury who is in the hospital shall provide in writing
9 to the chief administrative officer the information required to be reported by this
10 section. The chief administrative officer of the hospital shall then have the duty
11 to submit the required reports.

12 3. Reporting forms and the manner in which the information is to be
13 reported shall be provided by the department. Such reports shall include, but
14 shall not be limited to, the following information: name, age, and residence of the
15 injured person, the date and cause of the injury, the initial diagnosis and such
16 other information as required by the department.

192.739. 1. All reports and records made pursuant to sections 192.735 to
2 192.744 and maintained by the department and other appropriate persons,
3 officials and institutions pursuant to sections 192.735 to 192.744 shall be
4 confidential. Information shall not be made available to any individual or
5 institution except to:

6 (1) Appropriate staff of the department;

7 (2) Any person engaged in a bona fide research project, with the
8 permission of the director of the department, except that no information
9 identifying the subjects of the reports or the reporters shall be made available to
10 researchers unless the department requests and receives consent for such release
11 pursuant to the provisions of this section;

12 (3) The Missouri [head] **brain** injury advisory council, except that no
13 information identifying the subjects of the reports or the reporters shall be made
14 available to the council unless consent for release is requested and received
15 pursuant to the provisions of this section. Only information pertaining to [head]
16 **brain** injuries as defined in section 192.735 shall be released to the council.

17 2. The department shall not reveal the identity of a patient, a reporting
18 physician or hospital, except that the identity of the patient may be released upon
19 written consent of the patient, parent or guardian, the identity of the physician
20 may be released upon written consent of the physician, and the identity of the
21 hospital may be released upon written consent of the hospital.

22 3. The department shall request consent for release from a patient, a

23 reporting physician or hospital only upon a showing by the applicant for such
24 release that obtaining the identities of certain patients, physicians or hospitals
25 is necessary for his research.

26 4. The department shall at least annually compile a report of the data
27 accumulated through the reporting system established under section 192.737 and
28 shall submit such data relating to [head] **brain** injuries as defined in section
29 192.735 and in accordance with confidentiality restrictions established pursuant
30 to sections 192.735 to 192.744 to the director of the Missouri [head] **brain** injury
31 advisory council.

192.742. The department, in consultation with the Missouri [head] **brain**
2 injury advisory council, shall promulgate rules and regulations necessary to carry
3 out the provisions of sections 192.735 to 192.744, pursuant to the provisions of
4 section 192.006 and chapter 536, RSMo.

192.745. 1. The "Missouri [Head] **Brain** Injury Advisory Council" is
2 hereby established [as created by executive order of the governor on March 5,
3 1985] **in the department of health and senior services**. [The council shall
4 consist of twenty-five members.] The members of the council that are serving on
5 [August 13, 1986] **February 2, 2005**, shall continue [serving on the following
6 basis: the two members of the council who are members of the house of
7 representatives and appointed by the speaker of the house of representatives
8 shall serve for the remainder of their terms; the two members of the council who
9 are members of the senate appointed by the president pro tempore of the senate
10 shall serve for the remainder of their terms; and the remaining twenty-one
11 members shall determine by lot which seven are to have a one-year term, which
12 seven are to have a two-year term, and which seven are to have a three-year
13 term] **to fulfill their current terms. Through attrition, the council shall**
14 **decrease from the present twenty-five members to fifteen**
15 **members**. Thereafter, the successors to each of these [twenty-one] members
16 shall serve a three-year term and until the member's successor is appointed by
17 the governor with the advice and consent of the senate. [In addition, two
18 members who are members of the house of representatives shall be appointed by
19 the speaker of the house and two members who are members of the senate shall
20 be appointed by the president pro tempore of the senate.] The members appointed
21 by the governor shall [represent] **include: four** people with [head] **brain**
22 injuries[,] **or** relatives of persons with [head] **brain** injuries, [proprietary schools
23 as defined in section 173.600, RSMo,] **and eleven other individuals from**

24 professional groups, health institutions, [or] **community groups, and** private
25 industry [and state agencies which administer programs regarding mental health,
26 education, public health, public safety, insurance, and Medicaid. The
27 appointment of individuals representing state agencies shall be conditioned on
28 their continued employment with their respective agencies]. **In addition to the**
29 **fifteen council members, individuals representing state agencies with**
30 **services that impact brain injury survivors and their families shall**
31 **participate on the council in an ex officio non-voting capacity. These**
32 **individuals shall be appointed by the respective agency.**

33 2. The Missouri [head] **brain** injury advisory council is assigned to the
34 [division of general services in the office of administration] **department of**
35 **health and senior services.** The [office of administration] **department** shall
36 submit estimates of requirements for appropriations on behalf of the council for
37 the necessary staff and expenses to carry out the duties and responsibilities
38 assigned by the council. [Such staff shall consist of a director and other support
39 staff.]

40 3. Meetings **of the full council** shall be held at least [every ninety days]
41 **four times a year** or at the call of the council chairperson, who shall be elected
42 by the council. **Subcommittees may meet on an as needed basis.**

43 4. [Each member shall, subject to appropriations, be reimbursed for
44 reasonable and necessary expenses actually incurred in the performance of the
45 member's official duties.] **Members of the council shall not receive any**
46 **compensation for their services, but they shall, subject to**
47 **appropriations, be reimbursed for actual and necessary expenses**
48 **incurred in the performance of their duties from funds appropriated**
49 **for this purpose.**

50 5. The council shall adopt written procedures to govern its
51 activities. [Staff and consultants shall be provided for the council from
52 appropriations requested by the commissioner of the office of administration for
53 such purpose.]

54 6. The council, **under the direction of the department,** shall make
55 recommendations to the [governor] **department director** for developing and
56 administering a state plan to provide services for [head] **brain** injured persons.

57 7. No member of the council may participate in or seek to influence a
58 decision or vote of the council if the member would be directly involved with the
59 matter or if the member would derive income from it. A violation of the

60 prohibition contained herein shall be grounds for a person to be removed as a
61 member of the council by the [governor] **department director**.

62 8. The council shall be advisory and shall:

63 (1) Promote meetings and programs for the discussion of reducing the
64 debilitating effects of [head] **brain** injuries and disseminate information in
65 cooperation with any other department, agency or entity on the prevention,
66 evaluation, care, treatment and rehabilitation of persons affected by [head] **brain**
67 injuries;

68 (2) Study and review current prevention, evaluation, care, treatment and
69 rehabilitation technologies and recommend appropriate preparation, training,
70 retraining and distribution of manpower and resources in the provision of services
71 to [head-injured] **brain-injured** persons through private and public residential
72 facilities, day programs and other specialized services;

73 (3) Recommend [what] specific methods, means and procedures [should
74 be adopted] to improve and upgrade the state's service delivery system for
75 [head-injured] **brain-injured** citizens of this state;

76 (4) Participate in developing and disseminating criteria and standards
77 which may be required for future funding or licensing of facilities, day programs
78 and other specialized services for [head-injured] **brain-injured** persons in this
79 state;

80 (5) Report annually to the [commissioner of administration, the governor,
81 and the general assembly] **department director** on its activities, and on the
82 results of its studies and the recommendations of the council.

83 9. The [office of administration] **department** may accept on behalf of the
84 council federal funds, gifts and donations from individuals, private organizations
85 and foundations, and any other funds that may become available.

199.001. As used in sections 199.001 to 199.055, the following terms
2 mean:

3 (1) ["Division", the division of injury prevention, head injury
4 rehabilitation and local health services of the department of health and senior
5 services;

6 (2) "Head] **Brain** injury", includes [head] **brain** injury[,] and traumatic
7 [head] **brain** injury[, and spinal cord injury] as defined in section 192.735,
8 RSMo;

9 (2) "**Department**", the department of health and senior services'
10 **adult brain injury program**;

11 (3) "Injury or trauma", any unintentional or intentional damage to the
12 body resulting from acute exposure to thermal, mechanical, electrical, or chemical
13 energy or from the absence of such essentials as heat or oxygen;

14 (4) "Rehabilitation", a comprehensive series of interventions for physical,
15 medical, cognitive and psychological disabilities designed to restore a person to
16 his maximum functional potential.

199.003. 1. [The "Division of Injury Prevention, Head Injury
2 Rehabilitation and Local Health Services" is hereby created and shall be a
3 division of the department of health and senior services.] The [division]
4 **department** shall have the responsibility, **subject to appropriations**, of
5 ensuring that injury prevention and [head] **brain** injury rehabilitation
6 evaluation, [case management] **service coordination**, treatment, rehabilitation,
7 and community support services are accessible, wherever possible. [The division
8 shall have and exercise supervision of division rehabilitation facilities, residential
9 programs and specialized services operated by the division and oversight of
10 facilities, programs and services funded by the division. The division may also
11 plan for prevention, treatment, rehabilitation and care, including hospice, for
12 persons with other diseases as determined by the general assembly by
13 appropriations. The division shall also have responsibilities for the support,
14 development, and coordination of local health services.]

15 2. The powers, functions and duties of the [division] **department** shall
16 include the following:

17 (1) [Provision of funds for] **Planning and implementing**, in cooperation
18 with the Missouri [head] **brain** injury advisory council [and implementation of],
19 accessible programs to [rehabilitate and care for] **promote rehabilitation and**
20 **community reintegration of** persons with [head injuries, injury prevention
21 and research] **brain injuries**;

22 (2) Provision of technical assistance and training to community-based
23 programs [and assistance and cooperation to programs of political subdivisions
24 designed to assist in planning and implementing quality services] **assisting**
25 **persons with brain injuries**;

26 (3) Assurance of [program] quality [in compliance with such appropriate
27 standards for residential facilities, day programs, and specialized programs as
28 may be established by the division] **for brain injury services funded by the**
29 **department**;

30 (4) Sponsorship and encouragement of research into the causes, effects,

31 prevention, treatment and rehabilitation of injuries and appropriateness and cost
32 and benefit effectiveness of [head] **brain** injury rehabilitation, residential
33 programs and specialized services;

34 (5) Provision of public information relating to injury prevention and
35 [head] **brain** injury treatment and rehabilitation;

36 (6) Cooperation with nonstate governmental agencies and [the] private
37 sector [in establishing, conducting, integrating and coordinating] programs and
38 projects relating to injury prevention and [head] **brain** injury treatment and
39 rehabilitation;

40 (7) [Review and oversight of those portions of the department's annual
41 budget which are directed for injury prevention and head injury services;

42 (8) Encouragement of the utilization, support, assistance and dedication
43 of volunteers to assist persons affected by head injuries to be accepted and
44 integrated into normal community activities;

45 (9) Support, development, and coordination of local health services, which
46 shall include but shall not be limited to:

47 (a) Professional resources and staff development;

48 (b) Services assessment and coordination;

49 (c) Standards development, implementation and quality assurance;

50 (d) Provision of basic public health services in areas not served by local
51 public health agencies;

52 (e) Fiscal resources and management;

53 (f) Technical assistance; and

54 (g) Assistance with public health problems, emergencies and conditions]
55 **Receiving federal grants and aids for injury prevention and for persons**
56 **with brain injuries and brain injury rehabilitation under the terms of**
57 **the grants and aids and administering or paying them out. The**
58 **director shall approve such applications for federal assistance**
59 **administered through the department as may be considered advisable**
60 **in consultation with the Missouri brain injury advisory council;**

61 (8) **Promulgating rules under the provisions of this section, as**
62 **necessary to prescribe policies or standards which affect charging and**
63 **funding of adult brain injury rehabilitation services. The rules**
64 **applicable to each program or service operated or funded by the**
65 **department shall be available for public inspection and review at such**
66 **program or service. The rules and policies shall be compatible with**

67 **and appropriate to the program mission, population served, size, type**
68 **of service, and other reasonable classifications;**

69 **(9) Promulgating reasonable rules relative to the implementation**
70 **of participant rights described in sections 199.001 to 199.051;**

71 **(10) Promulgating rules setting forth a reasonable standard**
72 **means test which shall be applied to all programs and services funded**
73 **by the department in determining eligibility for such services.**

74 **3. Any rule or portion of a rule, as that term is defined in section**
75 **536.010 that is created under the authority delegated in this section**
76 **shall become effective only if it complies with and is subject to all of**
77 **the provisions of chapter 536, and, if applicable, section 536.028. This**
78 **section and chapter 536 are nonseverable and if any of the powers**
79 **vested with the general assembly pursuant to chapter 536, to review, to**
80 **delay the effective date, or to disapprove and annul a rule are**
81 **subsequently held unconstitutional, then the grant of rulemaking**
82 **authority and any rule proposed or adopted after August 28, 2010, shall**
83 **be invalid and void.**

199.007. The Missouri [head] **brain** injury advisory council, created by
2 section 192.745, RSMo, shall act as the advisory body to the [division and the
3 division] **department and department** director. Any power or function of the
4 [division] **department** requiring planning activities shall be undertaken with
5 the direct input and cooperation of the advisory council. The [division]
6 **department** shall not undertake or duplicate any activity or function of the
7 council under the provisions of section 192.745, RSMo.

199.009. 1. The [division] **department** may provide injury prevention,
2 and [head] **brain** injury evaluation, care, treatment, rehabilitation and such
3 related services directly or through contracts from private and public vendors in
4 this state, the quality of the services being equal, appropriate and consistent with
5 professional advice in the least restrictive environment and as close to an
6 individual's home community as possible, with funds appropriated for this
7 purpose.

8 2. If it is determined through a comprehensive evaluation that a person
9 [is suffering from a head] **has a traumatic brain** injury so as to require the
10 coordination of provision of services, including other state governmental agencies,
11 nongovernmental and the private sector, and if such person, such person's parent,
12 if the person is a minor, or legal guardian, so requests, the [division]

13 **department** shall, within the limits of available resources and subject to
14 relevant federal and state laws, secure a comprehensive program of any necessary
15 services for such person. Such services may include, but need not be limited to,
16 the following:

- 17 (1) Assessment and evaluation;
- 18 (2) [Case management] **Service coordination**;
- 19 (3) Counseling;
- 20 (4) Respite care;
- 21 (5) Recreation;
- 22 (6) Rehabilitation;
- 23 (7) Cognitive retraining;
- 24 (8) Prevocational rehabilitation;
- 25 (9) Residential care;
- 26 (10) Homemaker services;
- 27 (11) Day activity programs;
- 28 (12) Supported living;
- 29 (13) Referral to appropriate services;
- 30 (14) Transportation;
- 31 (15) Supported work, **if provided by the department, shall be**
32 **directed toward preparation for education or vocational achievement,**
33 **independent living, and community participation. Long-term needs**
34 **shall be identified and efforts made to link participants with**
35 **appropriate resources.**

36 3. In securing the comprehensive program of services, the [division]
37 **department** shall involve the [patient] **participant**, his **or her** family or his
38 **or her** legal guardian in decisions affecting his **or her** care, rehabilitation,
39 services or referral. The quality of the services being equal, appropriate and
40 consistent with professional advice, services shall be offered in the least
41 restrictive environment and as close to an individual's home community as
42 possible.

43 4. **In accordance with state and federal law, no service or**
44 **program operated or funded by the department shall deny admission**
45 **or other services to any person because of the person's race, sex, creed,**
46 **marital status, national origin, handicap, or age.**

199.010. The curators of the University of Missouri shall provide for the
2 care of persons needing [head] **brain** injury and other rehabilitation and further,

3 for the treatment and commitment of persons having tuberculosis subject to
4 appropriation by the general assembly.

199.029. 1. The [division] **department** shall promulgate rules under the
2 provisions of this section and chapter 536, RSMo, as necessary to prescribe
3 policies or standards which affect charging and funding of residential care
4 rehabilitation programs and specialized services for persons with [head] **brain**
5 injuries available to the public. The rules applicable to each facility, program or
6 service operated or funded by the [division] **department** shall be available for
7 public inspection and review at such facility, program or service. These rules
8 shall not apply to facilities, programs or services operated or provided by curators
9 of the University of Missouri.

10 2. The rules, operating regulations and facility policies shall be compatible
11 with and appropriate to the facility or program mission, population served, size,
12 type of service and other reasonable classifications. No rule or portion of a rule
13 promulgated under the authority of this chapter shall become effective unless it
14 has been promulgated pursuant to the provisions of section 536.024, RSMo.

199.031. 1. The [division] **department** may receive federal grants and
2 aids for injury prevention and for persons with [head] **brain** injuries and [head]
3 **brain** injury rehabilitation under the terms of the grants and aids and
4 administer or pay them out subject to the provisions attached.

5 2. The director shall approve such applications for federal assistance
6 administered through the [division] **department** as may be considered advisable
7 after consultation with the Missouri [head] **brain** injury advisory council.

199.037. The director of the [division] **department** shall promulgate
2 reasonable rules relative to the implementation of patient rights described in
3 sections 199.001 to [199.055] **199.051**. These rules shall not apply to facilities,
4 programs or services operated or provided by the curators of the University of
5 Missouri.

199.039. The director of the [division] **department** shall promulgate
2 rules setting forth a reasonable standard means test which shall be applied to all
3 facilities, programs and services operated or funded by the [division]
4 **department** in determining the amount to be charged to persons receiving
5 services. Notwithstanding other provisions of sections 199.001 to [199.055]
6 **199.051**, the department shall accept funds from federal reimbursement,
7 third-party reimbursement, private pay or other funding sources.

199.041. 1. Any probate division of the circuit court having knowledge of

2 the existence of an estate of a patient receiving services from residential facilities
3 or other programs operated or funded by the [division] **department** shall
4 promptly notify the director of the nature and extent of the estate and the
5 identity of the attorney of record and conservator. The director shall then apply
6 the standard means test contained in the rules of the [division] **department** to
7 determine if the estate shall be charged for services rendered by the [division]
8 **department**.

9 2. If the director determines that the estate should be charged for the
10 evaluation, care, treatment, rehabilitation or room and board provided or funded
11 by the [division] **department**, and notifies the conservator, the conservator shall
12 pay the charges. If the conservator fails to pay for the charges, after reasonable
13 delay, the head of the [division] **department**, residential facility or day program
14 may discharge the patient.

15 3. The decision of the director shall be final, and appeal may be made to
16 the circuit court of Cole County or the county where the person responsible for
17 payment resides in the manner provided by chapter 536, RSMo. The director
18 shall notify the conservator and the supervising court of such failure to pay for
19 services rendered by a facility or program operated or funded by the [division]
20 **department** at least thirty days before the patient is discharged. If the
21 conservator appeals the decision of the director, the patient shall remain in the
22 facility or program pending final disposition of the appeal.

199.043. In accordance with state and federal law, no residential facility,
2 day program or specialized service operated or funded by the [division]
3 **department** shall deny admission or other services to any person because of his
4 race, sex, creed, marital status, national origin, handicap or age.

199.051. The [division] **department** may inspect any facility or program
2 at any time if a contract has been issued or an application for a contract has been
3 filed.

207.023. The division of family services within the department of social
2 services, with input from the Missouri community service commission created in
3 sections [26.600 to 26.614, RSMo] **620.580 to 620.592**, shall promulgate rules
4 providing standards and procedures for community service participation by
5 persons receiving services from the division of family services. In order to be
6 eligible to receive services from the division of family services, a person shall
7 satisfy the requirements of the rules promulgated under this section regarding
8 community service participation.

208.153. 1. Pursuant to and not inconsistent with the provisions of
2 sections 208.151 and 208.152, the MO HealthNet division shall by rule and
3 regulation define the reasonable costs, manner, extent, quantity, quality, charges
4 and fees of MO HealthNet benefits herein provided. The benefits available under
5 these sections shall not replace those provided under other federal or state law
6 or under other contractual or legal entitlements of the persons receiving them,
7 and all persons shall be required to apply for and utilize all benefits available to
8 them and to pursue all causes of action to which they are entitled. Any person
9 entitled to MO HealthNet benefits may obtain it from any provider of services
10 with which an agreement is in effect under this section and which undertakes to
11 provide the services, as authorized by the MO HealthNet division. At the
12 discretion of the director of the MO HealthNet division and with the approval of
13 the governor, the MO HealthNet division is authorized to provide medical benefits
14 for participants receiving public assistance by expending funds for the payment
15 of federal medical insurance premiums, coinsurance and deductibles pursuant to
16 the provisions of Title XVIII B and XIX, Public Law 89-97, 1965 amendments to
17 the federal Social Security Act (42 U.S.C. 301, et seq.), as amended.

18 2. Subject to appropriations and pursuant to and not inconsistent with the
19 provisions of this section and sections 208.151 and 208.152, the MO HealthNet
20 division shall by rule and regulation develop pay-for-performance payment
21 program guidelines. [The pay-for-performance payment program guidelines shall
22 be developed and maintained by the professional services payment committee, as
23 established in section 208.197.] Providers operating under a risk-bearing care
24 coordination plan and an administrative services organization plan shall be
25 required to participate in a pay-for-performance payment program, and providers
26 operating under the state coordinated fee-for-service plan shall participate in the
27 pay-for-performance payment program. Any employer of a physician whose work
28 generates all or part of a payment under this subsection shall pass the pertinent
29 portion, as defined by departmental regulation, of the pay-for-performance
30 payment on to the physician, without any corresponding decrease in the
31 compensation to which that provider would otherwise be entitled.

32 3. MO HealthNet shall include benefit payments on behalf of qualified
33 Medicare beneficiaries as defined in 42 U.S.C. section 1396d(p). The family
34 support division shall by rule and regulation establish which qualified Medicare
35 beneficiaries are eligible. The MO HealthNet division shall define the premiums,
36 deductible and coinsurance provided for in 42 U.S.C. section 1396d(p) to be

37 provided on behalf of the qualified Medicare beneficiaries.

38 4. MO HealthNet shall include benefit payments for Medicare Part A cost
39 sharing as defined in clause (p)(3)(A)(i) of 42 U.S.C. 1396d on behalf of qualified
40 disabled and working individuals as defined in subsection (s) of section 42 U.S.C.
41 1396d as required by subsection (d) of section 6408 of P.L. 101-239 (Omnibus
42 Budget Reconciliation Act of 1989). The MO HealthNet division may impose a
43 premium for such benefit payments as authorized by paragraph (d)(3) of section
44 6408 of P.L. 101-239.

45 5. MO HealthNet shall include benefit payments for Medicare Part B cost
46 sharing described in 42 U.S.C. Section 1396(d)(p)(3)(A)(ii) for individuals
47 described in subsection 2 of this section, but for the fact that their income exceeds
48 the income level established by the state under 42 U.S.C. Section 1396(d)(p)(2)
49 but is less than one hundred and ten percent beginning January 1, 1993, and less
50 than one hundred and twenty percent beginning January 1, 1995, of the official
51 poverty line for a family of the size involved.

52 6. For an individual eligible for MO HealthNet under Title XIX of the
53 Social Security Act, MO HealthNet shall include payment of enrollee premiums
54 in a group health plan and all deductibles, coinsurance and other cost-sharing for
55 items and services otherwise covered under the state Title XIX plan under
56 Section 1906 of the federal Social Security Act and regulations established under
57 the authority of Section 1906, as may be amended. Enrollment in a group health
58 plan must be cost effective, as established by the Secretary of Health and Human
59 Services, before enrollment in the group health plan is required. If all members
60 of a family are not eligible for MO HealthNet and enrollment of the Title XIX
61 eligible members in a group health plan is not possible unless all family members
62 are enrolled, all premiums for noneligible members shall be treated as payment
63 for MO HealthNet of eligible family members. Payment for noneligible family
64 members must be cost effective, taking into account payment of all such
65 premiums. Non-Title XIX eligible family members shall pay all deductible,
66 coinsurance and other cost-sharing obligations. Each individual as a condition
67 of eligibility for MO HealthNet benefits shall apply for enrollment in the group
68 health plan.

69 7. Any Social Security cost-of-living increase at the beginning of any year
70 shall be disregarded until the federal poverty level for such year is implemented.

71 8. If a MO HealthNet participant has paid the requested spenddown in
72 cash for any month and subsequently pays an out-of-pocket valid medical expense

73 for such month, such expense shall be allowed as a deduction to future required
74 spenddown for up to three months from the date of such expense.

208.175. 1. The "Drug Utilization Review Board" is hereby established
2 within the [division of medical services] **MO HealthNet division** and shall be
3 composed of the following health care professionals who shall be appointed by the
4 governor [not later than October 1, 1992,] and whose appointment shall be
5 subject to the advice and consent of the senate:

6 (1) Six physicians who shall include:

7 (a) Three physicians who hold the doctor of medicine degree and are
8 active in medical practice;

9 (b) Two physicians who hold the doctor of osteopathy degree and are
10 active in medical practice; and

11 (c) One physician who holds the doctor of medicine or the doctor of
12 osteopathy degree and is active in the practice of psychiatry;

13 (2) Six actively practicing pharmacists who shall include:

14 (a) Three pharmacists who hold bachelor of science degrees in pharmacy
15 and are active as retail or patient care pharmacists;

16 (b) Two pharmacists who hold advanced clinical degrees in pharmacy and
17 are active in the practice of pharmaceutical therapy and clinical pharmaceutical
18 management; and

19 (c) One pharmacist who holds either a bachelor of science degree in
20 pharmacy or an advanced clinical degree in pharmacy and is employed by a
21 pharmaceutical manufacturer of Medicaid-approved formulary drugs; and

22 (3) One certified medical quality assurance registered nurse with an
23 advanced degree.

24 2. The membership of the drug utilization review board shall include
25 health care professionals who have recognized knowledge and expertise in one or
26 more of the following:

27 (1) The clinically appropriate prescribing of covered outpatient drugs;

28 (2) The clinically appropriate dispensing and monitoring of covered
29 outpatient drugs;

30 (3) Drug use review, evaluation and intervention;

31 (4) Medical quality assurance.

32 3. A chairperson shall be elected by the board members [at their first
33 meeting, which shall take place not later than November 1, 1992]. The board
34 shall meet at least once every ninety days. A quorum of eight members, including

35 no fewer than three physicians and three pharmacists, shall be required for the
36 board to act in its official capacity.

37 4. Members appointed pursuant to subsection 1 of this section shall serve
38 four-year terms, except that of the original members, four shall be appointed for
39 a term of two years, four shall be appointed for a term of three years and five
40 shall be appointed for a term of four years. Members may be reappointed.

41 5. The members of the drug utilization review board or any regional
42 advisory committee shall receive no compensation for their services other than
43 reasonable expenses actually incurred in the performance of their official duties.

44 6. The drug utilization review board shall, either directly or through
45 contracts between the [division of medical services] **MO HealthNet division**
46 and accredited health care educational institutions, state medical societies or
47 state pharmacist associations or societies or other appropriate organizations,
48 provide for educational outreach programs to educate practitioners on common
49 drug therapy problems with the aim of improving prescribing and dispensing
50 practices.

51 7. The drug utilization review board shall monitor drug usage and
52 prescribing practices in the Medicaid program. The board shall conduct its
53 activities in accordance with the requirements of subsection (g) of section 4401
54 of the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508). The board shall
55 publish an educational newsletter to Missouri Medicaid providers as to its
56 considered opinion of the proper usage of the Medicaid formulary. It shall advise
57 providers of inappropriate drug utilization when it deems it appropriate to do so.

58 **8. The drug utilization review board may provide advice on**
59 **guidelines, policies, and procedures necessary to establish and**
60 **maintain the Missouri Rx plan.**

61 9. Office space and support personnel shall be provided by the division of
62 medical services.

63 [9.] 10. Subject to appropriations made specifically for that purpose, up
64 to six regional advisory committees to the drug utilization review board may be
65 appointed. Members of the regional advisory committees shall be physicians and
66 pharmacists appointed by the drug utilization review board. Each such member
67 of a regional advisory committee shall have recognized knowledge and expertise
68 in one or more of the following:

- 69 (1) The clinically appropriate prescribing of covered outpatient drugs;
70 (2) The clinically appropriate dispensing and monitoring of covered

71 outpatient drugs;

72 (3) Drug use review, evaluation, and intervention; or

73 (4) Medical quality assurance.

208.955. 1. There is hereby established in the department of social
2 services the "MO HealthNet Oversight Committee", which shall [be appointed by
3 January 1, 2008, and shall] consist of eighteen members as follows:

4 (1) Two members of the house of representatives, one from each party,
5 appointed by the speaker of the house of representatives and the minority floor
6 leader of the house of representatives;

7 (2) Two members of the Senate, one from each party, appointed by the
8 president pro tem of the senate and the minority floor leader of the senate;

9 (3) One consumer representative;

10 (4) Two primary care physicians, licensed under chapter 334, RSMo,
11 recommended by any Missouri organization or association that represents a
12 significant number of physicians licensed in this state, who care for participants,
13 not from the same geographic area;

14 (5) Two physicians, licensed under chapter 334, RSMo, who care for
15 participants but who are not primary care physicians and are not from the same
16 geographic area, recommended by any Missouri organization or association that
17 represents a significant number of physicians licensed in this state, **and who**
18 **are familiar with the medical needs of low-income population groups**
19 **and with the resources available and required for their care;**

20 (6) One representative of the state hospital association;

21 (7) One nonphysician health care professional who cares for participants,
22 recommended by the director of the department of insurance, financial
23 institutions and professional registration;

24 (8) One dentist, who cares for participants. The dentist shall be
25 recommended by any Missouri organization or association that represents a
26 significant number of dentists licensed in this state;

27 (9) Two patient advocates;

28 (10) One public member; and

29 (11) The directors of the department of social services, the department of
30 mental health, the department of health and senior services, or the respective
31 directors' designees, who shall serve as ex-officio members of the committee.

32 2. The members of the oversight committee, other than the members from
33 the general assembly and ex-officio members, shall be appointed by the governor

34 with the advice and consent of the senate. A chair of the oversight committee
35 shall be selected by the members of the oversight committee. Of the members
36 first appointed to the oversight committee by the governor, eight members shall
37 serve a term of two years, seven members shall serve a term of one year, and
38 thereafter, members shall serve a term of two years. Members shall continue to
39 serve until their successor is duly appointed and qualified. Any vacancy on the
40 oversight committee shall be filled in the same manner as the original
41 appointment. Members shall serve on the oversight committee without
42 compensation but may be reimbursed for their actual and necessary expenses
43 from moneys appropriated to the department of social services for that
44 purpose. The department of social services shall provide technical, actuarial, and
45 administrative support services as required by the oversight committee. The
46 oversight committee shall:

47 (1) Meet on at least four occasions annually[, including at least four before
48 the end of December of the first year the committee is established]. Meetings
49 [can] **may** be held by telephone or video conference at the discretion of the
50 committee;

51 (2) **Serve as a medical care advisory committee under Section**
52 **1902(a)(4) of the Social Security Act to advise the Medicaid agency**
53 **director about health and medical care services;**

54 (3) Review the participant and provider satisfaction reports and the
55 reports of health outcomes, social and behavioral outcomes, use of evidence-based
56 medicine and best practices as required of the health improvement plans and the
57 department of social services under section 208.950;

58 [(3)] (4) Review the results from other states of the relative success or
59 failure of various models of health delivery attempted;

60 [(4)] (5) Review the results of studies comparing health plans conducted
61 under section 208.950;

62 [(5)] (6) Review the data from health risk assessments collected and
63 reported under section 208.950;

64 [(6)] (7) Review the results of the public process input collected under
65 section 208.950;

66 [(7)] (8) Advise and approve proposed design and implementation
67 proposals for new health improvement plans submitted by the department, as
68 well as make recommendations and suggest modifications when necessary;

69 [(8)] (9) Determine how best to analyze and present the data reviewed

70 under section 208.950 so that the health outcomes, participant and provider
71 satisfaction, results from other states, health plan comparisons, financial impact
72 of the various health improvement plans and models of care, study of provider
73 access, and results of public input can be used by consumers, health care
74 providers, and public officials;

75 [(9)] (10) Present significant findings of the analysis required in
76 subdivision (8) of this subsection in a report to the general assembly and
77 governor, at least annually, beginning January 1, 2009;

78 [(10)] (11) Review the budget forecast issued by the legislative budget
79 office, and the report required under subsection (22) of subsection 1 of section
80 208.151, and after study:

81 (a) Consider ways to maximize the federal drawdown of funds;

82 (b) Study the demographics of the state and of the MO HealthNet
83 population, and how those demographics are changing;

84 (c) Consider what steps are needed to prepare for the increasing numbers
85 of participants as a result of the baby boom following World War II;

86 [(11)] (12) Conduct a study to determine whether an office of inspector
87 general shall be established. Such office would be responsible for oversight,
88 auditing, investigation, and performance review to provide increased
89 accountability, integrity, and oversight of state medical assistance programs, to
90 assist in improving agency and program operations, and to deter and identify
91 fraud, abuse, and illegal acts. The committee shall review the experience of all
92 states that have created a similar office to determine the impact of creating a
93 similar office in this state; and

94 [(12)] (13) Perform other tasks as necessary, including but not limited
95 to making recommendations to the division concerning the promulgation of rules
96 and emergency rules so that quality of care, provider availability, and participant
97 satisfaction can be assured.

98 3. By July 1, 2011, the oversight committee shall issue findings to the
99 general assembly on the success and failure of health improvement plans and
100 shall recommend whether or not any health improvement plans should be
101 discontinued.

102 4. [The oversight committee shall designate a subcommittee devoted to
103 advising the department on the development of a comprehensive entry point
104 system for long-term care that shall:

105 (1) Offer Missourians an array of choices including community-based,

106 in-home, residential and institutional services;

107 (2) Provide information and assistance about the array of long-term care
108 services to Missourians;

109 (3) Create a delivery system that is easy to understand and access
110 through multiple points, which shall include but shall not be limited to providers
111 of services;

112 (4) Create a delivery system that is efficient, reduces duplication, and
113 streamlines access to multiple funding sources and programs;

114 (5) Strengthen the long-term care quality assurance and quality
115 improvement system;

116 (6) Establish a long-term care system that seeks to achieve timely access
117 to and payment for care, foster quality and excellence in service delivery, and
118 promote innovative and cost-effective strategies; and

119 (7) Study one-stop shopping for seniors as established in section 208.612.

120 5. The subcommittee shall include the following members:

121 (1) The lieutenant governor or his or her designee, who shall serve as the
122 subcommittee chair;

123 (2) One member from a Missouri area agency on aging, designated by the
124 governor;

125 (3) One member representing the in-home care profession, designated by
126 the governor;

127 (4) One member representing residential care facilities, predominantly
128 serving MO HealthNet participants, designated by the governor;

129 (5) One member representing assisted living facilities or continuing care
130 retirement communities, predominantly serving MO HealthNet participants,
131 designated by the governor;

132 (6) One member representing skilled nursing facilities, predominantly
133 serving MO HealthNet participants, designated by the governor;

134 (7) One member from the office of the state ombudsman for long-term care
135 facility residents, designated by the governor;

136 (8) One member representing Missouri centers for independent living,
137 designated by the governor;

138 (9) One consumer representative with expertise in services for seniors or
139 the disabled, designated by the governor;

140 (10) One member with expertise in Alzheimer's disease or related
141 dementia;

142 (11) One member from a county developmental disability board,
143 designated by the governor;

144 (12) One member representing the hospice care profession, designated by
145 the governor;

146 (13) One member representing the home health care profession,
147 designated by the governor;

148 (14) One member representing the adult day care profession, designated
149 by the governor;

150 (15) One member gerontologist, designated by the governor;

151 (16) Two members representing the aged, blind, and disabled population,
152 not of the same geographic area or demographic group designated by the
153 governor;

154 (17) The directors of the departments of social services, mental health,
155 and health and senior services, or their designees; and

156 (18) One member of the house of representatives and one member of the
157 senate serving on the oversight committee, designated by the oversight committee
158 chair. Members shall serve on the subcommittee without compensation but may
159 be reimbursed for their actual and necessary expenses from moneys appropriated
160 to the department of health and senior services for that purpose. The department
161 of health and senior services shall provide technical and administrative support
162 services as required by the committee.

163 6. By October 1, 2008, the comprehensive entry point system
164 subcommittee shall submit its report to the governor and general assembly
165 containing recommendations for the implementation of the comprehensive entry
166 point system, offering suggested legislative or administrative proposals deemed
167 necessary by the subcommittee to minimize conflict of interests for successful
168 implementation of the system. Such report shall contain, but not be limited to,
169 recommendations for implementation of the following consistent with the
170 provisions of section 208.950:

171 (1) A complete statewide universal information and assistance system that
172 is integrated into the web-based electronic patient health record that can be
173 accessible by phone, in-person, via MO HealthNet providers and via the Internet
174 that connects consumers to services or providers and is used to establish
175 consumers' needs for services. Through the system, consumers shall be able to
176 independently choose from a full range of home, community-based, and
177 facility-based health and social services as well as access appropriate services to

178 meet individual needs and preferences from the provider of the consumer's choice;

179 (2) A mechanism for developing a plan of service or care via the web-based
180 electronic patient health record to authorize appropriate services;

181 (3) A preadmission screening mechanism for MO HealthNet participants
182 for nursing home care;

183 (4) A case management or care coordination system to be available as
184 needed; and

185 (5) An electronic system or database to coordinate and monitor the
186 services provided which are integrated into the web-based electronic patient
187 health record.

188 7. Starting July 1, 2009, and for three years thereafter, the subcommittee
189 shall provide to the governor, lieutenant governor and the general assembly a
190 yearly report that provides an update on progress made by the subcommittee
191 toward implementing the comprehensive entry point system.

192 8.] The provisions of section 23.253, RSMo, shall not apply to sections
193 208.950 to 208.955.

210.496. The division may refuse to issue either a license or a provisional
2 license to an applicant, or may suspend or revoke the license or provisional
3 license of a licensee, who:

4 (1) Fails consistently to comply with the applicable provisions of sections
5 208.400 to [208.535] **208.507** and the applicable rules promulgated thereunder;

6 (2) Violates any of the provisions of its license;

7 (3) Violates state laws or rules relating to the protection of children;

8 (4) Furnishes or makes any misleading or false statements or reports to
9 the division;

10 (5) Refuses to submit to the division any reports or refuses to make
11 available to the division any records required by the division in making an
12 investigation;

13 (6) Fails or refuses to admit authorized representatives of the division at
14 any reasonable time for the purpose of investigation;

15 (7) Fails or refuses to submit to an investigation by the division;

16 (8) Fails to provide, maintain, equip, and keep in safe and sanitary
17 condition the premises established or used for the care of children being served,
18 as required by law, rule, or ordinance applicable to the location of the foster home
19 or residential care facility; or

20 (9) Fails to provide financial resources adequate for the satisfactory care

21 of and services to children being served and the upkeep of the premises.

260.372. 1. The Missouri hazardous waste management commission
2 within the Missouri department of natural resources is hereby given the authority
3 to aid in the promotion of hazardous waste recycling, reuse, or reduction by
4 entering into contracts, subject to appropriations, for the development and
5 implementation of projects dealing with said uses of hazardous wastes or the
6 purchase and development of machinery, equipment, appliances, devices, and
7 supplies solely required to develop and operate hazardous waste recycling, reuse,
8 and reduction projects.

9 2. The hazardous waste management commission within the Missouri
10 department of natural resources shall promulgate rules and regulations to
11 establish or participate in one or more regional waste exchange clearing houses
12 where generators of wastes may list those wastes that have market value or other
13 use.

14 **3. The hazardous waste management commission within the**
15 **Missouri department of natural resources shall act in an advisory**
16 **capacity to Missouri's member on the midwest low-level radioactive**
17 **waste compact commission, review activities of the midwest low-level**
18 **radioactive waste compact commission and midwest interstate**
19 **radioactive waste compact states, and present recommendations in**
20 **writing to the governor and the general assembly as requested or as**
21 **necessary to insure adequate exchange of information.**

260.705. Unless the context clearly requires otherwise, the following
2 words and phrases mean:

3 (1) ["Advisory committee", the low-level radioactive waste compact
4 advisory committee;

5 (2)] "Care", the continued observation of a facility after closure for the
6 purposes of detecting a need for maintenance, insuring environmental safety, and
7 determining compliance with applicable licensure and regulatory requirements
8 and including the correction of problems which are detected as a result of that
9 observation;

10 [(3)] (2) "Clean-up", all actions necessary to contain, collect, control,
11 identify, analyze, treat, disperse, remove, or dispose of low-level radioactive
12 waste;

13 [(4)] (3) "Closure", measures which must be taken by a facility owner or
14 operator when he determines that the facility shall no longer accept low-level

15 radioactive waste;

16 [(5)] (4) "Commission", the midwest interstate low-level radioactive waste
17 commission;

18 [(6)] (5) "Decommissioning", the measures taken at the end of a facility's
19 operating life to assure the continued protection of the public from any residual
20 radioactivity or other potential hazards present at a facility;

21 [(7)] (6) "Facility", a parcel of land or site, together with the structures,
22 equipment and improvements on or appurtenant to the land or site, which is used
23 or is being developed for the treatment, storage or disposal of low-level
24 radioactive waste;

25 [(8)] (7) "Host state", any state which is designated by the commission
26 to host a regional facility;

27 [(9)] (8) "Low-level radioactive waste" or "waste", radioactive waste not
28 classified as high-level radioactive waste, transuranic waste, spent nuclear fuel
29 or by-product material as defined in Section 11(e)(2) of the Atomic Energy Act of
30 1954;

31 [(10)] (9) "Midwest low-level radioactive waste compact", the midwest
32 interstate compact on low-level radioactive waste as enacted by the Missouri
33 general assembly;

34 [(11)] (10) "Radioactive release", the emission, discharge, spillage,
35 leakage, pumping, pouring, emptying or dumping of low-level radioactive waste
36 into the biosphere which exceeds state or federal standards;

37 [(12)] (11) "Region", the area of the party states to the midwest low-level
38 radioactive waste compact;

39 [(13)] (12) "Regional facility", a facility which is located within the region
40 and which is established by a party state pursuant to designation of that state
41 as a host state by the commission; and

42 [(14)] (13) "Site", the geographic location of a facility.

260.720. 1. The governor shall appoint one member and one alternate
2 member to represent Missouri's interests on the midwest low-level radioactive
3 waste compact commission. Such appointment shall be with the advice and
4 consent of the senate, as provided in section 51 of article IV of the Constitution
5 of Missouri. The state's member on the commission, or the alternate, shall be
6 entitled to reimbursement for expenses necessarily incurred in the discharge of
7 his official duties plus, if not an employee of the state, fifty dollars for each day
8 devoted to the affairs of the commission.

9 2. Missouri's member on the commission shall [also serve on the advisory
10 committee created by section 260.725, and] report activities of the commission to
11 the [advisory committee] **hazardous waste management commission**,
12 governor and general assembly as requested.

260.735. 1. In the event Missouri is designated by the commission to be
2 a host state for a regional low-level radioactive waste disposal facility, the
3 director of the department of natural resources shall, within seven days, report
4 to the governor, the legislature and the [advisory committee] **hazardous waste**
5 **management commission** with recommendations for further action.

6 2. If Missouri is designated as the host state for a regional disposal
7 facility, the governor shall provide notification of withdrawal, pursuant to Article
8 VIII(i) of the Midwest Interstate Low-Level Radioactive Waste Compact, unless
9 that designation is approved by the general assembly by a concurrent resolution;
10 provided however, that if the general assembly, having had the opportunity to
11 consider the issue of whether or not to remain in the compact, for a period of not
12 less than sixty days within the ninety-day period immediately following such
13 designation, fails to render a concurrent resolution approving such designation
14 or a concurrent resolution calling for Missouri to withdraw from the compact, the
15 governor need not provide such notification of withdrawal.

262.217. Effective September 1, 1995, there is created a "State Fair
2 Commission" whose domicile for the purposes of sections 262.215 to 262.280 shall
3 be the department of agriculture of this state. The commission shall consist of
4 nine members, two of whom shall be active farmers, two of whom shall be either
5 current members or past presidents of county or regional fair boards **or**
6 **individuals active in tourism**, one of whom shall be the director of the
7 department of agriculture, one of whom shall be employed in agribusiness, and
8 three at-large members who shall be Missouri residents. The director of the
9 department of agriculture shall be the chairman of the commission until January
10 31, 1997, and shall not be counted against membership from a congressional
11 district, at which time the chairman shall be elected from among the members of
12 the commission by the commission members. Such officer shall serve for a term
13 of two years. Commissioners shall be reimbursed for their actual and necessary
14 expenses incurred when attending meetings of the commission, to be paid from
15 appropriations made therefor. Commissioners shall be appointed by the governor,
16 with the advice and consent of the senate. The county fair association in the
17 state may submit to the governor a list of nominees for appointment, three from

18 each congressional district, for those commission members who are required to
 19 be current members or past presidents of county fair boards. Not more than four
 20 commissioners excluding the director of agriculture shall be members of the same
 21 political party. Each commissioner shall be a resident of the state for five years
 22 prior to his appointment. The eight initial commissioners shall be appointed as
 23 follows: two shall be appointed for terms of one year, two for terms of two years,
 24 two for terms of three years and two for terms of four years. Their successors
 25 shall be appointed for terms of four years. A commissioner shall continue to
 26 serve until his successor is appointed and qualified. Whenever any vacancy
 27 occurs on the commission, the governor shall fill the vacancy by appointment for
 28 the remainder of the term of the commissioner who was replaced. There shall be
 29 no more than two commission members from any congressional district.

286.001. As used in this chapter, unless the context clearly states
 2 otherwise, the following terms mean:

- 3 (1) "Commission", the labor and industrial relations commission;
 4 (2) ["Council", the governor's council on disability;
 5 (3)] "Department", the department of labor and industrial relations;
 6 [(4)] (3) "Director", the director of the department of labor and industrial
 7 relations;
 8 [(5)] (4) "Division", the divisions of employment security, labor standards
 9 and workers' compensation; and
 10 [(6)] (5) "Division heads", the division directors for each of the divisions.

286.005. 1. There is hereby created a "Department of Labor and
 2 Industrial Relations" to be headed by a labor and industrial relations commission
 3 as provided by section 49, article IV, Constitution of Missouri. All the powers,
 4 duties and functions of the industrial commission are transferred by type I
 5 transfer to the labor and industrial relations commission and the industrial
 6 commission is abolished. The commission shall nominate and the governor shall
 7 appoint, with the advice and consent of the senate, the director of the department
 8 to be the chief administrative officer of the department. Members of the
 9 industrial commission on May 2, 1974, shall become members of the commission
 10 and the terms of the commission members shall be the same as provided by law
 11 for the industrial commission. Individuals appointed as members of the
 12 industrial commission shall serve the remainder of the term to which they were
 13 appointed as members of the commission. The members of the commission shall
 14 receive an annual salary of seventy-two thousand seven hundred thirty-five

15 dollars plus any salary adjustment provided pursuant to section 105.005, RSMo,
16 payable out of the state treasury. The board of rehabilitation is abolished as
17 hereinafter set out and on May 2, 1974, no compensation shall be paid to any
18 person as a member of the board of rehabilitation, other provisions of the law
19 notwithstanding. The director of the department shall appoint other division
20 heads in the department. For the purposes of subsections 6, 7, 8 and 9 of section
21 1 of the reorganization act of 1974, the director of the department shall be
22 construed as the head of the department of labor and industrial relations.

23 2. All powers, duties, and functions vested by law in the division of
24 employment security, chapter 288, RSMo, and others, are transferred by type II
25 transfer to the department.

26 3. All powers, duties, and functions vested by law in the division of
27 workers' compensation, chapter 287, RSMo, and others, are transferred by type
28 II transfer to the department.

29 4. All the powers, duties, and functions of the board of rehabilitation,
30 chapter 287, RSMo, and others, are transferred by type I transfer to the division
31 of workers' compensation of the department and the board of rehabilitation is
32 abolished.

33 5. All powers, duties and functions vested by law in the division of
34 industrial inspections and the division of mine inspections, chapters 286, 290,
35 291, 292, 293, 294 and 444, RSMo, which were previously transferred by type I
36 transfer to the inspection section of the department, are transferred to the
37 division of labor standards of the department. Employees of the division
38 performing duties related to the mine safety and health act and the occupational
39 safety health act shall be selected in accord with chapter 36, RSMo.

40 6. All the powers, duties, and functions vested by law in the state board
41 of mediation under chapter 295, RSMo, and others, are transferred by type II
42 transfer to the department.

43 7. All employees of the division of employment security shall be selected
44 in accord with chapter 36, RSMo.

45 8. The Missouri commission on human rights, and all the authority,
46 powers, duties, functions, records, personnel, property, matters pending and other
47 pertinent vestiges thereof vested in the Missouri commission on human rights
48 under chapters 213, 296, 314, and others, RSMo, are transferred by type III
49 transfer to the department. Members of the Missouri commission on human
50 rights shall be nominated by the director for appointment by the governor, by and

51 with the advice and consent of the senate.

52 [9. The department shall act as the administrative entity for the
53 governor's council on disability. The federal and state funds necessary for the
54 administration and implementation of the programs and services provided by the
55 governor's council on disability shall be appropriated through the department.]

301.142. 1. As used in sections 301.141 to 301.143, the following terms
2 mean:

3 (1) "Department", the department of revenue;

4 (2) "Director", the director of the department of revenue;

5 (3) "Other authorized health care practitioner" includes advanced practice
6 registered nurses licensed pursuant to chapter 335, RSMo, chiropractors licensed
7 pursuant to chapter 331, RSMo, podiatrists licensed pursuant to chapter 330,
8 RSMo, and optometrists licensed pursuant to chapter 336, RSMo;

9 (4) "Physically disabled", a natural person who is blind, as defined in
10 section 8.700, RSMo, or a natural person with medical disabilities which
11 prohibits, limits, or severely impairs one's ability to ambulate or walk, as
12 determined by a licensed physician or other authorized health care practitioner
13 as follows:

14 (a) The person cannot ambulate or walk fifty or less feet without stopping
15 to rest due to a severe and disabling arthritic, neurological, orthopedic condition,
16 or other severe and disabling condition; or

17 (b) The person cannot ambulate or walk without the use of, or assistance
18 from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other
19 assistive device; or

20 (c) Is restricted by a respiratory or other disease to such an extent that
21 the person's forced respiratory expiratory volume for one second, when measured
22 by spirometry, is less than one liter, or the arterial oxygen tension is less than
23 sixty mm/hg on room air at rest; or

24 (d) Uses portable oxygen; or

25 (e) Has a cardiac condition to the extent that the person's functional
26 limitations are classified in severity as class III or class IV according to standards
27 set by the American Heart Association; or

28 (f) A person's age, in and of itself, shall not be a factor in determining
29 whether such person is physically disabled or is otherwise entitled to disabled
30 license plates and/or disabled windshield hanging placards within the meaning
31 of sections 301.141 to 301.143;

32 (5) "Physician", a person licensed to practice medicine pursuant to chapter
33 334, RSMo;

34 (6) "Physician's statement", a statement personally signed by a duly
35 authorized person which certifies that a person is disabled as defined in this
36 section;

37 (7) "Temporarily disabled person", a disabled person as defined in this
38 section whose disability or incapacity is expected to last no more than one
39 hundred eighty days;

40 (8) "Temporary windshield placard", a placard to be issued to persons who
41 are temporarily disabled persons as defined in this section, certification of which
42 shall be indicated on the physician's statement;

43 (9) "Windshield placard", a placard to be issued to persons who are
44 physically disabled as defined in this section, certification of which shall be
45 indicated on the physician's statement.

46 2. Other authorized health care practitioners may furnish to a disabled
47 or temporarily disabled person a physician's statement for only those physical
48 health care conditions for which such health care practitioner is legally
49 authorized to diagnose and treat.

50 3. A physician's statement shall:

51 (1) Be on a form prescribed by the director of revenue;

52 (2) Set forth the specific diagnosis and medical condition which renders
53 the person physically disabled or temporarily disabled as defined in this section;

54 (3) Include the physician's or other authorized health care practitioner's
55 license number; and

56 (4) Be personally signed by the issuing physician or other authorized
57 health care practitioner.

58 4. If it is the professional opinion of the physician or other authorized
59 health care practitioner issuing the statement that the physical disability of the
60 applicant, user, or member of the applicant's household is permanent, it shall be
61 noted on the statement. Otherwise, the physician or other authorized health care
62 practitioner shall note on the statement the anticipated length of the disability
63 which period may not exceed one hundred eighty days. If the physician or health
64 care practitioner fails to record an expiration date on the physician's statement,
65 the director shall issue a temporary windshield placard for a period of thirty
66 days.

67 5. A physician or other authorized health care practitioner who issues or

68 signs a physician's statement so that disabled plates or a disabled windshield
69 placard may be obtained shall maintain in such disabled person's medical chart
70 documentation that such a certificate has been issued, the date the statement was
71 signed, the diagnosis or condition which existed that qualified the person as
72 disabled pursuant to this section and shall contain sufficient documentation so
73 as to objectively confirm that such condition exists.

74 6. The medical or other records of the physician or other authorized
75 health care practitioner who issued a physician's statement shall be open to
76 inspection and review by such practitioner's licensing board, in order to verify
77 compliance with this section. Information contained within such records shall be
78 confidential unless required for prosecution, disciplinary purposes, or otherwise
79 required to be disclosed by law.

80 7. Owners of motor vehicles who are residents of the state of Missouri,
81 and who are physically disabled, owners of motor vehicles operated at least fifty
82 percent of the time by a physically disabled person, or owners of motor vehicles
83 used to primarily transport physically disabled members of the owner's household
84 may obtain disabled person license plates. Such owners, upon application,
85 accompanied by the documents and fees provided for in this section, a current
86 physician's statement which has been issued within ninety days preceding the
87 date the application is made and proof of compliance with the state motor vehicle
88 laws relating to registration and licensing of motor vehicles, shall be issued motor
89 vehicle license plates for vehicles, other than commercial vehicles with a gross
90 weight in excess of twenty-four thousand pounds, upon which shall be inscribed
91 the international wheelchair accessibility symbol and the word "DISABLED" in
92 addition to a combination of letters and numbers. Such license plates shall be
93 made with fully reflective material with a common color scheme and design, shall
94 be clearly visible at night, and shall be aesthetically attractive, as prescribed by
95 section 301.130.

96 8. The director shall further issue, upon request, to such applicant one,
97 and for good cause shown, as the director may define by rule and regulations, not
98 more than two, removable disabled windshield hanging placards for use when the
99 disabled person is occupying a vehicle or when a vehicle not bearing the
100 permanent handicap plate is being used to pick up, deliver, or collect the
101 physically disabled person issued the disabled motor vehicle license plate or
102 disabled windshield hanging placard.

103 9. No additional fee shall be paid to the director for the issuance of the

104 special license plates provided in this section, except for special personalized
105 license plates and other license plates described in this subsection. Priority for
106 any specific set of special license plates shall be given to the applicant who
107 received the number in the immediately preceding license period subject to the
108 applicant's compliance with the provisions of this section and any applicable rules
109 or regulations issued by the director. If determined feasible by the advisory
110 committee established in section 301.129, any special license plate issued
111 pursuant to this section may be adapted to also include the international
112 wheelchair accessibility symbol and the word "DISABLED" as prescribed in this
113 section and such plate may be issued to any applicant who meets the
114 requirements of this section and the other appropriate provision of this chapter,
115 subject to the requirements and fees of the appropriate provision of this chapter.

116 10. Any physically disabled person, or the parent or guardian of any such
117 person, or any not-for-profit group, organization, or other entity which transports
118 more than one physically disabled person, may apply to the director of revenue
119 for a removable windshield placard. The placard may be used in motor vehicles
120 which do not bear the permanent handicap symbol on the license plate. Such
121 placards must be hung from the front, middle rearview mirror of a parked motor
122 vehicle and may not be hung from the mirror during operation. These placards
123 may only be used during the period of time when the vehicle is being used by a
124 disabled person, or when the vehicle is being used to pick up, deliver, or collect
125 a disabled person. When there is no rearview mirror, the placard shall be
126 displayed on the dashboard on the driver's side.

127 11. The removable windshield placard shall conform to the specifications,
128 in respect to size, color, and content, as set forth in federal regulations published
129 by the Department of Transportation. The removable windshield placard shall
130 be renewed every four years. The director may stagger the expiration dates to
131 equalize workload. Only one removable placard may be issued to an applicant
132 who has been issued disabled person license plates. Upon request, one additional
133 windshield placard may be issued to an applicant who has not been issued
134 disabled person license plates.

135 12. A temporary windshield placard shall be issued to any physically
136 disabled person, or the parent or guardian of any such person who otherwise
137 qualifies except that the physical disability, in the opinion of the physician, is not
138 expected to exceed a period of one hundred eighty days. The temporary
139 windshield placard shall conform to the specifications, in respect to size, color,

140 and content, as set forth in federal regulations published by the Department of
141 Transportation. The fee for the temporary windshield placard shall be two
142 dollars. Upon request, and for good cause shown, one additional temporary
143 windshield placard may be issued to an applicant. Temporary windshield
144 placards shall be issued upon presentation of the physician's statement provided
145 by this section and shall be displayed in the same manner as removable
146 windshield placards. A person or entity shall be qualified to possess and display
147 a temporary removable windshield placard for six months and the placard may
148 be renewed once for an additional six months if a physician's statement pursuant
149 to this section is supplied to the director of revenue at the time of renewal.

150 13. Application for license plates or windshield placards issued pursuant
151 to this section shall be made to the director of revenue and shall be accompanied
152 by a statement signed by a licensed physician or other authorized health care
153 practitioner which certifies that the applicant, user, or member of the applicant's
154 household is a physically disabled person as defined by this section.

155 14. The placard shall be renewable only by the person or entity to which
156 the placard was originally issued. Any placard issued pursuant to this section
157 shall only be used when the physically disabled occupant for whom the disabled
158 plate or placard was issued is in the motor vehicle at the time of parking or when
159 a physically disabled person is being delivered or collected. A disabled license
160 plate and/or a removable windshield hanging placard are not transferable and
161 may not be used by any other person whether disabled or not.

162 15. At the time the disabled plates or windshield hanging placards are
163 issued, the director shall issue a registration certificate which shall include the
164 applicant's name, address, and other identifying information as prescribed by the
165 director, or if issued to an agency, such agency's name and address. This
166 certificate shall further contain the disabled license plate number or, for
167 windshield hanging placards, the registration or identifying number stamped on
168 the placard. The validated registration receipt given to the applicant shall serve
169 as the registration certificate.

170 16. The director shall, upon issuing any disabled registration certificate
171 for license plates and/or windshield hanging placards, provide information which
172 explains that such plates or windshield hanging placards are nontransferable,
173 and the restrictions explaining who and when a person or vehicle which bears or
174 has the disabled plates or windshield hanging placards may be used or be parked
175 in a disabled reserved parking space, and the penalties prescribed for violations

176 of the provisions of this act.

177 17. Every new applicant for a disabled license plate or placard shall be
178 required to present a new physician's statement dated no more than ninety days
179 prior to such application. Renewal applicants will be required to submit a
180 physician's statement dated no more than ninety days prior to such application
181 upon their first renewal occurring on or after August 1, 2005. Upon completing
182 subsequent renewal applications, a physician's statement dated no more than
183 ninety days prior to such application shall be required every fourth year. Such
184 physician's statement shall state the expiration date for the temporary windshield
185 placard. If the physician fails to record an expiration date on the physician's
186 statement, the director shall issue the temporary windshield placard for a period
187 of thirty days. The director may stagger the requirement of a physician's
188 statement on all renewals for the initial implementation of a four-year period.

189 18. The director of revenue upon receiving a physician's statement
190 pursuant to this subsection shall check with the state board of registration for the
191 healing arts created in section 334.120, RSMo, or the Missouri state board of
192 nursing established in section 335.021, RSMo, with respect to physician's
193 statements signed by advanced practice registered nurses, or the Missouri state
194 board of chiropractic examiners **and acupuncturists** established in section
195 331.090, RSMo, with respect to physician's statements signed by licensed
196 chiropractors, or with the board of optometry established in section 336.130,
197 RSMo, with respect to physician's statements signed by licensed optometrists, or
198 the state board of podiatric medicine created in section 330.100, RSMo, with
199 respect to physician's statements signed by physicians of the foot or podiatrists
200 to determine whether the physician is duly licensed and registered pursuant to
201 law. If such applicant obtaining a disabled license plate or placard presents proof
202 of disability in the form of a statement from the United States Veterans'
203 Administration verifying that the person is permanently disabled, the applicant
204 shall be exempt from the four-year certification requirement of this subsection for
205 renewal of the plate or placard. Initial applications shall be accompanied by the
206 physician's statement required by this section. Notwithstanding the provisions
207 of paragraph (f) of subdivision (4) of subsection 1 of this section, any person
208 seventy-five years of age or older who provided the physician's statement with the
209 original application shall not be required to provide a physician's statement for
210 the purpose of renewal of disabled persons license plates or windshield placards.

211 19. The boards shall cooperate with the director and shall supply

212 information requested pursuant to this subsection. The director shall, in
213 cooperation with the boards which shall assist the director, establish a list of all
214 Missouri physicians and other authorized health care practitioners and of any
215 other information necessary to administer this section.

216 20. Where the owner's application is based on the fact that the vehicle is
217 used at least fifty percent of the time by a physically disabled person, the
218 applicant shall submit a statement stating this fact, in addition to the physician's
219 statement. The statement shall be signed by both the owner of the vehicle and
220 the physically disabled person. The applicant shall be required to submit this
221 statement with each application for license plates. No person shall willingly or
222 knowingly submit a false statement and any such false statement shall be
223 considered perjury and may be punishable pursuant to section 301.420.

224 21. The director of revenue shall retain all physicians' statements and all
225 other documents received in connection with a person's application for disabled
226 license plates and/or disabled windshield placards.

227 22. The director of revenue shall enter into reciprocity agreements with
228 other states or the federal government for the purpose of recognizing disabled
229 person license plates or windshield placards issued to physically disabled persons.

230 23. When a person to whom disabled person license plates or a removable
231 or temporary windshield placard or both have been issued dies, the personal
232 representative of the decedent or such other person who may come into or
233 otherwise take possession of the disabled license plates or disabled windshield
234 placard shall return the same to the director of revenue under penalty of
235 law. Failure to return such plates or placards shall constitute a class B
236 misdemeanor.

237 24. The director of revenue may order any person issued disabled person
238 license plates or windshield placards to submit to an examination by a
239 chiropractor, osteopath, or physician, or to such other investigation as will
240 determine whether such person qualifies for the special plates or placards.

241 25. If such person refuses to submit or is found to no longer qualify for
242 special plates or placards provided for in this section, the director of revenue
243 shall collect the special plates or placards, and shall furnish license plates to
244 replace the ones collected as provided by this chapter.

245 26. In the event a removable or temporary windshield placard is lost,
246 stolen, or mutilated, the lawful holder thereof shall, within five days, file with the
247 director of revenue an application and an affidavit stating such fact, in order to

248 purchase a new placard. The fee for the replacement windshield placard shall be
249 four dollars.

250 27. Fraudulent application, renewal, issuance, procurement or use of
251 disabled person license plates or windshield placards shall be a class A
252 misdemeanor. It is a class B misdemeanor for a physician, chiropractor,
253 podiatrist or optometrist to certify that an individual or family member is
254 qualified for a license plate or windshield placard based on a disability, the
255 diagnosis of which is outside their scope of practice or if there is no basis for the
256 diagnosis.

304.028. 1. There is hereby created in the state treasury for use by the
2 [Missouri Head Injury Advisory Council] **department of health and senior**
3 **services** a fund to be known as the "[Head] **Brain** Injury Fund". All judgments
4 collected pursuant to this section, federal grants, private donations and any other
5 moneys designated for the [head] **brain** injury fund shall be deposited in the
6 fund. Moneys deposited in the fund shall, upon appropriation by the general
7 assembly to the [office of administration] **department of health and senior**
8 **services**, be received and expended by the [council] **department** for the purpose
9 of transition and integration of medical, social and educational services or
10 activities for purposes of outreach and [short-term] supports to enable individuals
11 with traumatic [head] **brain** injury and their families to live in the community[,
12 including counseling and mentoring the families]. Notwithstanding the
13 provisions of section 33.080, RSMo, to the contrary, any unexpended balance in
14 the [head] **brain** injury fund at the end of any biennium shall not be transferred
15 to the general revenue fund.

16 2. In all criminal cases including violations of any county ordinance or any
17 violation of criminal or traffic laws of this state, including an infraction, there
18 shall be assessed as costs a surcharge in the amount of two dollars. No such
19 surcharge shall be collected in any proceeding involving a violation of an
20 ordinance or state law when the proceeding or defendant has been dismissed by
21 the court or when costs are to be paid by the state, county or municipality.

22 3. Such surcharge shall be collected and distributed by the clerk of the
23 court as provided in sections 488.010 to 488.020, RSMo. The surcharge collected
24 pursuant to this section shall be paid to the state treasury to the credit of the
25 [head] **brain** injury fund established in this section.

316.203. As used in sections 316.203 to 316.233, the following terms
2 mean:

3 (1) "Amusement ride", any of the following, which is primarily for the
4 purpose of giving its patrons amusement, pleasure, thrills, or excitement, and
5 which is open to the general public excluding skill teaching, exercise, and team
6 building:

7 (a) Any mechanical device that carries or conveys passengers along,
8 around or over a fixed or restricted route or course or within a defined area;

9 (b) Any dry slide over twenty feet in height excluding water slides;

10 (c) Any tram, open car, or combination of open cars or wagons pulled by
11 a tractor or other motorized device, except hayrack rides, those used solely for
12 transporting patrons to and from parking areas, or those used for guided or
13 educational tours, but does not necessarily follow a fixed or restricted course;

14 (d) Any bungee cord attraction or similar elastic device;

15 (e) Any climbing wall over ten feet in height except for not-for-profit
16 entities that follow the YMCA Services Corporation's Climbing Walls Safety
17 Guidelines or the Boy Scouts of America Guidelines;

18 (2) "Board", the **elevator and** amusement ride safety board established
19 in section [316.204] **701.353**;

20 (3) "Department", the department of public safety;

21 (4) "Director", the director of the department of public safety;

22 (5) "Operator", a person or the agent of a person who owns or controls, or
23 has the duty to control, the operation of an amusement ride or related electrical
24 equipment;

25 (6) "Owner", a person who owns, leases, controls or manages the
26 operations of an amusement ride and may include the state or any political
27 subdivision of the state;

28 (7) "Qualified inspector", any person who is:

29 (a) Found by the director to possess the requisite training and experience
30 in respect of amusement rides to perform competently the inspections required
31 by sections 316.203 to 316.233; or

32 (b) Certified by the National Association of Amusement Ride Safety
33 Officials (NAARSO) to have and maintain at least a level one certification; or

34 (c) Is a member of the Amusement Industry Manufacturing and Suppliers
35 (AIMS) and meets such qualifications as are established by the board;

36 (8) "Related electrical equipment", any electrical apparatus or wiring used
37 in connection with amusement rides;

38 (9) "Safety rules", the rules and regulations governing rider conduct on an

39 amusement ride, provided such rules and regulations are prominently displayed
40 at or near the entrance to, or loading platform for, the amusement ride;

41 (10) "Serious physical injury", a patron personal injury immediately
42 reported to the owner or operator as occurring on an amusement ride and which
43 results in death, dismemberment, significant disfigurement or other significant
44 injury that requires immediate in-patient admission and twenty-four-hour
45 hospitalization under the care of a licensed physician for other than medical
46 observation; and

47 (11) "Serious incident", any single incident where three or more persons
48 are immediately transported to a licensed off-site medical care facility for
49 treatment of an injury as a result of being on or the operation of the amusement
50 ride.

316.205. 1. **In addition to the powers granted to the board in**
2 **sections 701.350 to 701.380, the elevator and amusement ride safety board**
3 shall have the following powers:

4 (1) To consult with engineering authorities and organizations who are
5 studying and developing amusement ride safety standards;

6 (2) To adopt a code of rules and regulations governing maintenance,
7 testing, operation, and inspection of amusement rides. The board shall have the
8 power to adopt a safety code only for those types of amusement rides defined in
9 the statutes. In promulgating the amusement ride safety code the board may
10 consider any existing or future American Society for Testing and Materials
11 (ASTM) safety standards affecting amusement rides as defined in sections
12 316.203 to 316.233, or any other nationally acceptable standard;

13 (3) To make recommendations to the state fire marshal concerning the
14 board's findings on safety issues related to amusement rides.

15 2. No rule or portion of a rule promulgated pursuant to this section shall
16 take effect unless such rule has been promulgated pursuant to chapter 536,
17 RSMo.

316.210. 1. A person shall not operate an amusement ride unless the
2 owner:

3 (1) Has the amusement ride inspected at least once annually by a
4 qualified inspector, whom the owner or an insurer has provided to perform such
5 inspection, and obtains from such qualified inspector written documentation that
6 the inspection has been made and that the amusement ride meets nationally
7 recognized inspection standards and is covered by the insurance required by

8 subdivision (2) of this subsection;

9 (2) Has:

10 (a) An insurance policy currently in force written by an insurance
11 company authorized to do business in this state in an amount of not less than one
12 million dollars per occurrence; or

13 (b) A bond in the same amount as such person's policy from paragraph (a)
14 of this subdivision, provided that the aggregate liability of the surety under such
15 bond shall not exceed the face amount of the bond; or

16 (c) Cash or other surety acceptable to the department;

17 (3) Files with the department the inspection report and certificate of
18 insurance verifying the policy required by this section or a photocopy of such
19 documentation or certificate; and

20 (4) Has been issued a state operating permit by the department and
21 affixed such permit to the designated amusement ride. Such permit fee shall not
22 exceed actual administrative costs.

23 2. The inspection required pursuant to subdivision (1) of subsection 1 of
24 this section shall be conducted at a minimum to meet the manufacturer's or
25 engineer's specifications and to follow the applicable national standards.

26 3. The department or designee may conduct a spot inspection of any
27 amusement ride without notice at any time while such amusement ride is
28 operating or will be operating in this state. The department may order temporary
29 suspension of an operating permit if it has been determined after a spot
30 inspection to be hazardous or unsafe. Operation of such amusement ride shall
31 not resume until the hazardous or unsafe condition has been corrected and
32 subjected to reinspection by the department for an inspection fee established by
33 rule.

34 4. All fees collected pursuant to this section shall be deposited to the
35 credit of the elevator **and amusement ride** safety fund created pursuant to
36 section 701.377, RSMo.

320.094. 1. The state treasurer shall annually transfer an amount
2 prescribed in subsection 2 of this section out of the state revenues derived from
3 premium taxes levied on insurance companies pursuant to sections 148.310 to
4 148.461, RSMo, which are deposited by the director of revenue in the general
5 revenue fund pursuant to section 148.330, RSMo, in a fund hereby created in the
6 state treasury, to be known as the "Fire Education Fund". Any interest earned
7 from investment of moneys in the fund, and all moneys received from gifts,

8 grants, or other moneys appropriated by the general assembly, shall be credited
9 to the fund. The state treasurer shall administer the fund, and the moneys in
10 such fund shall be used solely as prescribed in this section. Notwithstanding the
11 provisions of section 33.080, RSMo, to the contrary, moneys in the fire education
12 fund at the end of any biennium shall not be transferred to the credit of the
13 general revenue fund.

14 2. Beginning July 1, 1998, three percent of the amount of premium taxes
15 collected in the immediately preceding fiscal year pursuant to sections 148.310
16 to 148.461, RSMo, which are deposited in the general revenue fund that exceeds
17 the amount of premium taxes which were deposited in the general revenue fund
18 in the 1997 fiscal year shall be transferred from the general revenue fund to the
19 credit of the fire education fund. At the end of each fiscal year, the commissioner
20 of administration shall determine the amount transferred to the credit of the fire
21 education fund in each fiscal year by computing the premium taxes deposited in
22 the general revenue fund in the prior fiscal year and comparing such amount to
23 the amount of premium taxes deposited in the general revenue fund in the 1997
24 fiscal year. An amount equal to three percent of the increase computed pursuant
25 to this section shall be transferred by the state treasurer to the credit of the fire
26 education fund; however, such transfer in any fiscal year shall not exceed one
27 million five hundred thousand dollars.

28 3. [There is hereby established a special trust fund, to be known as the
29 "Missouri Fire Education Trust Fund", which shall consist of all moneys collected
30 per subsection 2 of this section transferred to the fund from the fire education
31 fund pursuant to this subsection, any earnings resulting from the investment of
32 moneys in the fund, and all moneys received from gifts, grants, or other moneys
33 appropriated by the general assembly. Each fiscal year, an amount equal to forty
34 percent of the moneys transferred to the fire education fund collected pursuant
35 to subsection 2 of this section shall be transferred by the state treasurer to the
36 credit of the Missouri fire education trust fund. The fund shall be administered
37 by a board of trustees, consisting of the state treasurer, two members of the
38 senate appointed by the president pro tem of the senate, two members of the
39 house of representatives appointed by the speaker of the house, and two members
40 appointed by the governor with the advice and consent of the senate. Any
41 member appointed due to such person's membership in the senate or house of
42 representatives shall serve only as long as such person holds the office referenced
43 in this section. The state treasurer shall invest moneys in the fund in a manner

44 as provided by law. Subject to appropriations, moneys in the fund shall be used
45 solely for the purposes described in this section, but such appropriations shall be
46 made only if the board recommends to the general assembly that such moneys are
47 needed in that fiscal year to adequately fund the activities described in this
48 section. Moneys shall accumulate in the trust fund until the earnings from
49 investment of moneys in the fund can adequately support the activities described
50 in this section, as determined by the board. At such time, the board may
51 recommend that the general assembly adjust or eliminate the funding mechanism
52 described in this section. Notwithstanding the provisions of section 33.080,
53 RSMo, to the contrary, moneys in the Missouri fire education trust fund at the
54 end of any biennium shall not be transferred to the credit of the general revenue
55 fund.

56 4.] The moneys in the fire education fund[, after any distribution
57 pursuant to subsection 3 of this section,] shall be appropriated to the division of
58 fire safety to coordinate education needs in cooperation with community colleges,
59 colleges, regional training facilities, fire and emergency services training entities
60 and universities of this state and shall provide training and continuing education
61 to firefighters in this state relating to fire department operations and the
62 personal safety of firefighters while performing fire department
63 activities. Programs and activities funded under this subsection [must] **shall** be
64 approved by the Missouri fire [education commission established in subsection 5
65 of this section] **safety advisory board established in section 320.205**. These
66 funds shall primarily be used to provide field education throughout the state,
67 with not more than two percent of funds under this subsection expended on
68 administrative costs.

69 [5. There is established the "Missouri Fire Education Commission", to be
70 domiciled in the division of fire safety within the department of public
71 safety. The commission shall be composed of five members appointed by the
72 governor with the advice and consent of the senate, consisting of one firefighter
73 serving as a volunteer of a volunteer fire protection association, one full-time
74 firefighter employed by a recognized fire department or fire protection district,
75 one firefighter training officer, one person serving as the chief of a volunteer fire
76 protection association, and one chief fire officer from a recognized fire department
77 or fire protection district. No more than three members appointed by the
78 governor shall be of the same political party. The terms of office for the members
79 appointed by the governor shall be four years and until their successors are

80 selected and qualified, except that, of those first appointed, two shall have a term
81 of four years, two shall have a term of three years and one shall have a term of
82 two years. There is no limitation on the number of terms an appointed member
83 may serve. The governor may appoint a member for the remaining portion of the
84 unexpired term created by a vacancy. The governor may remove any appointed
85 member for cause. The members shall at their initial meeting select a chair. All
86 members of the commission shall serve without compensation for their duties, but
87 shall be reimbursed for necessary travel and other expenses incurred in the
88 performance of their official duties. The commission shall meet at least quarterly
89 at the call of the chair and shall review and determine appropriate programs and
90 activities for which funds may be expended under subsection 4 of this section.]

320.205. 1. The governor, with the advice and consent of the senate, shall
2 appoint a full-time state fire marshal, who shall be the head of the division of fire
3 safety. The state fire marshal shall administer and enforce the provisions of
4 sections 320.200 to 320.270. The state fire marshal shall be a citizen of the
5 United States, shall be a person of good moral character, and a resident taxpayer
6 of Missouri at the time of his appointment. The state fire marshal must have had
7 a minimum of ten years' experience in some phase of fire protection, fire
8 prevention, or fire investigation, which may include experience with any state,
9 municipal, military, or industrial fire protection agency. [He] **The state fire**
10 **marshal** shall possess administrative ability and experience [and], be able to
11 obtain facts in connection with the duties of [his] **the** office by field
12 investigations, and **be able** to accurately report [his] findings.

13 2. There is hereby established within the department of public safety the
14 "Missouri Fire Safety Advisory Board", which shall be composed of [six] **eight**
15 members appointed by the governor, by and with the advice and consent of the
16 senate, from a list of qualified candidates submitted to the governor by the
17 director of the department of public safety. It shall be the duty of the Missouri
18 fire safety advisory board to advise the fire marshal on all matters pertaining to
19 the responsibilities of the fire marshal and the division. All members of the
20 Missouri fire safety advisory board shall be qualified voters of Missouri at the
21 time of their appointment, shall receive no compensation for their services, and
22 shall be reimbursed for their actual and necessary expenses incurred in the
23 performance of their official duties. Of the members appointed to the Missouri
24 fire safety advisory board, one shall be a chief of a fire department located within
25 this state, one shall be a firefighter, one shall be a person with expertise in the

26 investigation of arson, one shall be an instructor in a firefighting training
27 program, one shall be a person who provides fire safety appliances and
28 equipment, [and] one shall be an insurer duly licensed to provide insurance
29 coverage for losses due to fire, **one shall be a firefighter serving as a**
30 **volunteer in a volunteer fire protection association, and one shall be a**
31 **chief of a volunteer fire protection association.**

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

- 2 (1) "Department", the department of insurance, financial institutions and
3 professional registration;
4 (2) "Director", the director of the division of professional registration; and
5 (3) "Division", the division of professional registration.

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

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

31 analyze information required to support workforce planning and policy
32 development. Such information shall not be publicly disclosed so as to identify
33 a specific health care provider, as defined in section 376.1350, RSMo. Each board
34 or commission shall issue the original license or certificate.

35 4. The division shall provide clerical and other staff services relating to
36 the issuance and renewal of licenses for all the professional licensing and
37 regulating boards and commissions assigned to the division. The division shall
38 perform the financial management and clerical functions as they each relate to
39 issuance and renewal of licenses and certificates. "Issuance and renewal of
40 licenses and certificates" means the ministerial function of preparing and
41 delivering licenses or certificates, and obtaining material and information for the
42 board or commission in connection with the renewal thereof. It does not include
43 any discretionary authority with regard to the original review of an applicant's
44 qualifications for licensure or certification, or the subsequent review of licensee's
45 or certificate holder's qualifications, or any disciplinary action contemplated
46 against the licensee or certificate holder. The division may develop and
47 implement microfilming systems and automated or manual management
48 information systems.

49 5. The director of the division shall maintain a system of accounting and
50 budgeting, in cooperation with the director of the department, the office of
51 administration, and the state auditor's office, to ensure proper charges are made
52 to the various boards for services rendered to them. The general assembly shall
53 appropriate to the division and other state agencies from each board's funds
54 moneys sufficient to reimburse the division and other state agencies for all
55 services rendered and all facilities and supplies furnished to that board.

56 6. For accounting purposes, the appropriation to the division and to the
57 office of administration for the payment of rent for quarters provided for the
58 division shall be made from the "Professional Registration Fees Fund", which is
59 hereby created, and is to be used solely for the purpose defined in subsection 5
60 of this section. The fund shall consist of moneys deposited into it from each
61 board's fund. Each board shall contribute a prorated amount necessary to fund
62 the division for services rendered and rent based upon the system of accounting
63 and budgeting established by the director of the division as provided in
64 subsection 5 of this section. Transfers of funds to the professional registration
65 fees fund shall be made by each board on July first of each year; provided,
66 however, that the director of the division may establish an alternative date or

67 dates of transfers at the request of any board. Such transfers shall be made until
68 they equal the prorated amount for services rendered and rent by the
69 division. The provisions of section 33.080, RSMo, to the contrary
70 notwithstanding, money in this fund shall not be transferred and placed to the
71 credit of general revenue.

72 7. The director of the division shall be responsible for collecting and
73 accounting for all moneys received by the division or its component agencies. Any
74 money received by a board or commission shall be promptly given, identified by
75 type and source, to the director. The director shall keep a record by board and
76 state accounting system classification of the amount of revenue the director
77 receives. The director shall promptly transmit all receipts to the department of
78 revenue for deposit in the state treasury to the credit of the appropriate
79 fund. The director shall provide each board with all relevant financial
80 information in a timely fashion. Each board shall cooperate with the director by
81 providing necessary information.

82 8. All educational transcripts, test scores, complaints, investigatory
83 reports, and information pertaining to any person who is an applicant or licensee
84 of any agency assigned to the division of professional registration by statute or
85 by the department are confidential and may not be disclosed to the public or any
86 member of the public, except with the written consent of the person whose records
87 are involved. The agency which possesses the records or information shall
88 disclose the records or information if the person whose records or information is
89 involved has consented to the disclosure. Each agency is entitled to the
90 attorney-client privilege and work-product privilege to the same extent as any
91 other person. Provided, however, that any board may disclose confidential
92 information without the consent of the person involved in the course of voluntary
93 interstate exchange of information, or in the course of any litigation concerning
94 that person, or pursuant to a lawful request, or to other administrative or law
95 enforcement agencies acting within the scope of their statutory authority.
96 Information regarding identity, including names and addresses, registration, and
97 currency of the license of the persons possessing licenses to engage in a
98 professional occupation and the names and addresses of applicants for such
99 licenses is not confidential information.

100 9. Any deliberations conducted and votes taken in rendering a final
101 decision after a hearing before an agency assigned to the division shall be closed
102 to the parties and the public. Once a final decision is rendered, that decision

103 shall be made available to the parties and the public.

104 10. A compelling governmental interest shall be deemed to exist for the
105 purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency
106 rule, if the projected fund balance of any agency assigned to the division of
107 professional registration is reasonably expected to exceed an amount that would
108 require transfer from that fund to general revenue.

109 11. (1) The following boards and commissions are assigned by specific
110 type transfers to the division of professional registration: Missouri state board of
111 accountancy, chapter 326, RSMo; board of cosmetology and barber examiners,
112 chapters 328 and 329, RSMo; Missouri board for architects, professional
113 engineers, professional land surveyors and landscape architects, chapter 327,
114 RSMo; Missouri state board of chiropractic examiners **and acupuncturists**,
115 chapter 331, RSMo; state board of registration for the healing arts, chapter 334,
116 RSMo; Missouri dental board, chapter 332, RSMo; state board of embalmers and
117 funeral directors, chapter 333, RSMo; state board of optometry, chapter 336,
118 RSMo; Missouri state board of nursing, chapter 335, RSMo; board of pharmacy,
119 chapter 338, RSMo; state board of podiatric medicine, chapter 330, RSMo;
120 Missouri real estate appraisers commission, chapter 339, RSMo; and Missouri
121 veterinary medical board, chapter 340, RSMo. The governor shall appoint
122 members of these boards by and with the advice and consent of the senate.

123 (2) The boards and commissions assigned to the division shall exercise all
124 their respective statutory duties and powers, except those clerical and other staff
125 services involving collecting and accounting for moneys and financial
126 management relating to the issuance and renewal of licenses, which services shall
127 be provided by the division, within the appropriation therefor. Nothing herein
128 shall prohibit employment of professional examining or testing services from
129 professional associations or others as required by the boards or commissions on
130 contract. Nothing herein shall be construed to affect the power of a board or
131 commission to expend its funds as appropriated. However, the division shall
132 review the expense vouchers of each board. The results of such review shall be
133 submitted to the board reviewed and to the house and senate appropriations
134 committees annually.

135 (3) Notwithstanding any other provisions of law, the director of the
136 division shall exercise only those management functions of the boards and
137 commissions specifically provided in the Reorganization Act of 1974, and those
138 relating to the allocation and assignment of space, personnel other than board

139 personnel, and equipment.

140 (4) "Board personnel", as used in this section or chapters 317, 326, 327,
141 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, RSMo,
142 shall mean personnel whose functions and responsibilities are in areas not
143 related to the clerical duties involving the issuance and renewal of licenses, to the
144 collecting and accounting for moneys, or to financial management relating to
145 issuance and renewal of licenses; specifically included are executive secretaries
146 (or comparable positions), consultants, inspectors, investigators, counsel, and
147 secretarial support staff for these positions; and such other positions as are
148 established and authorized by statute for a particular board or
149 commission. Boards and commissions may employ legal counsel, if authorized by
150 law, and temporary personnel if the board is unable to meet its responsibilities
151 with the employees authorized above. Any board or commission which hires
152 temporary employees shall annually provide the division director and the
153 appropriation committees of the general assembly with a complete list of all
154 persons employed in the previous year, the length of their employment, the
155 amount of their remuneration, and a description of their responsibilities.

156 (5) Board personnel for each board or commission shall be employed by
157 and serve at the pleasure of the board or commission, shall be supervised as the
158 board or commission designates, and shall have their duties and compensation
159 prescribed by the board or commission, within appropriations for that purpose,
160 except that compensation for board personnel shall not exceed that established
161 for comparable positions as determined by the board or commission pursuant to
162 the job and pay plan of the department of insurance, financial institutions and
163 professional registration. Nothing herein shall be construed to permit salaries
164 for any board personnel to be lowered except by board action.

165 12. All the powers, duties, and functions of the division of athletics,
166 chapter 317, RSMo, and others, are assigned by type I transfer to the division of
167 professional registration.

168 13. Wherever the laws, rules, or regulations of this state make reference
169 to the "division of professional registration of the department of economic
170 development", such references shall be deemed to refer to the division of
171 professional registration.

324.028. Any member authorized under the provisions of sections 256.459,
2 324.063, 324.177, 324.203, 324.243, [324.406, 324.478,] 326.259, 327.031, 328.030,
3 329.190, 330.110, 331.090, 332.021, 333.151, 334.120, 334.430, 334.625, 334.717,

4 334.736, 334.830, 335.021, 336.130, 337.050, 338.110, 339.120, 340.210, 345.080,
5 and 346.120, RSMo, who misses three consecutive regularly scheduled meetings
6 of the board or council on which he serves shall forfeit his membership on that
7 board or council. A new member shall be appointed to the respective board or
8 council by the governor with the advice and consent of the senate.

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

9 2. Notwithstanding the provisions of section 33.080, RSMo, to the
10 contrary, money in the fund shall not be transferred and placed to the credit of
11 general revenue until the amount in the fund at the end of the biennium exceeds
12 three times the amount of the appropriation to the council for the preceding fiscal
13 year. The amount, if any, in the fund which shall lapse is the amount in the fund
14 which exceeds the appropriate multiple of the appropriations to the council for
15 the preceding fiscal year.] **Any amount remaining in the "Interior Design
16 Council Fund", which shall cease to exist on August 28, 2010, shall be
17 transferred and placed to the credit of the professional registration
18 fees fund established in section 324.001.**

324.600. For the purposes of sections 324.600 to 324.635, the following
2 terms mean:

3 (1) "Board", the board of [licensed] private fire **and** investigator
4 examiners **established in section 324.1102;**

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

7 (3) ["Division", the division of fire safety within the department of public
8 safety] **"Department", the department of insurance, financial institutions
9 and professional registration;**

10 (4) "Insurance adjuster", any person who receives any consideration,
11 either directly or indirectly, for adjusting in the disposal of any claim under or
12 in connection with a policy of insurance or engaging in soliciting insurance
13 adjustment business;

- 14 (5) "License", a private fire investigator license;
- 15 (6) "Licensed private fire investigation", the furnishing of, making of, or
16 agreeing to make any investigation of a fire for the origin, cause, or responsibility
17 of such fire;
- 18 (7) "Licensed private fire investigator", any person who receives any
19 consideration, either directly or indirectly, for engaging in the investigation of the
20 origin, cause, or responsibility of fires;
- 21 (8) "Licensed private fire investigator agency", a person or firm that
22 employs any person to engage in the investigation of fires to determine the origin,
23 cause, and responsibility of such fires;
- 24 (9) "Organization", a corporation, trust, estate, partnership, cooperation,
25 or association;
- 26 (10) "Person", an individual;
- 27 (11) "Principal place of business", the place where the licensee maintains
28 a permanent office which may be a residence or business address.

324.609. 1. Every person desiring to be licensed in this state as a licensed
2 private fire investigator or licensed private fire investigator agency shall make
3 an application to the board. An application for a license pursuant to the
4 provisions of sections 324.600 to 324.635 shall be on a form prescribed by the
5 board and accompanied by the required application fee. An application shall be
6 verified and shall include:

- 7 (1) The full name and business address of the applicant;
- 8 (2) The name that the applicant intends to do business under;
- 9 (3) A statement as to the general nature of the business that the applicant
10 intends to engage in;
- 11 (4) Two recent passport photographs of the applicant and two classifiable
12 sets of the applicant's fingerprints; **and**
- 13 (5) A verified statement of the applicant's experience qualifications[; and
14 (6) Such other information, evidence, statements, or documents as may be
15 required by the state fire marshal].

16 2. To be eligible for licensure, the applicant shall:

- 17 (1) Be at least twenty-one years of age;
- 18 (2) Be a citizen of the United States;
- 19 (3) Not have a felony conviction or a conviction of a crime involving moral
20 turpitude;
- 21 (4) Provide proof of liability insurance with amount to be no less than one

22 million dollars in coverage; and

23 (5) Comply with such other qualifications as the board shall require.

24 For the purposes of sections 324.600 to 324.635, the record of conviction, or a
25 certified copy thereof, shall be conclusive evidence of such conviction, and a plea
26 or verdict of guilty is deemed to be a conviction within the meaning thereof.

27 3. The board shall require as a condition of licensure that the applicant:

28 (1) Successfully complete a course of training approved by the state fire
29 marshal's office;

30 (2) Pass a written examination as evidence of knowledge of fire
31 investigation. Certification as a fire investigator by the state fire marshal or
32 other agencies approved by the state fire marshal shall constitute passing a
33 written examination;

34 (3) Provide a background check from an authorized state law enforcement
35 agency. The board shall conduct a complete investigation of the background of
36 each applicant for licensure as a licensed private fire investigator or agency to
37 determine whether the applicant is qualified for licensure pursuant to sections
38 324.600 to 324.635; and

39 (4) Pass any other basic qualification requirements as the board shall
40 outline.

41 4. The board may deny a request for a license if the applicant has:

42 (1) Committed any act that, if committed by a licensee, would be grounds
43 for the suspension or revocation of a license pursuant to the provisions of sections
44 324.600 to 324.635;

45 (2) Been finally adjudicated and found guilty, or entered a plea of guilty
46 or nolo contendere in a criminal prosecution under the laws of any state or the
47 United States for any offense reasonably related to the qualifications, functions,
48 or duties of any profession licensed or regulated under this chapter or for any
49 offense an essential element of which is fraud, dishonesty, or an act of violence,
50 or for any offense involving moral turpitude, whether or not a sentence is
51 imposed;

52 (3) Been refused a license pursuant to the provisions of sections 324.600
53 to 324.635 or had a license revoked in this state or in any other state;

54 (4) Prior to being licensed, committed, aided, or abetted the commission
55 of any act that requires a license pursuant to sections 324.600 to 324.635; and

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

57 5. Every application submitted pursuant to the provisions of sections

58 324.600 to 324.635 shall be accompanied by a fee as determined by the board as
59 follows:

60 (1) A separate fee shall be paid for an individual license, agency license,
61 and employees being licensed to work under an agency license; and

62 (2) If a license is issued for a period of less than two years, the fee shall
63 be prorated for the months, or fraction thereof, for which the license is issued.

64 6. All fees required pursuant to this section shall be paid to and collected
65 by the [division of fire safety] **department** and transmitted to the [department
66 of revenue for deposit in the state general revenue fund] "**Board of Private and
67 Fire Investigator Examiners Fund**", established under section
68 **324.1102**. The board shall set fees at a level to produce revenue that will not
69 substantially exceed or fail to cover the costs and expenses of administering
70 sections 324.600 to 324.635. These fees shall be exclusive and no municipality
71 may require any person licensed pursuant to sections 324.600 to 324.635 to
72 furnish any bond or pass any examination to practice as a licensed private fire
73 investigator.

74 7. Renewal of a license shall be made in the manner prescribed by the
75 board, including the payment of a renewal fee.

324.624. 1. The board may deny a request for a license, or may suspend
2 or revoke a license issued pursuant to sections 324.600 to 324.635, or censure or
3 place a license on probation if, after notice and opportunity for hearing in
4 accordance with the provisions of chapter 621, RSMo, the board determines the
5 licensee has:

6 (1) Made any false statement or given any false information in connection
7 with an application for a license or a renewal or reinstatement thereof;

8 (2) Violated any provisions of sections 324.600 to 324.635;

9 (3) Violated any rule of the board adopted pursuant to the authority
10 contained in sections 324.600 to 324.635;

11 (4) Been convicted of a felony or been convicted of a crime involving moral
12 turpitude;

13 (5) Impersonated, or permitted or aided and abetted an employee to
14 impersonate, a law enforcement officer or employee of the United States, or of any
15 state or political subdivision;

16 (6) Committed or permitted any employee to commit any act while the
17 license was expired that could be cause for the suspension or revocation of any
18 license, or grounds for the denial of an application for a license;

19 (7) Knowingly violated, or advised, encouraged, or assisted the violation
20 of any court order or injunction in the course of business as a licensee;

21 (8) Used any letterhead, advertisement, or other printed matter or in any
22 manner representing that such person is an instrumentality of the federal or
23 state government or any political subdivision of a federal or state government;

24 (9) Used a name different from that under which such person is currently
25 licensed in any advertisement, solicitation, or contact for business; or

26 (10) Committed any act that is grounds for denial of an application for a
27 license pursuant to the provisions of sections 324.600 to 324.635.

28 2. Any person whose license status is affected by any official action of the
29 state fire marshal or board of [licensed] private **and** fire investigator examiners,
30 including, but not limited to, revocation, suspension, failure to renew a license,
31 or refusal to grant a license, may seek a determination by the administrative
32 hearing commission pursuant to the provisions of section 621.045, RSMo. After
33 the filing of a complaint before the administrative hearing commission, the
34 proceedings shall be conducted in accordance with the provisions of chapter 621,
35 RSMo. Upon a finding by the administrative hearing commission that the
36 grounds, provided in subsection 1 of this section, for disciplinary action are met,
37 the board may singly or in combination censure or place the person named in the
38 complaint on probation on such terms and conditions as the board deems
39 appropriate for a period not to exceed five years or may suspend, for a period not
40 to exceed three years, or revoke the license.

41 3. A licensed private fire investigator agency may continue under the
42 direction of another employee if the individual holding the license is suspended
43 or revoked as approved by the board. The board shall establish a time from
44 within which the licensed private fire investigator agency shall identify an
45 acceptable person who is qualified to assume control of the agency as required by
46 the board.

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

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

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

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

8 (4) "Law enforcement officer", a law enforcement officer as defined in

9 section 556.061, RSMo;

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

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

13 (7) "Private investigator", any person who receives any consideration,
14 either directly or indirectly, for engaging in the private investigator business;

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

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

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

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

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

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

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

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

324.1102. 1. The "Board of Private **and Fire** Investigator Examiners" is
2 hereby created within the division of professional registration. The board shall
3 be a body corporate and may sue and be sued. **The board shall administer**
4 **the provisions of sections 324.600 to 324.635 and sections 324.110 to**
5 **324.1148.**

6 2. The board shall be composed of [five] **seven** members, including [two]
7 **one** public [members] **member**, appointed by the governor with the advice and
8 consent of the senate. Except for the public [members] **member**, each member
9 of the board shall be a citizen of the United States, a resident of Missouri, **and**
10 at least thirty years of age[, and]. **Three members** shall have been actively
11 engaged in the private investigator business for the previous five years. No more
12 than one private investigator board member may be employed by, or affiliated

13 with, the same private investigator agency. [The initial private investigator
14 board members shall not be required to be licensed but shall obtain a license
15 within one hundred eighty days after the effective date of the rules promulgated
16 under sections 324.1100 to 324.1148 regarding licensure.] **Of the other**
17 **members appointed to the board, one member shall be a representative**
18 **of a private fire investigation agency, one member shall be a**
19 **representative of the insurance industry, and one member shall be a**
20 **representative of a professional fire investigation association.** The
21 public [members] **member** shall [each] be a registered voter and a person who
22 is not and never was a member of any profession licensed or regulated under
23 sections **324.600 to 324.635 and sections** 324.1100 to 324.1148 or the spouse
24 of such person; and a person who does not have and never has had a material,
25 financial interest in either the providing of the professional services regulated by
26 sections **324.600 to 324.635 and sections** 324.1100 to 324.1148, or an activity
27 or organization directly related to any profession licensed or regulated under
28 **such** sections [324.1100 to 324.1148]. The duties of the public [members]
29 **member** shall not include the determination of the technical requirements to be
30 met for licensure or whether any person meets such technical requirements or of
31 the technical competence or technical judgment of a licensee or a candidate for
32 licensure.

33 3. The members shall be appointed for terms of two years[, except those
34 first appointed, in which case two members, who shall be private investigators,
35 shall be appointed for terms of four years, two members shall be appointed for
36 terms of three years, and one member shall be appointed for a one-year
37 term]. Any vacancy on the board shall be filled for the unexpired term of the
38 member and in the manner as the first appointment. No member may serve
39 consecutive terms.

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

43 5. There is hereby created in the state treasury the "Board of Private **and**
44 **Fire Investigator Examiners Fund**", which shall consist of money collected under
45 sections 324.1100 to 324.1148. The state treasurer shall be custodian of the fund
46 and shall approve disbursements from the fund in accordance with the provisions
47 of sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund
48 shall be used solely for the administration of sections **324.600 to 324.635 and**

49 **sections** 324.1100 to 324.1148. The provisions of section 33.080, RSMo, to the
50 contrary notwithstanding, money in this fund shall not be transferred and placed
51 to the credit of general revenue until the amount in the fund at the end of the
52 biennium exceeds two times the amount of the appropriation from the board's
53 funds for the preceding fiscal year or, if the board requires by rule permit renewal
54 less frequently than yearly, then three times the appropriation from the board's
55 funds for the preceding fiscal year. The amount, if any, in the fund which shall
56 lapse is that amount in the fund which exceeds the appropriate multiple of the
57 appropriations from the board's funds for the preceding fiscal year.

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

- 7 (1) The full name and business address of the applicant;
- 8 (2) The name under which the applicant intends to conduct business;
- 9 (3) A statement as to the general nature of the business in which the
10 applicant intends to engage;
- 11 (4) A statement as to the classification or classifications under which the
12 applicant desires to be qualified;
- 13 (5) Two recent photographs of the applicant, of a type prescribed by the
14 board of private investigator examiners, and two classifiable sets of the
15 applicant's fingerprints processed in a manner approved by the Missouri state
16 highway patrol, central repository, under section 43.543, RSMo;
- 17 (6) A verified statement of the applicant's experience qualifications; and
- 18 (7) Such other information, evidence, statements, or documents as may be
19 required by the board of private investigator examiners.

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

- 21 (1) Be at least twenty-one years of age;
- 22 (2) Be a citizen of the United States;
- 23 (3) Provide proof of liability insurance with amount to be no less than two
24 hundred fifty thousand dollars in coverage and proof of workers' compensation
25 insurance if required under chapter 287, RSMo. The board shall have the
26 authority to raise the requirements as deemed necessary; and
- 27 (4) Comply with such other qualifications as the board adopts by rules

28 and regulations.

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

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

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

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

14 (2) Two hundred fifty thousand dollars in business general liability
15 insurance.

16 4. The board may review applicants seeking reciprocity. An applicant
17 seeking reciprocity shall have undergone a licensing procedure similar to that
18 required by this state and shall meet this state's minimum insurance
19 requirements.

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

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

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

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

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

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

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

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

16 (3) Has been refused a license under the provisions of sections 324.1100

17 to 324.1148 or had a license revoked in this state or in any other state;

18 (4) While unlicensed, committed or aided and abetted the commission of
19 any act for which a license is required by sections 324.1100 to 324.1148 after
20 August 28, 2007; or

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

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

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

4 (2) Provides two recent photographs of themselves, of a type prescribed
5 by the board [of private investigator examiners];

6 (3) Has been fingerprinted in a manner approved by the Missouri state
7 highway patrol, central repository, under section 43.543, RSMo; and

8 (4) Complies with any other qualifications and requirements the board
9 adopts by rule.

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

3 (1) Name of the licensee;

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

5 (3) Number and date of the license.

6 2. The license shall be posted at all times in a conspicuous place in the
7 principal place of business of the licensee. Upon the issuance of a license, a
8 pocket card of such size, design, and content as determined by the division shall
9 be issued without charge to each licensee. Such card shall be evidence that the
10 licensee is licensed under sections 324.1100 to 324.1148. When any person to
11 whom a card is issued terminates such person's position, office, or association
12 with the licensee, the card shall be surrendered to the licensee and within five
13 days thereafter shall be mailed or delivered by the licensee to the board [of
14 private investigator examiners] for cancellation. Within thirty days after any
15 change of address, a licensee shall notify the board of the address change. The
16 principal place of business may be at a residence or at a business address, but it
17 shall be the place at which the licensee maintains a permanent office.

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

5 (1) The application upon renewal need only provide information required

6 of original applicants if the information shown on the original application or any
7 renewal thereof on file with the board is no longer accurate;

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

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

14 (4) Additional information may be required by rules and regulations
15 adopted by the board [of private investigator examiners].

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

22 3. A license issued under sections 324.1100 to 324.1148 shall not be
23 assignable.

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

324.1132. Every advertisement by a licensee soliciting or advertising
2 business shall contain the licensee's name, city, and state as it appears in the
3 records of the board [of private investigator examiners]. No individual or
4 business can advertise as a private investigator, private detective, or private
5 investigator agency without including their state private investigator or private
6 investigator agency license number in the advertisement. A licensee shall not
7 advertise or conduct business from any Missouri address other than that shown
8 on the records of the board as the licensee's principal place of business unless the
9 licensee has received an additional agency license for such location after
10 compliance with the provisions of sections 324.1100 to 324.1148 and such
11 additional requirements necessary for the protection of the public as the board
12 may prescribe by regulation. A licensee shall notify the board in writing within

13 ten days after closing or changing the location of a branch office. The fee for the
14 additional license shall be one-half the cost of the fee for the agency's original
15 license.

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

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

28 (1) Making any false statement or giving any false information or given
29 any false information in connection with an application for a license or a renewal
30 or reinstatement thereof;

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

32 (3) Violating any rule of the board [of private investigator examiners]
33 adopted under the authority contained in sections 324.1100 to 324.1148;

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

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

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

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

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

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

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

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

56 5. After the filing of a complaint before the administrative hearing
57 commission, the proceedings shall be conducted in accordance with the provisions
58 of chapter 621, RSMo. Upon a finding by the administrative hearing commission
59 that the grounds in subsection 1 of this section for disciplinary action are met,
60 the board may singly or in combination censure or place the person named in the
61 complaint on probation under such terms and conditions as the board deems
62 appropriate for a period not to exceed five years, may suspend for a period not to
63 exceed three years, or revoke the license.

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

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

4 (1) Be twenty-one or more years of age;

5 (2) Have a minimum of one-year supervisory experience with a private
6 investigator agency; and

7 (3) Be personally licensed as a private investigator under sections
8 324.1100 to 324.1148 and qualified to train private investigators.

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

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

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

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

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

20 (4) Has paid the required fee.

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

331.010. [1. The] For the purposes of this chapter, the following terms
2 shall mean:

3 (1) "Acupuncture", the use of needles inserted into the body by
4 piercing of the skin and related modalities for the assessment,
5 evaluation, prevention, treatment or correction of any abnormal
6 physiology or pain by means of controlling and regulating the flow and
7 balance of energy in the body so as to restore the body to its proper
8 functioning and state of health;

9 (2) "Acupuncturist", any person licensed as provided in sections
10 331.479 to 331.499 to practice acupuncture as defined in subdivision (1)
11 of this section;

12 (3) "Auricular detox technician", a person trained solely in, and
13 who performs only, auricular detox treatment. An auricular detox
14 technician shall practice under the supervision of a licensed
15 acupuncturist. Such treatment shall take place in a hospital, clinic or
16 treatment facility which provides comprehensive substance abuse
17 services, including counseling, and maintains all licenses and
18 certifications necessary and applicable;

19 (4) "Auricular detox treatment", a very limited procedure

20 **consisting of acupuncture needles inserted into specified points in the**
21 **outer ear of a person undergoing treatment for drug or alcohol abuse**
22 **or both drug and alcohol abuse;**

23 **(5) "Board", the state board of chiropractic examiners and**
24 **acupuncturists established in section 331.090;**

25 **(6) "Department", the department of insurance, financial**
26 **institutions and professional registration;**

27 **(7) "Director", the director of the divisions of professional**
28 **registration;**

29 **(8) "Division", the divisions of professional registration;**

30 **(9) "Practice of chiropractic" [is defined as], the science and art of**
31 **examination, diagnosis, adjustment, manipulation and treatment both in**
32 **inpatient and outpatient settings, by those methods commonly taught in any**
33 **chiropractic college or chiropractic program in a university which has been**
34 **accredited by the Council on Chiropractic Education, its successor entity or**
35 **approved by the board. It shall not include the use of operative surgery,**
36 **obstetrics, osteopathy, podiatry, nor the administration or prescribing of any drug**
37 **or medicine nor the practice of medicine. The practice of chiropractic is declared**
38 **not to be the practice of medicine and operative surgery or osteopathy within the**
39 **meaning of chapter 334, RSMo, and not subject to the provisions of the chapter.**

40 **[2.] The practice of chiropractic may include meridian**
41 **therapy/acupressure/acupuncture with certification as required by the board.**

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

3 **2. Any person desiring to procure a license authorizing the person to**
4 **practice chiropractic in this state shall be at least twenty-one years of age and**
5 **shall make application on the form prescribed by the board. The application shall**
6 **contain a statement that it is made under oath or affirmation and that**
7 **representations contained thereon are true and correct to the best knowledge and**
8 **belief of the person signing the application, subject to the penalties of making a**
9 **false affidavit or declaration, and shall give the applicant's name, address, age,**
10 **sex, name of chiropractic schools or colleges which the person attended or of**
11 **which the person is a graduate, and such other reasonable information as the**
12 **board may require. The applicant shall give evidence satisfactory to the board**
13 **of the successful completion of the educational requirements of [this chapter]**
14 **sections 331.010 to 331.115, that the applicant is of good moral character, and**

15 that the chiropractic school or college of which the applicant is a graduate is
16 teaching chiropractic in accordance with the requirements of [this chapter]
17 **sections 331.010 to 331.115**. The board may make a final determination as to
18 whether or not the school from which the applicant graduated is so teaching.

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

39 4. Each applicant shall pay upon application an application or
40 examination fee. All moneys collected pursuant to the provisions of this chapter
41 shall be nonrefundable and shall be collected by the director of the division of
42 professional registration who shall transmit it to the department of revenue for
43 deposit in the state treasury to the credit of the [chiropractic board fund] **State**
44 **Board of Chiropractic Examiners and Acupuncturists' fund**. Any person
45 failing to pass a practical examination administered or approved by the board
46 may be reexamined upon fulfilling such requirements, including the payment of
47 a reexamination fee, as the board may by rule prescribe.

48 5. Every applicant for licensure by examination shall have taken and
49 successfully passed all required and optional parts of the written examination
50 given by the National Board of Chiropractic Examiners, including the written

51 clinical competency examination, under such conditions as established by rule of
52 the board, and all applicants for licensure by examination shall successfully pass
53 a practical examination administered or approved by the board and a written
54 examination testing the applicant's knowledge and understanding of the laws and
55 regulations regarding the practice of chiropractic in this state. The board shall
56 issue to each applicant who meets the standards and successful completion of the
57 examinations, as established by rule of the board, a license to practice
58 chiropractic. The board shall not recognize any correspondence work in any
59 chiropractic school or college as credit for meeting the requirements of [this
60 chapter] **sections 331.010 to 331.115.**

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

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

79 8. A chiropractic physician currently licensed in Missouri shall apply to
80 the board for certification prior to engaging in the practice of meridian
81 therapy/acupressure/acupuncture. Each such application shall be accompanied
82 by the required fee. The board shall establish by rule the minimum requirements
83 for the specialty certification under this subsection. "Meridian
84 therapy/acupressure/acupuncture" shall mean methods of diagnosing and the
85 treatment of a patient by stimulating specific points on or within the body by
86 various methods including but not limited to manipulation, heat, cold, pressure,

87 vibration, ultrasound, light, electrocurrent, and short-needle insertion for the
88 purpose of obtaining a biopositive reflex response by nerve stimulation.

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

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

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

331.032. Notwithstanding any other provision of law to the contrary, the
2 board [of chiropractic examiners] may issue a temporary license to practice
3 chiropractic as follows:

4 (1) To a chiropractor holding a current and unrestricted license to practice
5 chiropractic issued pursuant to the laws of a state other than Missouri;

6 (2) A temporary license issued pursuant to this section shall be valid for
7 a maximum period of ninety days and the board shall not issue more than two
8 temporary licenses to an applicant during any calendar year;

9 (3) An applicant for a temporary license shall submit to the board a
10 complete application on a form prescribed by the board, pay an application fee as
11 determined by rule of the board and furnish proof satisfactory to the board that
12 the applicant meets all requirements for licensure, or examination therefor, as set
13 forth in section 331.030;

14 (4) In addition to all other requirements herein, an applicant for a
15 temporary license pursuant to this section shall include with such applicant's
16 application the name of the chiropractic school or college from which the
17 applicant graduated and the date of such graduation, and evidence of such
18 applicant's current and unrestricted licensure in another state, including the
19 number of such license and a photocopy thereof along with any other evidence
20 deemed necessary by the board;

21 (5) All provisions of [this chapter] **sections 331.010 to 331.115** that
22 apply to applicants for and holders of licenses to practice chiropractic, other than
23 as specified in this section, shall apply to applicants for and holders of temporary
24 licenses, including the board's authority to conduct any investigation the board

25 considers appropriate to verify an applicant's credentials, moral character and
26 fitness to receive a temporary license and the board's authority to take actions
27 pursuant to the provisions of [this chapter] **sections 331.010 to 331.115** or any
28 other provision of state law. The board [of chiropractic examiners] may adopt
29 rules the board considers necessary to implement the provisions of this
30 section. Any rule or portion of a rule, as that term is defined in section 536.010,
31 RSMo, that is created under the authority delegated in this section shall become
32 effective only if it complies with and is subject to all of the provisions of chapter
33 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
34 536, RSMo, are nonseverable and if any of the powers vested with the general
35 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date
36 or to disapprove and annul a rule are subsequently held unconstitutional, then
37 the grant of rulemaking authority and any rule proposed or adopted after August
38 28, 2001, shall be invalid and void.

331.045. No chiropractor licensed under the provisions of [this chapter]
2 **sections 331.010 to 331.115** while acting as a member of an insurance peer
3 review committee functioning for the sole purpose of arbitrating insurance claims
4 shall be liable in damages to any person subject to the actions of the committee
5 for any decision or recommendation made by the committee or by a person acting
6 in his official capacity as a member of any such committee if the decision or
7 recommendation was made within the scope and function of the committee and
8 if the decision or recommendation was made without malice and was supported
9 by creditable evidence upon consideration of the record made available.

331.050. 1. All persons once licensed to practice chiropractic in this state
2 shall pay on or before the license renewal date a renewal license fee and shall
3 furnish to the board satisfactory evidence of the completion of the requisite
4 number of hours, which shall not be less than twelve hours nor more than
5 twenty-four hours per year, of postgraduate study or not less than twenty-four
6 hours nor more than forty-eight hours if renewal occurs biennially. The
7 postgraduate study required shall be a course of study approved by the
8 board. The requisite number of hours is to be determined by the board. The
9 board may set the requisite number of hours between the range of twelve to
10 twenty-four hours, but may not increase the number of hours in excess of twelve
11 hours by more than four hours in any two-year period. The board shall give
12 advance notice of one year to all chiropractors licensed in the state before
13 increasing the number of required hours. The educational requirements may be

14 waived by the board upon presentation to it of satisfactory evidence of the illness
15 of the chiropractor or for other good cause. A notice that the renewal fee will be
16 due on the renewal date shall, on or before the first day of the month immediately
17 preceding the renewal date, be mailed to all chiropractors licensed in the state
18 for more than three months. Each practitioner of chiropractic shall display in his
19 or her office, in a conspicuous place, his or her renewal license together with his
20 or her original license showing that such practitioner of chiropractic is lawfully
21 entitled to practice chiropractic. Failure of the licensee to receive the renewal
22 form shall not relieve the licensee of the duty to renew his or her license and pay
23 the fee required by [this chapter] **sections 331.010 to 331.115**.

24 2. Any licensee who allows his or her license to lapse by failing to renew
25 the license as provided in sections 331.010 to [331.100] **331.115** may be
26 reinstated upon satisfactory explanation of such failure to renew his or her
27 license and the payment of a reactivation fee and the current renewal fee. Any
28 delinquent licensee who has been out of active practice for more than five years
29 shall be required to return to an accredited chiropractic college for a semester of
30 additional study in the clinical subjects prior to the board reviewing his or her
31 request for reinstatement, and to pass a practical examination administered by
32 the board.

33 3. Notwithstanding any law to the contrary any person licensed pursuant
34 to [this chapter] **sections 331.010 to 331.115** may apply to the [state] board [of
35 chiropractic examiners] for an inactive license status on a form furnished by the
36 board. Upon receipt of the completed inactive status application form and the
37 board's determination that the license meets the requirements established by rule
38 the board shall place the license on inactive status. A person whose license is
39 inactive or who has discontinued the practice of chiropractic because of
40 retirement shall be allowed to practice only on himself or herself and such
41 person's immediate family.

42 4. During any period of inactive status the licensee shall not be required
43 to comply with the board's requirements for continuing education.

44 5. If a licensee is granted inactive status the licensee may return to active
45 status within five years of the license being placed on inactive status by notifying
46 the board in advance in writing, paying the appropriate fees, and meeting all
47 established requirements of the board as defined by rule excluding the licensing
48 examination as a condition of reinstatement.

331.060. 1. The board may refuse to issue any certificate of registration

2 or authority, permit or license required pursuant to [this chapter] **sections**
3 **331.010 to 331.115** for one or any combination of causes stated in subsection 2
4 of this section. The board shall notify the applicant in writing of the reasons for
5 the refusal and shall advise the applicant of his right to file a complaint with the
6 administrative hearing commission as provided by chapter 621, RSMo.

7 2. The board may cause a complaint to be filed with the administrative
8 hearing commission as provided by chapter 621, RSMo, against any holder of any
9 certificate of registration or authority, permit or license required by [this chapter]
10 **sections 331.010 to 331.115** or any person who has failed to renew or has
11 surrendered his certificate of registration, permit or license for any
12 one or any combination of the following causes:

13 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or
14 alcoholic beverage to an extent that such use impairs a person's ability to perform
15 the work of any profession licensed or regulated by [this chapter] **sections**
16 **331.010 to 331.115**;

17 (2) The person has been finally adjudicated and found guilty, or entered
18 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
19 any state or of the United States, for any offense reasonably related to the
20 qualifications, functions or duties of any profession licensed or regulated under
21 [this chapter] **sections 331.010 to 331.115**, for any offense an essential element
22 of which is fraud, dishonesty or an act of violence, or for any offense involving
23 moral turpitude, whether or not sentence is imposed;

24 (3) Use of fraud, deception, misrepresentation or bribery in securing any
25 certificate of registration or authority, permit or license issued [pursuant to this
26 chapter] **under sections 331.010 to 331.115** or in obtaining permission to take
27 any examination given or required [pursuant to this chapter] **under sections**
28 **331.010 to 331.115**;

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

31 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation
32 or dishonesty in the performance of the functions or duties of any profession
33 licensed or regulated by [this chapter] **sections 331.010 to 331.115**;

34 (6) Violation of, or assisting or enabling any person to violate, any
35 provision of [this chapter] **sections 331.010 to 331.115**, or of any lawful rule or
36 regulation adopted [pursuant to this chapter] **under sections 331.010 to**
37 **331.115**;

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

41 (8) Disciplinary action against the holder of a license or other right to
42 practice any profession regulated by [this chapter] **sections 331.010 to 331.115**
43 granted by another state, territory, federal agency or country upon grounds for
44 which revocation or suspension is authorized in this state;

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

47 (10) Assisting or enabling any person to practice or offer to practice any
48 profession licensed or regulated by [this chapter] **sections 331.010 to 331.115**
49 who is not registered and currently eligible to practice under [this chapter]
50 **sections 331.010 to 331.115**;

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

53 (12) Failure to display a valid certificate or license if so required by [this
54 chapter] **sections 331.010 to 331.115** or any rule promulgated hereunder;

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

56 (14) Use of any advertisement or solicitation which is false, misleading or
57 deceptive to the general public or persons to whom the advertisement or
58 solicitation is primarily directed. False, misleading or deceptive advertisements
59 or solicitations shall include, but not be limited to:

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

62 (b) Any self-laudatory statement;

63 (c) Any misleading or deceptive statement offering or promising a free
64 service. Nothing herein shall be construed to make it unlawful to offer a service
65 for no charge if the offer is announced as part of a full disclosure of routine fees
66 including consultation fees;

67 (d) Any misleading or deceptive claims of patient cure, relief or improved
68 condition; superiority in service, treatment or materials; new or improved service,
69 treatment or material, or reduced costs or greater savings. Nothing herein shall
70 be construed to make it unlawful to use any such claim if it is readily verifiable
71 by existing documentation, data or other substantial evidence. Any claim which
72 exceeds or exaggerates the scope of its supporting documentation, data or
73 evidence is misleading or deceptive;

74 (e) Failure to use the term "chiropractor", "doctor of chiropractic",
75 "chiropractic physician", or "D.C." in any advertisement, solicitation, sign,
76 letterhead, or any other method of addressing the public;

77 (f) Attempting to attract patronage in any manner which castigates,
78 impugns, disparages, discredits or attacks other healing arts and sciences or
79 other chiropractic physicians;

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

82 (16) Failure or refusal to properly guard against contagious, infectious or
83 communicable diseases or the spread thereof;

84 (17) **[Fails] Failure** to maintain a chiropractic office in a safe and
85 sanitary condition;

86 (18) Engaging in unprofessional or improper conduct in the practice of
87 chiropractic;

88 (19) Administering or prescribing any drug or medicine or attempting to
89 practice medicine, surgery, or osteopathy within the meaning of chapter 334,
90 RSMo;

91 (20) Being unable to practice as a chiropractic physician with reasonable
92 skill and safety to patients because of one of the following: professional
93 incompetency; illness, drunkenness, or excessive use of drugs, narcotics, or
94 chemicals; any mental or physical condition. In enforcing this subdivision the
95 board shall, after a hearing before the board, upon a finding of probable cause,
96 require the chiropractor for the purpose of establishing his competency to practice
97 as a chiropractic physician to submit to a reexamination, which shall be
98 conducted in accordance with rules adopted for this purpose by the board,
99 including rules to allow the examination of the chiropractic physician's
100 professional competence by at least three chiropractic physicians, or to submit to
101 a mental or physical examination or combination thereof by at least three
102 physicians. One examiner shall be selected by the chiropractic physician
103 compelled to take the examination, one selected by the board, and one shall be
104 selected by the two examiners so selected. Notice of the physical or mental
105 examination shall be given by personal service or certified mail. Failure of the
106 chiropractic physician to submit to an examination when directed shall constitute
107 an admission of the allegations against him, unless the failure was due to
108 circumstances beyond his control. A chiropractic physician whose right to
109 practice has been affected under this subdivision shall, at reasonable intervals,

110 be afforded an opportunity to demonstrate that he **or she** can resume competent
111 practice with reasonable skill and safety to patients.

112 (a) In any proceeding under this subdivision, neither the record of
113 proceedings nor the orders entered by the board shall be used against a
114 chiropractic physician in any other proceeding. Proceedings under this
115 subdivision shall be conducted by the board without the filing of a complaint with
116 the administrative hearing commission;

117 (b) When the board finds any person unqualified because of any of the
118 grounds set forth in this subdivision, it may enter an order imposing one or more
119 of the following: denying his application for a license; permanently withholding
120 issuance of a license; administering a public or private reprimand; suspending or
121 limiting or restricting his license to practice as a chiropractic physician for a
122 period of not more than five years; revoking his license to practice as a
123 chiropractic physician; requiring him to submit to the care, counseling or
124 treatment of physicians designated by the chiropractic physician compelled to be
125 treated. For the purpose of this subdivision, "license" includes the certificate of
126 registration, or license, or both, issued by the board.

127 3. After the filing of such complaint, the proceedings shall be conducted
128 in accordance with the provisions of chapter 621, RSMo. Upon a finding by the
129 administrative hearing commission that the grounds, provided in subsection 2 of
130 this section, for disciplinary action are met, the board may, singly or in
131 combination:

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

135 (2) May suspend the license, certificate or permit for a period not to
136 exceed three years; or

137 (3) Revoke the license, certificate or permit.

138 4. If at any time after disciplinary sanctions have been imposed under
139 this section or under any provision of [this chapter] **sections 331.010 to**
140 **331.115**, the licensee removes himself from the state of Missouri, ceases to be
141 currently licensed under the provisions of [this chapter] **sections 331.010 to**
142 **331.115**, or fails to keep the [Missouri state] board [of chiropractic examiners]
143 advised of his current place of business and residence, the time of his absence, or
144 unlicensed status, or unknown whereabouts shall not be deemed or taken as any
145 part of the time of discipline so imposed.

331.070. 1. The board shall set the amount of the fees which [this
2 chapter] **sections 331.010 to 331.115** authorizes and requires by rules and
3 regulations promulgated pursuant to section 536.021, RSMo. The fees shall be
4 set at a level to produce revenue which shall not substantially exceed the cost and
5 expense of administering [this chapter] **sections 331.010 to 331.115**. All fees
6 provided for in [this chapter] **sections 331.010 to 331.115** shall be collected by
7 the director of the division of professional registration who shall transmit them
8 to the department of revenue for deposit in the state treasury to the credit of a
9 fund to be known as the "State Board of Chiropractic Examiners' Fund". All the
10 salaries and expenses for the operation of the board shall be appropriated and
11 paid from such fund; provided, however, the board shall create no expense
12 exceeding the sum received from time to time as fees. **The state board of**
13 **chiropractic examiners' fund shall, as of August 28, 2010, be renamed**
14 **the "State Board of Chiropractic Examiners and Acupuncturists' Fund".**

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

331.080. Any person who shall practice chiropractic or attempt to practice
2 chiropractic, or who shall use the title of doctor of chiropractic, or any word, title,
3 or letters, to induce belief that he **or she** is engaged in the practice of
4 chiropractic, without first complying with the provisions of [this chapter]
5 **sections 331.010 to 331.115**, or any person who shall buy, sell, or fraudulently
6 obtain any diploma or license to practice chiropractic shall be deemed guilty of
7 a class A misdemeanor. It shall be the duty of the several prosecuting attorneys
8 of this state to prosecute all persons charged with the violation of any provision
9 of [this chapter] **sections 331.010 to 331.115**, and it shall be the duty of the
10 executive secretary of the board, under the direction of said board, to aid said
11 attorneys of this state, in the enforcement of [this chapter] **sections 331.010 to**
12 **331.115**.

331.085. 1. Upon application by the board, and the necessary burden

2 having been met, a court of general jurisdiction may grant an injunction,
3 restraining order or other order as may be appropriate to enjoin a person from:

4 (1) Offering to engage or engaging in the performance of any acts or
5 practices for which a certificate of registration or authority, permit or license is
6 required by [this chapter] **sections 331.010 to 331.115** upon a showing that
7 such acts or practices were performed or offered to be performed without a
8 certificate of registration or authority, permit or license; or

9 (2) Engaging in any practice or business authorized by a certificate of
10 registration or authority, permit or license issued pursuant to this chapter upon
11 a showing that the holder presents a substantial probability of serious danger to
12 the health, safety or welfare of any resident of this state or client or patient of the
13 licensee.

14 2. Any such action shall be commenced either in the county in which such
15 conduct occurred or in the county in which the defendant resides.

16 3. Any action brought pursuant to this section shall be in addition to and
17 not in lieu of any penalty provided in [this chapter] **sections 331.010 to 331.115**
18 and may be brought concurrently with other actions to enforce the provisions of
19 [this chapter] **sections 331.010 to 331.115**.

20 4. Nothing in this section shall be construed to prohibit a person licensed
21 or registered pursuant to chapter 334, RSMo, whose license is in good standing
22 from acting within the scope of his or her practice.

331.090. 1. **As of August 28, 2010**, the "Missouri State Board of
2 Chiropractic Examiners" shall **be renamed the "Missouri State Board of**
3 **Chiropractic Examiners and Acupuncturists"**. The board shall consist of
4 [five] **six members, including three chiropractors licensed in this state,**
5 **two acupuncturists licensed in this state, and one voting public**
6 **member. The three members who are chiropractors**[, not more than two of
7 whom] shall **not** be [graduated] **graduates** from the same school or college of
8 chiropractic[,and one voting public member, to]. **The two acupuncturist**
9 **members shall be acupuncturists licensed in this state, one of whom**
10 **shall also be licensed as a chiropractor in this state. Members shall be**
11 appointed by the governor, with the advice and consent of the senate, from
12 nominees submitted by the director of the division of professional registration, for
13 a term of five years; except that, of the chiropractic members appointed for the
14 terms which begin in 1989, one shall be appointed for a term of three years and
15 one for a term of four years, of the chiropractic members appointed for the terms

16 which begin in 1990, one shall be appointed for a term of four years and one shall
17 be appointed for a term of five years, and the chiropractic member appointed for
18 the term which begins in 1991 shall be appointed for a term of five
19 years. Beginning in 2, all successors to members shall be appointed to terms of
20 four years from the date of their appointment and until their successors have
21 been appointed and qualified. Each member shall be limited to two full
22 consecutive terms. A member may be removed by the governor for incompetence
23 or improper conduct. The chiropractors shall be United States citizens and shall
24 have been residents of this state for one year and shall have practiced
25 chiropractic continuously for a period of at least two years prior to such
26 appointment. No person shall be appointed to the state board of chiropractic
27 examiners **and acupuncturists** who practices any other method of healing than
28 chiropractic **or acupuncture** as defined in [this chapter] **section 331.010**. The
29 president of the Missouri State Chiropractors Association in office at the time
30 shall, at least ninety days prior to the expiration of the term of a board member[,
31 other than the public member] **who is a licensed chiropractor**, or as soon as
32 feasible after **such** a vacancy on the board otherwise occurs, submit to the
33 director of the division of professional registration a list of five chiropractors
34 qualified and willing to fill the vacancy in question, with the request and
35 recommendation that the governor appoint one of the five persons so listed, and
36 with the list so submitted, the president of the Missouri State Chiropractors
37 Association shall include in his or her letter of transmittal a description of the
38 method by which the names were chosen by that association. **The president of**
39 **the Acupuncture Association of Missouri shall, at least ninety days**
40 **prior to the expiration of the term of a board member who is a licensed**
41 **acupuncturist or as soon as feasible after such a vacancy on the board**
42 **otherwise occurs, submit to the director of the division of professional**
43 **registration a list of five acupuncturists qualified and willing to fill the**
44 **vacancy in question, with the request and recommendation that the**
45 **governor appoint one of the five persons so listed, and with the list so**
46 **submitted, the president of the Acupuncture Association of Missouri**
47 **shall include in his or her letter of transmittal a description of the**
48 **method by which the names were chosen by that association.**

49 2. The public member shall be at the time of his or her appointment a
50 citizen of the United States; a resident of this state for a period of one year and
51 a registered voter; a person who is not and never was a member of any profession

52 licensed or regulated pursuant to this chapter or the spouse of such person; and
53 a person who does not have and never has had a material, financial interest in
54 either the providing of the professional services regulated by this chapter, or an
55 activity or organization directly related to any profession licensed or regulated
56 pursuant to this chapter. The duties of the public member shall not include the
57 determination of the technical requirements to be met for licensure or whether
58 any person meets such technical requirements or of the technical competence or
59 technical judgment of a licensee or a candidate for licensure.

331.110. 1. Chiropractors shall maintain an adequate and complete
2 patient record for each patient and may maintain electronic records provided that
3 the record-keeping format is capable of being printed for review by the [state]
4 board [of chiropractic examiners]. An adequate and complete patient record shall
5 include documentation of the following information:

6 (1) Identification of the patient including name, birth date, address, and
7 telephone number;

8 (2) The date or dates the patient was seen;

9 (3) The current status of the patient including the reason for the visit;

10 (4) Observation of pertinent physical findings;

11 (5) Assessment and clinical impression or diagnosis, to the extent
12 authorized by section 331.010;

13 (6) Plan for care and treatment or additional consultations or diagnostic
14 testing, if necessary, to the extent authorized by section 331.010;

15 (7) Any informed consent for office procedures or tests, to the extent
16 authorized by section 331.010.

17 2. Patient records remaining under the care, custody, and control of the
18 licensee shall be maintained by the licensee of the board or the licensee's designee
19 for a minimum of seven years from the date of when the last professional service
20 was provided.

21 3. Any correction, addition, or change in any patient record made more
22 than forty-eight hours after the final entry is entered in the record and signed by
23 the chiropractor shall be clearly marked and identified as such and the date,
24 time, and name of the person making the correction, addition, or change shall be
25 included as well as the reason for the correction, addition, or change.

26 4. The board shall not initiate disciplinary action under section 331.060
27 against a licensee solely based on a violation of this section. If the board initiates
28 disciplinary action against the licensee for any reason other than a violation of

29 this section the board may allege violation of this section as an additional cause
30 for discipline under section 331.060.

31 5. The board shall not obtain a medical record of a patient without written
32 authorization from the patient to obtain the medical record or the issuance of a
33 subpoena for the medical record of the patient.

**331.479. 1. Upon appointment by the governor and confirmation
2 by the senate of the two board members who are licensed
3 acupuncturists, the acupuncturist advisory committee shall be
4 abolished and their duties and responsibilities shall merge into the
5 state board of chiropractic examiners and acupuncturists as
6 established under section 331.090. The board members serving on the
7 acupuncturist advisory committee prior to August 28, 2010, shall not be
8 disqualified from appointment to the state board of chiropractic
9 examiners and acupuncturists due to such service. The state board of
10 chiropractic examiners and acupuncturists shall carry out the duties
11 of the acupuncturist advisory committee.**

12 **2. Upon appointment by the governor and confirmation by the
13 senate of the two board members of the state board of chiropractic
14 examiners and acupuncturists who are licensed acupuncturists,
15 following enactment of this section, all of the powers, duties, and
16 functions of the acupuncturist advisory committee are transferred to,
17 conferred and imposed upon the state board of chiropractic examiners
18 and acupuncturists. The state board of chiropractic examiners and
19 acupuncturists shall be the successor in every way to the powers,
20 duties and functions of the acupuncturist advisory committee.**

21 **3. Every act performed in the exercise of such powers, duties,
22 and authorities by or under the authority of the acupuncturist advisory
23 committee under sections 324.475 to 324.499 in effect prior to August 28,
24 2010, shall be deemed to have the same force and effect as if performed
25 by the state board of chiropractic examiners and acupuncturists under
26 sections 331.010 to 331.115.**

27 **4. All rules and regulations of the state board of chiropractic
28 examiners and the acupuncturists' advisory committee regarding the
29 licensure of chiropractors and acupuncturists and amendments thereto
30 shall continue to be effective until revised, amended, or repealed by the
31 state board of chiropractic examiners and acupuncturists. The state
32 board of chiropractic examiners and acupuncturists shall review such**

33 rules and regulations and shall adopt new or amend current rules and
34 regulations as required for the administration of the licensure law for
35 chiropractors and acupuncturists.

36 5. Any advice, recommendations, or referrals received by the
37 state board of chiropractic examiners from the acupuncturist advisory
38 committee prior to its abolition on matters pertaining to the licensing
39 of acupuncturists may be considered by the state board of chiropractic
40 examiners and acupuncturists.

41 6. The acupuncturist advisory committee, upon its abolition,
42 shall make all of its records available to the state board of chiropractic
43 examiners and acupuncturists.

331.481. 1. The board shall license applicants who meet the
2 qualifications for acupuncturists, who file for licensure, and who pay
3 all fees required for this licensure.

4 2. The board shall:

5 (1) Maintain a record of all board proceedings regarding sections
6 331.479 to 331.499 and of all acupuncturists licensed in this state;

7 (2) Annually prepare a roster of the names and addresses of all
8 acupuncturists licensed in this state, copies of which shall be made
9 available upon request to any person paying the fee therefor;

10 (3) Set the fee for the roster at an amount sufficient to cover the
11 actual cost of publishing and distributing the roster;

12 (4) Adopt an official seal;

13 (5) Prescribe the design of all forms to be furnished to all
14 persons seeking licensure under sections 331.479 to 331.499;

15 (6) Prescribe the form and design of the license to be issued
16 under sections 331.479 to 331.499;

17 (7) Inform licensees of any changes in policy, rules, or
18 regulations;

19 (8) Set all fees, by rule, necessary to administer the provisions
20 of sections 331.479 to 331.499.

21 3. The board may:

22 (1) Issue subpoenas to compel witnesses to testify or produce
23 evidence in proceedings to deny, suspend, or revoke licensure;

24 (2) Promulgate rules under chapter 536 in order to carry out the
25 provisions of sections 331.479 to 331.499 including, but not limited to,
26 regulations establishing:

- 27 (a) Standards for the practice of acupuncture;
28 (b) Standards for ethical conduct in the practice of acupuncture;
29 (c) Standards for continuing professional education;
30 (d) Standards for the training and practice of auricular detox
31 technicians, including specific enumeration of points which may be
32 used.

33 4. Any rule or portion of a rule, as that term is defined in section
34 536.010 that is promulgated to administer and enforce sections 331.479
35 to 331.499, shall become effective only if the board has fully complied
36 with all of the requirements of chapter 536 including but not limited to,
37 section 536.028, if applicable, after August 28, 2010. If the provisions of
38 section 536.028 apply, the provisions of this section are nonseverable
39 and if any of the powers vested with the general assembly under
40 section 536.028 to review, to delay the effective date, or to disapprove
41 and annul a rule or portion of a rule are held unconstitutional or
42 invalid, the purported grant of rulemaking authority and any rule so
43 proposed and contained in the order of rulemaking shall be invalid and
44 void, except that nothing in this section shall affect the validity of any
45 rule adopted and promulgated prior to August 28, 2010.

46 5. All funds received by the board under the provisions of
47 sections 331.479 to 331.499 shall be collected by the director who shall
48 transmit the funds to the department of revenue for deposit in the state
49 treasury to the credit of the state board of chiropractic examiners and
50 acupuncturists' fund established under section 331.070. All funds
51 within the acupuncturist fund shall be transferred to the state board
52 of chiropractic examiners and acupuncturists' fund upon abolition of
53 the acupuncturist advisory committee pursuant to section
54 331.479. Following such transfer of funds, the acupuncturist fund is
55 abolished.

 331.484. 1. Nothing in sections 331.479 to 331.499 shall be
2 construed to apply to physicians and surgeons licensed under sections
3 334.010 to 334.265 or chiropractic physicians licensed under sections
4 331.010 to 331.115; except that, if such physician or surgeon or
5 chiropractic physician, with or without a current certification in
6 meridian therapy, uses the title, licensed acupuncturist, then the
7 provisions of sections 331.479 to 331.499 shall apply.

8 2. No license to practice acupuncture shall be required for any

9 person who is an auricular detox technician, provided that such person
10 performs only auricular detox treatments as defined in section 331.010,
11 under the supervision of a licensed acupuncturist and in accordance
12 with regulations promulgated under sections 331.479 to 331.499. An
13 auricular detox technician shall not insert acupuncture needles in any
14 other points of the ear or body or use the title, licensed acupuncturist.

331.487. 1. It is unlawful for any person to practice acupuncture
2 in this state, unless such person:

3 (1) Possesses a valid license issued by the board under sections
4 331.479 to 331.499; or

5 (2) Is engaged in a supervised course of study that has been
6 approved by the board, and is designated and identified by a title that
7 clearly indicates status as a trainee, and is under the supervision of a
8 licensed acupuncturist.

9 2. A person may be licensed to practice acupuncture in this state
10 if the applicant:

11 (1) Is twenty-one years of age or older and meets one of the
12 following requirements:

13 (a) Is actively certified as a Diplomate in Acupuncture by the
14 National Commission for the Certification of Acupuncture and Oriental
15 Medicine; or

16 (b) Is actively licensed, certified or registered in a state or
17 jurisdiction of the United States which has eligibility and examination
18 requirements that are at least equivalent to those of the National
19 Commission for the Certification of Acupuncture and Oriental
20 Medicine, as determined and approved by the board;

21 (2) Submits to the board an application on a form prescribed by
22 the board; and

23 (3) Pays the appropriate fee.

24 3. The board shall issue a certificate of licensure to each
25 individual who satisfies the requirements of subsection 2 of this
26 section, certifying that the holder is authorized to practice acupuncture
27 in this state. The holder shall have in his or her possession at all times
28 while practicing acupuncture, the license issued under sections 331.479
29 to 331.499.

331.490. 1. Licenses issued under sections 331.479 to 331.499 shall
2 expire every other year. Renewal applications shall be submitted to the

3 division along with the appropriate renewal fee.

4 2. A license to practice acupuncture which is not renewed on or
5 before the date of its expiration becomes invalid. Such license may be
6 restored by complying with the provisions of section 331.493.

331.493. Any acupuncturist who fails to renew such
2 acupuncturist's license on or before the date of its expiration may
3 restore such license as follows:

4 (1) If the application for renewal is submitted to the board not
5 more than two years after the expiration of the applicant's last license,
6 by payment of the appropriate fee and by providing all documentation
7 required by the board by rule; or

8 (2) If the application for renewal is submitted to the board more
9 than two years after the expiration of the applicant's last license, by
10 payment of the appropriate fee, and by reapplying as provided in
11 subdivisions (1) and (2) of subsection 2 of section 331.487.

331.496. 1. The board may refuse to issue, renew or reinstate any
2 license required by sections 331.479 to 331.499 for one or any
3 combination of causes stated in subsection 2 of this section. The board
4 shall notify the applicant in writing of the reasons for the refusal and
5 shall advise the applicant of his or her right to file a complaint with
6 the administrative hearing commission as provided by chapter 621.

7 2. The board may cause a complaint to be filed with the
8 administrative hearing commission as provided by chapter 621 against
9 any holder of any license issued under sections 331.479 to 331.499 or
10 any person who has failed to renew or has surrendered his or her
11 license for any one or any combination of the following causes:

12 (1) The person has been finally adjudicated and found guilty, or
13 entered a plea of guilty or nolo contendere, in a criminal prosecution
14 under the laws of any state or of the United States, for any offense
15 reasonably related to the qualifications, functions, or duties of the
16 profession regulated under sections 331.479 to 331.499, for any offense
17 an essential element of which is fraud, dishonesty, or an act of violence,
18 or for any offense involving moral turpitude, whether or not sentence
19 is imposed;

20 (2) Use of fraud, deception, misrepresentation, or bribery in
21 securing any license issued under sections 331.479 to 331.499 or in
22 obtaining permission to take any examination given or required under

23 sections 331.479 to 331.499;

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

26 (4) Incompetency, misconduct, gross negligence, fraud,
27 misrepresentation, or dishonesty in the performance of the functions
28 or duties of the profession regulated by sections 331.479 to 331.499;

29 (5) Violation of, or assisting or enabling any person to violate,
30 any provision of sections 331.479 to 331.499, or of any lawful rule or
31 regulation adopted under such sections;

32 (6) Impersonation of any person holding a license or allowing
33 any person to use his or her certificate or diploma from any school or
34 certification entity;

35 (7) Disciplinary action against the holder of a license or other
36 right to practice the profession regulated by sections 331.479 to 331.499
37 granted by another state, territory, federal agency or country upon
38 grounds for which revocation or suspension is authorized in this state;

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

41 (9) Issuance of a license based upon a material mistake of fact;

42 (10) Use of any advertisement or solicitation which is false,
43 misleading, or deceptive to the general public or persons to whom the
44 advertisement or solicitation is primarily directed;

45 (11) Use of any controlled substance, as defined in chapter 195,
46 or alcoholic beverage to an extent that such use impairs a person's
47 ability to perform the work of any profession licensed or regulated by
48 sections 331.479 to 331.499.

49 3. Any person, organization, association, or corporation who
50 reports or provides information to the division or board under the
51 provisions of sections 331.479 to 331.499 and who does so in good faith
52 and without negligence shall not be subject to an action for civil
53 damages as a result thereof.

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

60 **probation, suspension or revoke the license of the person on such terms**
61 **and conditions as the division deems appropriate.**

331.499. 1. **Any person who violates any provision of sections**
2 **331.479 to 331.499 is guilty of a class B misdemeanor.**

3 **2. All fees or other compensation received for services which are**
4 **rendered in violation of sections 331.479 to 331.499 shall be refunded.**

5 **3. The board may sue in its own name in any court in this state**
6 **to enforce the provisions of sections 331.479 to 331.499. The board may**
7 **investigate any alleged violations of sections 331.479 to 331.499, may**
8 **institute actions for penalties provided in this section and shall enforce**
9 **generally the provisions of sections 331.479 to 331.499.**

10 **4. Upon application by the board, the attorney general may, on**
11 **behalf of the board, request that a court of competent jurisdiction grant**
12 **an injunction, restraining order or other order as may be appropriate**
13 **to enjoin a person from:**

14 **(1) Offering to engage or engaging in the performance of any acts**
15 **or practices for which a certificate of registration or authority, permit**
16 **or license is required upon a showing that such acts or practices were**
17 **performed or offered to be performed without a certificate of**
18 **registration or authority, permit or license; or**

19 **(2) Engaging in any practice or business authorized by a**
20 **certificate of registration or authority, permit or license, issued under**
21 **sections 331.479 to 331.499 upon a showing that the holder presents a**
22 **substantial probability of serious harm to the health, safety, or welfare**
23 **of any resident of this state or client or patient of the licensee.**

24 **5. Any action brought under this section may be in addition to,**
25 **or in lieu of, any penalty provided by sections 331.479 to 331.499 and**
26 **may be brought concurrently with other actions to enforce the**
27 **provisions of sections 331.479 to 331.499.**

334.721. 1. **Nothing in sections 334.700 to 334.725 shall be construed to**
2 **authorize the practice of medicine by any person not licensed by the state board**
3 **of registration for the healing arts.**

4 **2. The provisions of sections 334.700 to 334.725 shall not apply to the**
5 **following persons:**

6 **(1) Physicians and surgeons licensed by the state board of registration for**
7 **the healing arts;**

8 **(2) Dentists licensed by the Missouri dental board who confine their**

- 9 practice strictly to dentistry;
- 10 (3) Optometrists licensed by the state board of optometry who confine
11 their practice strictly to optometry, as defined in section 336.010, RSMo;
- 12 (4) Nurses licensed by the state board of nursing who confine their
13 practice strictly to nursing;
- 14 (5) Chiropractors licensed by the state board of chiropractic examiners
15 **and acupuncturists** who confine themselves strictly to the practice of
16 chiropractic, as defined in section 331.010, RSMo;
- 17 (6) Podiatrists licensed by the state board of chiropody or podiatry who
18 confine their practice strictly to that of a podiatrist, as defined in section 330.010,
19 RSMo;
- 20 (7) Professional physical therapists licensed by the state board of
21 registration for the healing arts who confine their practice strictly to professional
22 physical therapy, as defined in section 334.500;
- 23 (8) Coaches and physical education instructors in the performance of their
24 duties;
- 25 (9) [Athletic training students] **Student athletic trainers** who confine
26 themselves strictly to their duties as [defined in] **governed by** sections 334.700
27 to 334.725;
- 28 (10) Athletic trainers from other nations, states, or territories performing
29 their duties for their respective teams or organizations if they restrict their duties
30 only to their teams or organizations and only during the course of their teams' or
31 organizations' stay in this state.

344.060. 1. The [director of the department of health and senior services]
2 **governor** shall appoint **with the advice and consent of the senate** ten
3 suitable persons who together with the director of the department of health and
4 senior services or the director's designee shall constitute the "Missouri Board of
5 Nursing Home Administrators" which is hereby created within the department
6 of health and senior services and which shall have the functions, powers and
7 duties prescribed by sections 344.010 to 344.108.

8 2. In addition to the director of the department of health and senior
9 services or the director's designee the membership of the board shall consist of
10 one licensed physician, two licensed health professionals, one person from the
11 field of health care education, four persons who have been in general
12 administrative charge of a licensed nursing home for a period of at least five
13 years immediately preceding their appointment, and two public members. In

14 addition to these qualifications, the physician, the two licensed health care
15 professionals, and the health care educator shall be citizens of the United States
16 and taxpaying residents of the state of Missouri for one year preceding their
17 appointments. The four appointees who have been in general administrative
18 charge of a licensed nursing home shall be citizens of the United States and
19 either residents of the state of Missouri for one year preceding their appointments
20 or persons who have been licensed by the board and whose five years of
21 employment in a licensed nursing home immediately preceding their appointment
22 have occurred in the state of Missouri. The public members shall be citizens of
23 the United States, residents of the state of Missouri for one year preceding their
24 appointment, and registered voters. The public members shall be persons who
25 are not, or never were, licensed nursing home administrators or the spouse of
26 such persons, or persons who do not have or never have had a material, financial
27 interest in either the providing of licensed nursing home services or in an activity
28 or organization directly related to licensed nursing home administration. Neither
29 the one licensed physician, the two licensed health professionals, nor the person
30 from the health care education field shall have any financial interest in a licensed
31 nursing home.

32 3. The members of the board shall be appointed for three-year terms or
33 until their successors are appointed and qualified provided that no more than
34 four members' terms shall expire in the same year. [All members appointed prior
35 to September 28, 1979, shall serve the term for which they were appointed.] The
36 governor shall fill any vacancies on the board as necessary. Appointment to fill
37 an unexpired term shall not be considered an appointment for a full term. Board
38 membership, continued until successors are appointed and qualified, shall not
39 constitute an extension of the three-year term and the successors shall serve only
40 the remainder of the term.

41 4. Every member shall receive a certificate of appointment; and every
42 appointee, before entering upon his or her duties, shall take the oath of office
43 required by article VII, section 11, of the Constitution of Missouri.

44 5. Any member of the board may be removed by the [director of the
45 department of health and senior services] **governor** for misconduct,
46 incompetency or neglect [to] **of** duty after first being given an opportunity to be
47 heard in his or her own behalf.

361.070. 1. The director of finance and all employees of the division of
2 finance, which term shall, for purposes of this section and section 361.080,

3 include special agents, shall, before entering upon the discharge of their duties,
4 take the oath of office prescribed by the constitution, and, in addition, take an
5 oath that they will not reveal the conditions or affairs of any financial institution
6 or any facts pertaining to the same, that may come to their knowledge by virtue
7 of their official positions, unless required by law to do so in the discharge of the
8 duties of their offices or when testifying in any court proceeding. For purposes
9 of this section and section 361.080, "financial institution" shall mean any entity
10 subject to chartering, licensing, or regulation by the division of finance.

11 2. The director of finance and all employees of the division of finance shall
12 further execute to the state of Missouri good and sufficient bonds with corporate
13 surety, to be approved by the governor and attorney general, conditioned that
14 they will faithfully and impartially discharge the duties of their offices, and pay
15 over to the persons entitled by law to receive it, all money coming into their
16 hands by virtue of their offices. The principal amount of bond applicable to each
17 employee shall be determined by the state banking **and savings and loan**
18 board. The bond, after approval by the governor and attorney general, shall be
19 filed with the secretary of state for safekeeping. The bond premiums, not to
20 exceed one percent on the amount thereof, shall be paid out of the state treasury
21 in the same manner as other expenses of the division.

22 3. Neither the director of finance nor any employees of the division of
23 finance who participate in the examination of any bank or trust company, or who
24 may be called upon to make any official decision or determination affecting the
25 operation of any bank or trust company, other than the banker members of the
26 state banking **and savings and loan** board, shall be an officer, director,
27 attorney, owner, or holder of stock in any bank or trust company or any bank
28 holding company as that term is defined in section 362.910, RSMo, nor shall they
29 receive, directly or indirectly, any payment or gratuity from any such
30 organization, nor engage in the negotiation of loans for others with any state
31 bank or trust company, nor be indebted to any state bank or trust company.

32 4. The director of finance, in connection with any examination or
33 investigation of any person, company, or event, shall have the authority to compel
34 the production of documents, in whatever form they may exist, and shall have the
35 authority to compel the attendance of and administer oaths to any person having
36 knowledge of any issue involved with the examination or investigation. The
37 director may seek judicial enforcement of an administrative subpoena by
38 application to the appropriate court. An administrative subpoena shall be subject

39 to the same defenses or subject to a protective order or conditions as provided and
40 deemed appropriate by the court in accordance with the Missouri Supreme Court
41 Rules.

361.092. There is hereby created a "State Banking **and Savings and**
2 **Loan** Board" which shall have such powers and duties as are conferred upon it
3 by law. The state banking **and savings and loan** board with all of its powers,
4 duties, and functions is assigned [by type III transfer under the authority of the
5 Omnibus State Reorganization Act of 1974 and executive order 06-04] to the
6 department of insurance, financial institutions and professional registration.

361.093. The state banking **and savings and loan** board shall advise
2 [with] the director of finance as to the proper administration of his office and the
3 banking laws of this state and make recommendations to the general assembly
4 as to changes in these laws.

361.094. 1. The state banking **and savings and loan** board shall with
2 reasonable promptness hear and by order determine all appeals permitted by law
3 from refusals of the director of finance to grant certificates of incorporation to the
4 proposed incorporators of banks, from refusals of the director of finance to issue
5 certificates permitting changes in the articles of agreement of banks to provide
6 for the relocation of these banks in other communities, from refusals of the
7 director of finance to grant certificates of incorporation to the proposed
8 incorporators of trust companies, and from refusals of the director of finance to
9 issue certificates permitting changes in the articles of agreement of trust
10 companies to provide for the relocation of these trust companies in other
11 communities.

12 2. The state banking **and savings and loan** board shall hear and by
13 order determine an appeal from the action of the director granting the
14 incorporation or relocation of a bank or trust company upon application filed
15 within ten days after the director's action by a bank, trust company, national
16 banking association or other persons claiming to be adversely affected
17 thereby. The application shall state the grounds upon which it is alleged that the
18 action of the director should be stayed, reversed or altered. In reviewing an
19 application for appeal, the board shall have access to all of the records and
20 information used by the director in making his decision. A decision shall be
21 rendered on the appeal within ninety days from the date of the application for
22 appeal.

23 3. The board shall establish such rules as may be necessary to give effect

24 to the provisions of this section. The rules may provide that the board or the
25 chairman of the board may delegate responsibility for the conduct of
26 investigations and the hearing of appeals provided under any section of this law
27 to a member of the board or to a hearing officer designated by the board. Such
28 hearing officer shall have the power to administer oaths, subpoena witnesses,
29 compel the production of records pertinent to any hearing, and take any action
30 in connection with such hearing which the board itself is authorized to take by
31 law other than making the final decision and appropriate order. When the
32 hearing has been completed, the individual board member or the hearing officer
33 who conducted the hearing shall prepare a summary thereof and recommend a
34 findings of fact, conclusions of law, decision and appropriate order for approval
35 of the board. The board may adopt such recommendations in whole or in part,
36 require the production of additional testimony, reassign the case for rehearing,
37 or may itself conduct such new or additional hearing as is deemed necessary prior
38 to rendering a final decision.

361.095. 1. The state banking **and savings and loan** board shall make
2 rules and regulations, consistent with applicable law, for the proceedings in
3 connection with the appeals provided for in section 361.094. No rule or portion
4 of a rule promulgated under the authority of this chapter shall become effective
5 unless it has been promulgated pursuant to the provisions of section 536.024,
6 RSMo.

7 2. The costs of the appeal shall be assessed against the losing party, and
8 the board may require the deposit of a reasonable sum for the payment of costs
9 at the time the appeal is brought.

10 3. At any hearing provided for in section 361.094 the director of the
11 division of finance shall be deemed a party, and any person claiming to be
12 adversely affected and any bank, trust company or national banking association
13 located in the city or town and county in which the proposed bank or trust
14 company is to be located upon incorporation or relocation may intervene.

15 4. The director of the division of finance shall act in accordance with any
16 order of the state banking **and savings and loan** board made pursuant to
17 section 361.094, but the order of the board shall be subject to judicial review as
18 provided by law. Whether or not any review shall operate as a stay of the board's
19 order shall be determined by the board.

361.096. 1. At any hearing provided for in section 361.094, the state
2 banking **and savings and loan** board, or any member thereof, shall have power

3 to administer oaths.

4 2. In connection with any such hearing, the board, or any member thereof,
5 shall issue subpoenas and subpoenas duces tecum on the board's own motion or
6 at the request of any intervenor or other party, which subpoenas or subpoenas
7 duces tecum shall extend to all parts of the state and shall be signed by the
8 secretary of the board or by any other member thereof. The board shall have
9 power, on motion after due notice, for good cause to quash or modify any
10 subpoena or subpoena duces tecum on the grounds that the same is unduly
11 burdensome, unreasonable or oppressive. Subpoenas and subpoenas duces tecum
12 may be served as in the case of subpoenas in civil actions in the circuit court and
13 each witness who shall appear before the board in obedience to a subpoena or
14 subpoena duces tecum shall receive for his attendance the fees and mileage
15 provided for witnesses in civil actions in the circuit court, which shall be paid by
16 the party at whose instance such subpoena or subpoena duces tecum was issued.
17 In case of refusal of a witness to obey any such subpoena or subpoena duces
18 tecum, or to testify when lawfully required to do so, the board may apply to a
19 judge of the circuit court of the county of the hearing or of any county where the
20 witness resides or may be found, for an order upon such witness to show cause
21 why such subpoena or subpoena duces tecum should not be enforced, or the
22 witness required to give such testimony, which said order and a copy of the
23 application therefor shall be served upon the witness in the same manner as a
24 summons in a civil action, and if said circuit court shall, after a hearing,
25 determine that the subpoena or subpoena duces tecum should be sustained and
26 enforced, or that the witness should be required to give such testimony, said court
27 shall make an order to enforce such subpoena or subpoena duces tecum, or compel
28 such testimony and may enforce such order as in the case of a subpoena or
29 subpoena duces tecum, or refusal to testify, in a civil action in the circuit court.

361.097. 1. The state banking **and savings and loan** board shall consist
2 of five members who shall be appointed by the governor, the senate concurring.
3 No person shall be eligible for appointment unless he [shall be] **or she is** a
4 resident of this state. One member shall be an attorney at law and a member of
5 the Missouri Bar in good standing. Two members shall each have had at least
6 [ten years'] **five years of active bank management** experience in this state
7 [as an officer or director or partly as an officer and partly as a director of one or
8 more state banks or trust companies or national banking associations, of which
9 at least five years shall have been full-time, active bank management

10 experience]. **One member shall have had at least five years of active**
11 **management experience in this state of one or more associations as**
12 **defined in chapter 369.** [The two other members] **One member** shall be
13 **[nonbankers] an individual who is not involved in the administration of**
14 **a financial institution.** Not more than three members of the board shall be
15 members of the same political party. [The term of office of the board first
16 appointed shall in the case of one member be two years; in the case of two
17 members shall be four years; and in the case of the other two members shall be
18 six years; with all said terms beginning August 29, 1955. All subsequent terms
19 shall be for a term of six years from the expiration of the preceding term. The
20 governor shall designate one member as chairman and another member as
21 secretary of the board.]

22 **2. The term of office of each member of the state banking and**
23 **savings and loan board shall be six years. The board shall select its**
24 **own chairman and secretary.** The members of the state banking and
25 **savings and loan** board shall hold office for the respective terms for which they
26 are appointed and until their successors shall qualify. Vacancies [in said] **on**
27 **such** board shall be filled by appointment for the unexpired term in the same
28 manner as in the case of an original appointment.

361.098. 1. The members of the state banking **and savings and loan**
2 board shall receive as compensation for their services the sum of one hundred
3 dollars per day while discharging their duties, and shall be entitled to receive
4 their necessary traveling and other expenses incurred while actually engaged in
5 the performance of their duties as such members.

6 2. A majority of the members of the board shall constitute a quorum for
7 the transaction of any business, for the performance of any duty or for the
8 exercise of any power of the board.

9 3. The board may meet and exercise its powers in any place in this state
10 and shall meet at any time upon the call of its chairman or of the director of the
11 division of finance or of any two members of the board.

12 4. The board shall have an official seal bearing the inscription, "State
13 **Banking and Savings and Loan** Board of the State of Missouri", which shall be
14 judicially noticed.

361.105. 1. The director of finance, with the approval of the state banking
2 **and savings and loan** board, shall have power to adopt, promulgate, amend and
3 repeal rules and regulations necessary or desirable to carry out the duties

4 assigned to the division by law relating to banks and trust companies and which
5 are not inconsistent with the constitution or laws of this state. A copy of every
6 rule and regulation shall be mailed to each bank and trust company, postage
7 prepaid, at least fifteen days in advance of its effective date; except that the
8 failure of a bank or trust company to receive a copy of a rule or regulation shall
9 not exempt it from the duty of compliance with a rule or regulation lawfully
10 promulgated hereunder. The director, in the exercise of the power to make rules
11 and regulations hereunder, shall act in the interests of promoting and
12 maintaining a sound banking system and sound trust companies, the security of
13 deposits and depositors and other customers, the preservation of the liquid
14 position of banks and in the interest of preventing injurious credit expansions
15 and contractions.

16 2. No rule or portion of a rule promulgated under the authority of this
17 chapter shall become effective unless it has been promulgated pursuant to the
18 provisions of section 536.024, RSMo.

362.040. In case the director shall not be satisfied, as the result of the
2 examination, that the character, responsibility and general fitness of the persons
3 named in the articles of agreement are up to the standard above provided, or that
4 the convenience and needs of the community to be served justify and warrant the
5 opening of the new bank or trust company therein, or that the probable volume
6 of business in such locality is sufficient to insure and maintain the solvency of the
7 new bank and the solvency of the then existing banks or trust companies in the
8 locality, without endangering the safety of any bank or trust company in the
9 locality as a place of deposit of public and private moneys; and on these accounts
10 or any one of them shall refuse to grant the certificate of incorporation, [he] **the**
11 **director** shall forthwith give notice thereof to the proposed incorporators from
12 whom the articles of agreement were received, who, if they so desire, may within
13 ten days thereafter appeal from the refusal to the state banking **and savings**
14 **and loan** board.

362.105. 1. Every bank and trust company created under the laws of this
2 state may for a fee or other consideration, directly or through a subsidiary
3 company, and upon complying with any applicable licensing statute:

4 (1) Conduct the business of receiving money on deposit and allowing
5 interest thereon not exceeding the legal rate or without allowing interest thereon,
6 and of buying and selling exchange, gold, silver, coin of all kinds, uncurrent
7 money, of loaning money upon real estate or personal property, and upon

8 collateral of personal security at a rate of interest not exceeding that allowed by
9 law, and also of buying, investing in, selling and discounting negotiable and
10 nonnegotiable paper of all kinds, including bonds as well as all kinds of
11 commercial paper; and for all loans and discounts made, the corporation may
12 receive and retain the interest in advance;

13 (2) Accept for payment, at a future date, drafts drawn upon it by its
14 customers and to issue letters of credit authorizing the holders thereof to draw
15 drafts upon it or upon its correspondents at sight or on time not exceeding one
16 year; provided, that no bank or trust company shall incur liabilities under this
17 subdivision to an amount equal at any time in the aggregate to more than its
18 paid-up and unimpaired capital stock and surplus fund, except with the approval
19 of the director under such general regulations as to amount of acceptances as the
20 director may prescribe;

21 (3) Purchase and hold, for the purpose of becoming a member of a Federal
22 Reserve Bank, so much of the capital stock thereof as will qualify it for
23 membership in the reserve bank pursuant to an act of Congress, approved
24 December 23, 1913, entitled "The Federal Reserve Act" and any amendments
25 thereto; to become a member of the Federal Reserve Bank, and to have and
26 exercise all powers, not in conflict with the laws of this state, which are conferred
27 upon any member by the Federal Reserve Act and any amendments thereto. The
28 member bank or trust company and its directors, officers and stockholders shall
29 continue to be subject, however, to all liabilities and duties imposed upon them
30 by any law of this state and to all the provisions of this chapter relating to banks
31 or trust companies;

32 (4) Subscribe for and purchase such stock in the Federal Deposit
33 Insurance Corporation and to make such payments to and to make such deposits
34 with the Federal Deposit Insurance Corporation and to pay such assessments
35 made by such corporation as will enable the bank or trust company to obtain the
36 benefits of the insurance of deposits under the act of Congress known as "The
37 Banking Act of 1933" and any amendments thereto;

38 (5) Invest in a bank service corporation as defined by the act of Congress
39 known as the "Bank Service Corporation Act", Public Law 87-856, as approved
40 October 23, 1962, to the same extent as provided by that act or any amendment
41 thereto;

42 (6) Hold a noncontrolling equity interest in any business entity that
43 conducts only activities that are financial in nature or incidental to financial

44 activity or that is established pursuant to subdivision (16) of this subsection
45 where the majority of the stock or other interest is held by Missouri banks,
46 Missouri trust companies, national banks located in Missouri, or any foreign bank
47 with a branch or branches in Missouri, or any combination of these financial
48 institutions; provided that if the entity is defined pursuant to Missouri law as any
49 type of financial institution subsidiary or other type of entity subject to special
50 conditions or regulations, those conditions and regulations shall remain
51 applicable, and provided that such business entity may be formed as any type of
52 business entity, in which each investor's liability is limited to the investment in
53 and loans to the business entity as otherwise provided by law;

54 (7) Receive upon deposit for safekeeping personal property of every
55 description, and to own or control a safety vault and rent the boxes therein;

56 (8) Purchase and hold the stock of one safe deposit company organized
57 and existing under the laws of the state of Missouri and doing a safe deposit
58 business on premises owned or leased by the bank or trust company at the main
59 banking house and any branch operated by the bank or trust company; provided,
60 that the purchasing and holding of the stock is first duly authorized by resolution
61 of the board of directors of the bank or trust company and by the written approval
62 of the director, and that all of the shares of the safe deposit company shall be
63 purchased and held, and shall not be sold or transferred except as a whole and
64 not be pledged at all, all sales or transfers or pledges in violation hereof to be
65 void;

66 (9) Act as the fiscal or transfer agent of the United States, of any state,
67 municipality, body politic or corporation and in such capacity to receive and
68 disburse money, to transfer, register and countersign certificates of stock, bonds
69 and other evidences of indebtedness;

70 (10) Acquire or convey real property for the following purposes:

71 (a) Real property conveyed to it in satisfaction or part satisfaction of debts
72 previously contracted in the course of its business; and

73 (b) Real property purchased at sales under judgment, decrees or liens held
74 by it;

75 (11) Purchase, hold and become the owner and lessor of personal property
76 acquired upon the specific request of and for use of a customer; and, in addition,
77 leases that neither anticipate full purchase price repayment on the leased asset,
78 nor require the lease to cover the physical life of the asset, other than those for
79 motor vehicles which will not be used by bank or trust company personnel, and

80 may incur such additional obligations as may be incident to becoming an owner
81 and lessor of the property, subject to the following limitations:

82 (a) Lease transactions do not result in loans for the purpose of section
83 362.170, but the total amount disbursed under leasing obligations or rentals by
84 any bank to any person, partnership, association, or corporation shall at no time
85 exceed the legal loan limit permitted by statute except upon the written approval
86 of the director of finance;

87 (b) Lease payments are in the nature of rent rather than interest, and the
88 provisions of chapter 408, RSMo, are not applicable;

89 (12) Contract with another bank or trust company, bank service
90 corporation or other partnership, corporation, association or person, within or
91 without the state, to render or receive services such as check and deposit sorting
92 and posting, computation and posting of interest and other credits and charges,
93 preparation and mailing of checks, statements, notices, and similar items, or any
94 other clerical, bookkeeping, accounting, statistical, financial counseling, or similar
95 services, or the storage, transmitting or processing of any information or data;
96 except that, the contract shall provide, to the satisfaction of the director of
97 finance, that the party providing such services to a bank or trust company will
98 be subject to regulation and examination to the same extent as if the services
99 were being performed by the bank or trust company on its own premises. This
100 subdivision shall not be deemed to authorize a bank or trust company to provide
101 any customer services through any system of electronic funds transfer at places
102 other than bank premises;

103 (13) Purchase and hold stock in a corporation whose only purpose is to
104 purchase, lease, hold or convey real property of a character which the bank or
105 trust company holding stock in the corporation could itself purchase, lease, hold
106 or convey pursuant to the provisions of paragraph (a) of subdivision (10) of this
107 subsection; provided, the purchase and holding of the stock is first duly
108 authorized by resolution of the board of directors of the bank or trust company
109 and by the written approval of the director, and that all of the shares of the
110 corporation shall be purchased and held by the bank or trust company and shall
111 not be sold or transferred except as a whole;

112 (14) Purchase and sell investment securities, without recourse, solely
113 upon order and for the account of customers; and establish and maintain one or
114 more mutual funds and offer to the public shares or participations therein. Any
115 bank which engages in such activity shall comply with all provisions of chapter

116 409, RSMo, regarding the licensing and registration of sales personnel for mutual
117 funds so offered, provided that such banks shall register as a broker-dealer with
118 the office of the commissioner of securities and shall consent to supervision and
119 inspection by that office and shall be subject to the continuing jurisdiction of that
120 office;

121 (15) Make debt or equity investments in corporations or projects, whether
122 for profit or not for profit, designed to promote the development of the community
123 and its welfare, provided that the aggregate investment in all such corporations
124 and in all such projects does not exceed five percent of the unimpaired capital of
125 the bank, and provided that this limitation shall not apply to loans made under
126 the authority of other provisions of law, and other provisions of law shall not
127 limit this subdivision;

128 (16) Offer through one or more subsidiaries any products and services
129 which a national bank may offer through its financial subsidiaries, subject to the
130 limitations that are applicable to national bank financial subsidiaries, and
131 provided such bank or trust company meets the division of finance safety and
132 soundness considerations. This subdivision is enacted to provide in part
133 competitive equality with national banks' powers under the Gramm-Leach-Bliley
134 Act of 1999, Public Law 106-102.

135 2. In addition to the power and authorities granted in subsection 1 of this
136 section, and notwithstanding any limitations therein, a bank or trust company
137 may:

138 (1) Purchase or lease, in an amount not exceeding its legal loan limit, real
139 property and improvements thereto suitable for the convenient conduct of its
140 functions. The bank may derive income from renting or leasing such real
141 property or improvements or both. If the purchase or lease of such real property
142 or improvements exceeds the legal loan limit or is from an officer, director,
143 employee, affiliate, principal shareholder or a related interest of such person,
144 prior approval shall be obtained from the director of finance; and

145 (2) Loan money on real estate and handle escrows, settlements and
146 closings on real estate for the benefit of the bank's customers, as a core part of
147 the banking business, notwithstanding any other provision of law to the contrary.

148 3. In addition to the powers and authorities granted in subsection 1 of
149 this section, every trust company created under the laws of this state shall be
150 authorized and empowered to:

151 (1) Receive money in trust and to accumulate the same at such rate of

152 interest as may be obtained or agreed upon, or to allow such interest thereon as
153 may be prescribed or agreed;

154 (2) Accept and execute all such trusts and perform such duties of every
155 description as may be committed to it by any person or persons whatsoever, or
156 any corporation, and act as assignee, receiver, trustee and depository, and to
157 accept and execute all such trusts and perform such duties of every description
158 as may be committed or transferred to it by order, judgment or decree of any
159 courts of record of this state or other states, or of the United States;

160 (3) Take, accept and hold, by the order, judgment or decree of any court
161 of this state, or of any other state, or of the United States, or by gift, grant,
162 assignment, transfer, devise or bequest of any person or corporation, any real or
163 personal property in trust, and to execute and perform any and all the legal and
164 lawful trusts in regard to the same upon the terms, conditions, limitations and
165 restrictions which may be declared, imposed, established or agreed upon in and
166 by the order, judgment, decree, gift, grant, assignment, transfer, devise or
167 bequest;

168 (4) Buy, invest in and sell all kinds of stocks or other investment
169 securities;

170 (5) Execute, as principal or surety, any bond or bonds required by law to
171 be given in any proceeding, in law or equity, in any of the courts of this state or
172 other states, or of the United States;

173 (6) Act as trustee, personal representative, or conservator or in any other
174 like fiduciary capacity;

175 (7) Act as attorney-in-fact or agent of any person or corporation, foreign
176 or domestic, in the management and control of real or personal property, the sale
177 or conveyance of same, the investment of money, and for any other lawful
178 purpose.

179 4. (1) In addition to the powers and authorities granted in this section,
180 the director of finance may, from time to time, with the approval of the state
181 banking **and savings and loan** board, issue orders granting such other powers
182 and authorities as have been granted to financial institutions subject to the
183 supervision of the federal government to:

184 (a) State-chartered banks and trust companies which are necessary to
185 enable such banks and trust companies to compete;

186 (b) State-chartered banks and trust companies to establish branches to
187 the same extent that federal law permits national banks to establish branches;

188 (c) Subsidiaries of state-chartered banks and trust companies to the same
189 extent powers are granted to national bank subsidiaries to enable such banks and
190 trust companies to compete;

191 (d) State-chartered banks and trust companies to establish trust
192 representative offices to the same extent national banks are permitted such
193 offices.

194 (2) The orders shall be promulgated as provided in section 361.105, RSMo,
195 and shall not be inconsistent with the constitution and the laws of this state.

196 5. As used in this section, the term "subsidiary" shall include one or more
197 business entities of which the bank or trust company is the owner, provided the
198 owner's liability is limited by the investment in and loans to the subsidiary as
199 otherwise provided for by law.

200 6. A bank or trust company to which authority is granted by regulation
201 in subsection 4 of this section, based on the population of the political
202 subdivision, may continue to exercise such authority for up to five years after the
203 appropriate decennial census indicates that the population of the town in which
204 such bank or trust company is located has exceeded the limits provided for by
205 regulation pursuant to subsection 4 of this section.

362.111. A bank or trust company may impose fees or service charges on
2 deposit accounts; however, such fees or service charges are subject to such
3 conditions or requirements that may be fixed by regulations pursuant to section
4 361.105, RSMo, by the director of the division of finance and the state banking
5 **and savings and loan** board. Notwithstanding any law to the contrary, no such
6 condition or requirement shall be more restrictive than the fees or service charges
7 on deposit accounts or similar accounts permitted any federally chartered
8 depository institution.

362.325. 1. Any bank or trust company may, at any time, and in any
2 amount, increase or, with the approval of the director, reduce its capital stock (as
3 to its authorized but unissued shares, its issued shares, and its capital stock as
4 represented by such issued shares), including a reduction of capital stock by
5 reverse stock split, change its name, change or extend its business or the length
6 of its corporate life, avail itself of the privileges and provisions of this chapter or
7 otherwise change its articles of agreement in any way not inconsistent with the
8 provisions of this chapter, with the consent of the persons holding a majority of
9 the stock of the bank or trust company, which consent shall be obtained at an
10 annual meeting or at a special meeting of the shareholders called for that

11 purpose. A bank or trust company may, but shall not be obligated to, issue a
12 certificate for a fractional share, and, by action of its board of directors, may in
13 lieu thereof, pay cash equal to the value of the fractional share.

14 2. The meeting shall be called and notice given as provided in section
15 362.044.

16 3. If, at any time and place specified in the notice, stockholders shall
17 appear in person or by proxy, in number representing not less than a majority of
18 all the shares of stock of the bank or trust company, they shall organize by
19 choosing one of the directors as chairman of the meeting, and a suitable person
20 for secretary, and proceed to a vote of those present in person or by proxy.

21 4. If, upon a canvass of the vote at the meeting, it is ascertained that the
22 proposition has carried, it shall be so declared by the president of the meeting
23 and the proceedings entered of record.

24 5. When the full amount of the proposed increase has been bona fide
25 subscribed and paid in cash to the board of directors of the bank or trust company
26 or the change has been duly authorized, then a statement of the proceedings,
27 showing a compliance with the provisions of this chapter, the increase of capital
28 actually subscribed and paid up or the change shall be made out, signed and
29 verified by the affidavit of the president and countersigned by the cashier, or
30 secretary, and such statement shall be acknowledged by the president and one
31 certified copy filed in the public records of the division of finance.

32 6. Upon the filing of the certified copy the director shall promptly satisfy
33 himself or herself that there has been a compliance in good faith with all the
34 requirements of the law relating to the increase, decrease or change, and when
35 he or she is so satisfied he or she shall issue a certificate that the bank or trust
36 company has complied with the law made and provided for the increase or
37 decrease of capital stock, and the amount to which the capital stock has been
38 increased or decreased or for the change in the length of its corporate life or any
39 other change provided for in this section. Thereupon, the capital stock of the
40 bank or trust company shall be increased or decreased to the amount specified in
41 the certificate or the length of the corporate life of the bank shall be changed or
42 other authorized change made as specified in the certificate. The certificate, or
43 certified copies thereof, shall be taken in all the courts of the state as evidence
44 of the increase, decrease or change.

45 7. Provided, however, that if the change undertaken by the bank or trust
46 company in its articles of agreement shall provide for the relocation of the bank

47 or trust company in another community, the director shall make or cause to be
48 made an examination to ascertain whether the convenience and needs of the new
49 community wherein the bank desires to locate are such as to justify and warrant
50 the opening of the bank therein and whether the probable volume of business at
51 the new location is sufficient to ensure and maintain the solvency of the bank and
52 the solvency of the then existing banks and trust companies at the location,
53 without endangering the safety of any bank or trust company in the locality as
54 a place of deposit of public and private moneys, and, if the director, as a result
55 of the examination, be not satisfied in the particulars mentioned or either of
56 them, he or she may refuse to issue the certificate applied for, in which event he
57 or she shall forthwith give notice of his or her refusal to the bank applying for the
58 certificate, which if it so desires may, within ten days thereafter, appeal from the
59 refusal to the state banking **and savings and loan** board.

60 8. All certificates issued by the director of finance relating to amendments
61 to the charter of any bank shall be provided to the bank or trust company and one
62 certified copy filed in the public records of the division of finance.

63 9. The board of directors may designate a chief executive officer, and such
64 officer will replace the president for purposes of this section.

369.014. As used in this chapter, unless the context clearly requires a
2 different meaning, the following words and terms shall have the meanings
3 indicated:

4 (1) "Account", the monetary interest of the owner thereof in the deposit
5 capital of an association and consists of the withdrawal value of such interest;

6 (2) "Agency", a place of business other than the home office or a branch
7 office at which an agent of the association transacts authorized business of the
8 association;

9 (3) "Association", a savings and loan association or a savings association
10 subject to the provisions of this chapter;

11 (4) **"Board", the state banking and savings and loan board**
12 **established under chapter 361;**

13 (5) "Branch", a place of business other than the home office at which is
14 transacted authorized business of the association;

15 [(5)] (6) "Capital", the capital stock and any other capital contributions
16 in a capital stock association;

17 [(6)] (7) "Capital stock", shares of nonwithdrawable capital issued by a
18 capital stock association which may be issued as permitted under chapter 351,

19 RSMo;

20 [(7)] (8) "Capital stock association", an association which issues capital
21 stock;

22 [(8) "Commission", the state savings and loan commission;]

23 (9) "County" includes the city of St. Louis;

24 (10) "Deposit capital", the aggregate of deposits in accounts plus earnings
25 credited thereto less lawful deductions therefrom;

26 (11) "Director of the division of finance", the chief officer of the division
27 of finance;

28 (12) "Earnings", that part of the net income of an association which is
29 payable to or credited to the owners of accounts. Earnings do not include capital
30 stock, dividends paid or payable on capital stock or other distributions
31 thereon. Earnings also may be referred to as interest;

32 (13) "Federal association" or "federal savings association", an association
33 chartered by the Office of Thrift Supervision or any successor thereto as provided
34 in section 5 of the Home Owners Loan Act of 1933, as amended;

35 (14) "Foreign association", any association or federal association with its
36 principal office located outside Missouri;

37 (15) "Foreign holding company", any company or corporation authorized
38 or existing under the laws of any jurisdiction or authority other than Missouri
39 which directly or indirectly controls a foreign association;

40 (16) "Home office", the location named in the articles of incorporation or
41 the new location in place thereof approved by the director of the division of
42 finance. If no location is named in the articles of incorporation, the association
43 shall file with the director of the division of finance the location of its home office;

44 (17) "Impaired condition", the inability of an association to pay its debts
45 as they become due in the usual course of its business;

46 (18) "Insured association", an association the accounts of which are
47 insured, fully or in part, as provided in this chapter;

48 (19) "Liquid assets", cash on hand and on deposit with banks including
49 federal home loan banks and such other assets as may be so designated from time
50 to time by the director of the division of finance;

51 (20) "Member", a person owning an account of a mutual association or a
52 person borrowing from or assuming or obligated upon or owning property securing
53 a loan held by a mutual association;

54 (21) "Mutual association", an association not having capital stock;

55 (22) "Office", any place at which business of the association is conducted
56 on a regular and continuing basis;

57 (23) "Person", any individual, corporation, entity, voting trust, business
58 trust, partnership, association, syndicate, or organized group of persons whether
59 incorporated or not;

60 (24) "Security instrument", mortgage, deed of trust, or other instrument
61 in which real or personal property is security for a debt;

62 (25) "Stockholder", a person owning capital stock of a capital stock
63 association;

64 (26) "Withdrawal value", the amount deposited in an account in an
65 association plus earnings credited thereto less lawful deductions therefrom.

369.024. 1. Upon receipt of a petition for certificate of incorporation, the
2 director of the division of finance shall, based upon the petition and all
3 supporting information and upon such independent investigation and examination
4 as the director may make, either refuse the petition or tentatively approve
5 it. The petition shall be refused if the director of the division of finance finds
6 that the proposed association is to be formed for any other than legitimate
7 savings and loan purposes, or that the character and general fitness of the
8 incorporators, or of the initial stockholders, if any, are not such as to command
9 public confidence, or that the proposed directors and officers are not such as to
10 tend to the success of the proposed association, or that the public convenience and
11 advantage will not be promoted by its establishment, or that there is no public
12 need for, or the volume of business in the location is insufficient to justify,
13 another association. The refusal shall be in writing with the reasons therefor
14 stated and shall be sent by registered mail to the chairman of incorporators.

15 2. If the director of the division of finance tentatively approves the
16 petition, the director shall give written notice to each association and each federal
17 association with an office in the county or in a county adjoining the county in
18 which the proposed association is to be located, stating the name of the proposed
19 association, where it proposes to establish the principal office of the association
20 and that a petition for certificate of incorporation has been approved
21 tentatively. Any association entitled to receive notice may within thirty days
22 from the date of mailing of the notice make written protest to the director of the
23 division of finance against the granting of the petition for incorporation. If no
24 protest is filed within that time, the director of the division of finance shall make
25 a final decision upon the petition either denying or granting the petition and

26 notice thereof shall be sent by registered mail to the chairman of incorporators.

27 3. If a protest is filed, the director of the division of finance shall, if
28 requested, and may on the director's own motion, conduct a hearing not less than
29 ten nor more than thirty days following the end of the time for protest. Upon
30 application of any party for good cause, or upon the director of the division of
31 finance's own motion, the date of the hearing may be postponed. Notice shall be
32 given stating the time and place of the hearing to the chairman of incorporators
33 and to each protesting party. Any interested person may appear at the hearing
34 in person or by counsel and offer any relevant evidence. Following the hearing
35 the director of the division of finance shall deny or grant the petition and give
36 written notice of the director's decision to all interested parties.

37 4. The petition shall not be granted, either with or without the hearing
38 provided for in this section, except upon affirmative findings from all the evidence
39 that the requirements of sections 369.010 to 369.369 have been complied with and
40 that:

41 (1) The persons named in the petition are citizens of the United States of
42 good character and responsibility; and

43 (2) There is a necessity for the proposed association in the area to be
44 served by it; and

45 (3) There is a reasonable probability of usefulness and success of the
46 proposed association; and

47 (4) The proposed association can be established without undue injury to
48 any properly conducted association or federal association.

49 5. The director of the division of finance may, either with or without the
50 hearing provided for in this section, and the **state banking and** savings and
51 loan [commission] **board** may upon an appeal from the ruling of the director of
52 the division of finance, require as a condition of approving the petition that the
53 proposed association obtain a firm commitment for insurance of its accounts from
54 the Federal Deposit Insurance Corporation or any successor thereto or from any
55 agency of this state insuring savings accounts or from any other insurer approved
56 by the director of the division of finance.

57 6. If the petition is approved, the director of the division of finance shall,
58 upon receipt of the sworn statement of the chairman of incorporators that the
59 initial savings accounts and the expense fund provided for in sections 369.010 to
60 369.369 have been paid in full in cash, or, if a capital stock association, all
61 subscriptions for capital stock have been paid in full, certify the approval of the

62 petition in writing to the secretary of state and deliver to the secretary of state
63 the incorporation fee and two copies of the articles of incorporation. From the
64 time of such approval, the association shall be subject to all provisions of sections
65 369.010 to 369.369 and to supervision and control by the director of the division
66 of finance. The secretary of state shall thereupon issue the certificate of
67 incorporation.

369.144. Each association incorporated pursuant to or operating under the
2 provisions of sections 369.010 to 369.369 has all the powers enumerated,
3 authorized, and permitted by sections 369.010 to 369.369 and such other rights,
4 privileges, and powers as may be incidental to or reasonably necessary to exercise
5 such powers granted herein. Among others, and except as otherwise limited by
6 the provisions of sections 369.010 to 369.369, each association has the following
7 powers:

8 (1) To have perpetual existence; to adopt and use a corporate seal, which
9 may be affixed by imprint, facsimile, or otherwise; and to adopt and amend
10 bylaws as provided in sections 369.010 to 369.369;

11 (2) To sue and be sued, complain and defend in any court of law or equity;

12 (3) To acquire, hold, sell, dispose of and convey real and personal
13 property; and to mortgage, pledge, or lease any real or personal property in the
14 exercise of the powers granted herein; provided, however, that such leasing
15 activities are limited to the extent permitted a federal association;

16 (4) To borrow from sources, individual or corporate. All such loans and
17 advances may be secured by property of the association, and may be evidenced by
18 such notes, bonds, debentures, or other obligations or securities as the director
19 of the division of finance may authorize for all associations;

20 (5) To obtain and maintain insurance of its accounts by the Federal
21 Deposit Insurance Corporation or any successor thereto, or by any agency of this
22 state insuring accounts in associations, or by any other insurer approved by the
23 director of the division of finance, and may comply with conditions necessary to
24 obtain and maintain such insurance;

25 (6) To qualify as and become a member of a Federal Home Loan Bank;

26 (7) In addition to the powers and authorities granted in this section, the
27 director of the division of finance may, from time to time, with the approval of the
28 **[commission] state banking and savings and loan board**, issue regulations
29 granting such other powers and authorities as have been granted to federal
30 associations subject to the supervision of the Office of Thrift Supervision or any

31 successor thereto which are necessary to enable associations to compete. The
32 regulations shall be promulgated as provided in this chapter and shall not be
33 inconsistent with the constitution and laws of this state;

34 (8) To appoint officers, agents, and employees as its business shall require
35 and to provide them suitable compensation; to enter into employment contracts
36 not to exceed five years in duration; to provide for life, health and casualty
37 insurance for officers, employees and directors who are not officers, and to adopt
38 and operate reasonable bonus plans, retirement benefits and deferred
39 compensation plans for such officers and employees; to adopt and operate stock
40 option and similar incentive compensation programs by capital stock associations;
41 and to provide for indemnification of its officers, employees and directors as
42 prescribed or permitted by sections 369.010 to 369.369 whether by insurance or
43 otherwise;

44 (9) To become a member of, deal with, or make reasonable payments or
45 contributions to any organization to the extent that such organization assists in
46 furthering or facilitating the association's purposes, powers or community
47 responsibilities, and to comply with any reasonable conditions of eligibility;

48 (10) To sell money orders, travel checks and similar instruments drawn
49 by it on its commercial bank accounts, accounts it has with the district Federal
50 Home Loan Bank or as agent for any organization empowered to sell such
51 instruments through agents within the state;

52 (11) When an association is a member of a Federal Home Loan Bank, to
53 act as fiscal agent of the United States, and, when so designated by the Secretary
54 of the Treasury, to perform, under such regulations as the Secretary may
55 prescribe, all such reasonable duties as fiscal agents for the United States as the
56 Secretary may require; and to act as agent for any instrumentality of the United
57 States and as agent of this state or any instrumentality thereof;

58 (12) To service loans and investments for others;

59 (13) When an association is insured, to act as trustee of any trust created
60 or organized in the United States and forming part of a stock bonus, pension, or
61 profit-sharing plan which qualifies or qualified for specific tax treatment under
62 section 401(d) of the Internal Revenue Code of 1954 as amended, if the funds of
63 such trust are invested only in accounts or deposits in such association or in
64 obligations or securities issued by such association. All funds held in such
65 fiduciary capacity by any such association may be commingled for appropriate
66 purposes of investment, but individual records shall be kept by the fiduciary for

67 each participant and shall show in proper detail all transactions engaged in
68 under the authority of this subdivision;

69 (14) To act as agent for others in any transaction incidental to the
70 operation of its business;

71 (15) To accept deposits, and to lend and invest its funds as provided in
72 sections 369.010 to 369.369;

73 (16) To use abbreviations, words or symbols in connection with any
74 document of any nature and on checks, proxies, notices and other instruments,
75 which abbreviations, words, or symbols shall have the same force and legal effect
76 as though the respective words and phrases for which they stand were set forth
77 in full;

78 (17) To act as custodian or keeper of microfilm records of other savings
79 associations or place microfilm records of the association for storage and
80 safekeeping with another association;

81 (18) To make donations in reasonable amounts for the public welfare or
82 for charitable, scientific, religious, or educational purposes;

83 (19) To act as agent for any electric, gas, water, telephone or other public
84 utility company operating within this state in receiving moneys due such
85 company for utility services furnished by such company;

86 (20) To enter into agreements with others to supply data processing
87 services and for the use of data processing equipment owned or controlled by the
88 association.

369.159. An association may impose fees or service charges on accounts;
2 however, such fees or service charges are subject to such conditions or
3 requirements that may be fixed by regulations pursuant to section 369.301 by the
4 director of the division of finance and the [state savings and loan commission]
5 **board**. Notwithstanding any law to the contrary, no such condition or
6 requirement shall be more restrictive than the fees or service charges on deposit
7 accounts or similar accounts permitted any federally chartered depository
8 institution.

369.294. 1. The director of the division of finance and examiners shall not
2 be interested in an association directly or indirectly either as creditor (except that
3 each may be an account holder and receive earnings thereon), director, officer,
4 employee, trustee, attorney or borrower (except for a loan on the home property
5 owned and occupied by the director or examiner or a share loan), nor shall any
6 one of them receive directly or indirectly any payment, compensation or gratuity

7 from any association.

8 2. The director, the examiners and all employees of the division of finance
9 and members of the [state savings and loan commission] **board** shall not divulge
10 any information acquired in the discharge of their duties except insofar as
11 required by law or order of court. The director may, however, furnish information
12 to the Office of Thrift Supervision or any successor thereto, the Federal Deposit
13 Insurance Corporation or any successor thereto, any federal home loan bank or
14 savings departments of other states.

369.299. The director of the division of finance shall:

2 (1) Exercise all rights, powers and duties set forth in sections 369.010 to
3 369.369 or as may be otherwise provided by law;

4 (2) Establish, amend, supplement and revoke, subject to the approval of
5 the [state savings and loan commission] **board**, all regulations authorized by the
6 provisions of sections 369.010 to 369.369 and such additional regulations as may
7 be reasonable or necessary to provide for the organization, incorporation,
8 examination, operation, and regulation of associations, and service corporations,
9 and the director may by regulation provide that an association shall have all
10 powers, rights, and privileges which it would have from time to time if organized
11 and operating in Missouri as a federal association under the laws of the United
12 States. The director shall deliver by mail to each association a copy of any
13 proposed regulation or change in an existing regulation. If five or more
14 associations protest the proposed regulation or change and request a hearing
15 thereon within fifteen days thereafter, the director shall conduct a hearing before
16 acting thereon;

17 (3) Direct and supervise all the activities of the office;

18 (4) Exercise general supervision over all associations and all corporations
19 which are owned in whole or in part by an association or associations;

20 (5) Upon request of the governor make a report in writing to the governor
21 on or before the first day of March as to the financial condition as of December
22 thirty-first of the preceding year of each association;

23 (6) Have charge of the execution of laws relating to savings associations
24 with authority to sue in the director's name to enforce any law of this state
25 applying to an association or to a corporation in which an association has an
26 interest, or applying to the officers, directors or employees of any association.

369.314. The [commission] **board** shall:

2 (1) Approve or disapprove each regulation proposed by the director of the

3 division of finance pertaining to savings and loan associations; and

4 (2) Hear and determine any appeal [from] **permitted by law, including**
5 **but not limited to** an order or decision of the director pertaining to the
6 incorporation, relocation or branching of savings and loan associations, **which**
7 **shall be conducted as provided in chapter 361.**

369.329. No association may establish or maintain a branch office or
2 agency without the prior written approval of the director of the division of
3 finance, except that temporary and incidental agencies may be created for
4 individual transactions and for special temporary purposes without such
5 approval. Each application for approval of the establishment and maintenance
6 of a branch office or one or more agencies shall state the proposed location of the
7 branch office or agency, the functions to be performed at the office or agency, the
8 estimated volume of business at the branch office or agency, the estimated annual
9 expense of the branch office or agency and the mode of payments for the branch
10 office or agency and such additional matters as the director of the division of
11 finance by regulation may require. Each such application shall be accompanied
12 by a budget of the association for the current earnings period and for the next
13 succeeding semiannual period, which reflects the estimated additional expense
14 of the maintenance of each such branch office or agency. No branch application
15 shall be granted if, in the opinion of the director or a majority of the members of
16 the [commission] **board** on appeal, the policies, condition or operation of the
17 applicant afford a basis for supervisory objection to the application. The director
18 of the division of finance may hold a hearing at the director's discretion on the
19 application in accordance with such procedures as the director by regulation may
20 require.

371.060. 1. Immediately upon the filing of the certificate of organization
2 by the applicants, the director of finance shall submit to the state banking **and**
3 **savings and loan** board the proposed articles of incorporation and the certificate
4 of organization of the applicants and as soon as practicable thereafter the state
5 banking **and savings and loan** board shall direct the director of finance to issue
6 to the applicants a certificate of incorporation in such form as it may prescribe,
7 if the board, from the best information available, determines that

8 (1) Public convenience and necessity require the development finance
9 corporation;

10 (2) The holders of the fully paid stock of the corporation are at least ten
11 in number;

12 (3) That not less than two hundred fifty shares of no par value stock
13 issued at one hundred dollars per share have been subscribed and fully paid for
14 in cash;

15 (4) The bylaws and regulations submitted, if any, are in conformity with
16 the articles of incorporation and the provisions of this chapter and not in conflict
17 with any law of this state.

18 2. The director of finance shall return to the applicants one of the articles
19 of incorporation submitted to him and shall endorse thereon the issuance by him
20 of the certificate of incorporation.

371.090. 1. The articles of incorporation may be amended by a majority
2 vote of the stockholders at any regular meeting or at a special meeting called for
3 that purpose.

4 2. Articles of amendment signed by the president or vice president and
5 attested by the secretary certifying to the amendment and its lawful adoption
6 shall be executed, acknowledged and filed with the director of finance and, when
7 approved by the state banking **and savings and loan** board, recorded with a
8 certificate of the director of finance approving the articles of amendment, in the
9 same manner as the original articles of incorporation. As soon as the director of
10 finance issues his certificate of amendment the amendment is in effect.

371.240. 1. Any corporation organized under this chapter, after the
2 payment in full and cancellation of all its bonds and other obligations issued
3 under the provisions of this chapter, or after the deposit in trust with the
4 respective trustees designated in any deeds of trust given to secure the payment
5 of any such obligation of a sum of money sufficient for the purpose, may dissolve
6 by the vote of a majority of the stockholders at any regular meeting or at a special
7 meeting called for that purpose.

8 2. A certificate of dissolution shall be signed by the president or vice
9 president and attested by the secretary, certifying to the dissolution and that they
10 have been authorized by lawful action of the stockholders to execute and file such
11 certificate. The certificate of dissolution shall be executed, acknowledged and
12 filed with the director of finance and, when approved by the state banking **and**
13 **savings and loan** board, shall be recorded in the same manner as the original
14 articles of incorporation. When the director has endorsed the approval of the
15 state banking **and savings and loan** board on the certificate of dissolution the
16 corporation is deemed to be dissolved.

17 3. The corporation shall, however, continue for the purpose of paying,

18 satisfying and discharging any other existing liabilities or obligations and for
19 collecting or liquidating its assets, and doing all other acts required to adjust and
20 wind up its business and affairs, and may sue and be sued in its corporate name.

21 4. Any assets remaining after all liabilities and obligations have been
22 satisfied shall be distributed pro rata among the stockholders of the corporation.

376.423. 1. Beginning January 1, 1993, any consultant retained by any
2 insurance company, health services corporation and any self-insured group
3 arrangement to the extent not preempted by federal law, to review claims, under
4 any policy of accident and sickness insurance or membership contract, denied in
5 whole or in part for services rendered by a chiropractor shall:

6 (1) Be licensed and practicing as a chiropractor in the state of Missouri,
7 and, if the claim is made from a metropolitan statistical area in Missouri as that
8 term is defined by the United States Bureau of the Census, then he shall be
9 practicing as a chiropractor in any such metropolitan statistical area in Missouri;
10 or be licensed and practicing as a chiropractor in the state in which the claim is
11 reviewed;

12 (2) Obtain a certificate from the **state** board of chiropractic examiners
13 **and acupuncturists**, which shall indicate that the licensee has complied with
14 the provisions of this section and has met the minimum standards contained in
15 this section. The application for a certificate shall be on a form provided by the
16 board;

17 (3) Provide to the **state** board of chiropractic examiners **and**
18 **acupuncturists**, in addition to the other information required to be provided on
19 the application, certification that the licensee has either:

20 (a) Successfully completed at least one hundred hours of postgraduate
21 training in insurance claims consulting, which training was presented by a
22 college of chiropractic having status with the council on chiropractic education;
23 or

24 (b) Successfully completed at least one hundred hours training in
25 insurance claims consulting in the course of study approved by the **state** board
26 of chiropractic examiners **and acupuncturists**; and

27 (4) Have received at least one-half of his earned income from the clinical
28 practice of chiropractic. The term "clinical practice of chiropractic" shall not
29 include the review of claims regulated by this section nor any of the paperwork
30 which is or becomes part of the review nor any of the income from examining a
31 person whose claim is being reviewed.

32 2. The compensation of such consultant shall not be based on a percentage
33 of the amount by which a claim is reduced for payment.

34 3. Upon receipt of a complaint from the insured or the chiropractor
35 alleging an adverse chiropractic review determination, the director of the
36 department of insurance, financial institutions and professional registration shall
37 investigate to determine whether the insurance company or health services
38 corporation has engaged in an unfair claims settlement practice under the
39 provisions of subdivision (10) of section 375.936, RSMo, or a violation of this
40 section. The department of insurance, financial institutions and professional
41 registration shall promulgate rules to enforce the provisions of this subsection.

42 4. Any licensee who shall advertise or announce to the public in any
43 communication or solicitation that he engages in or provides insurance claims
44 consulting in any aspect without having first complied with this section shall be
45 deemed to have engaged in false, misleading or deceptive advertising.

46 5. It shall be unlawful for any person who is licensed under the provisions
47 of chapter 331, RSMo, to accept employment as a consultant to review health care
48 claims for services rendered by any chiropractor unless he meets the
49 qualifications and conditions of subsection 1 of this section. The provisions of this
50 subsection shall be enforced by the **state** board of chiropractic examiners **and**
51 **acupuncturists**, which administers the provisions of chapter 331,
52 RSMo. Violations of this section shall constitute grounds for disciplinary action
53 pursuant to section 331.060, RSMo.

54 6. The **state** board of chiropractic examiners **and acupuncturists** may
55 by rule establish and enforce the conditions under which it will issue certificates
56 of compliance.

57 7. The **state** board of chiropractic examiners **and acupuncturists** is
58 authorized, pursuant to section 331.070, RSMo, to set fees to cover the cost and
59 expense of administering this section.

620.580. Sections 620.580 to 620.592 shall be known and may be
2 **cited as the "Missouri Community Service Act".**

620.582. As used in sections 620.580 to 620.592, the following
2 **terms mean:**

3 **(1) "Act", the national and community service act of 1990, as**
4 **amended;**

5 **(2) "Commission", the Missouri community service commission**
6 **created by sections 620.580 to 620.592;**

7 (3) "Community service programs", the performance of tasks
8 designed primarily to address educational, public safety, human, or
9 environmental needs at a local, regional, state, or multistate level;

10 (4) "Corporation", the corporation for national and community
11 service authorized by the act;

12 (5) "National service position", a placement in a community
13 service program whereby an individual may earn an educational award,
14 as authorized by the act;

15 (6) "National service laws", the act and other federal legislation
16 that authorizes or may authorize community service activities in states.

620.584. 1. The Missouri community service commission is
2 assigned to the department of economic development.

3 2. The commission is established to make community service the
4 common expectation and experience of all Missourians with a special
5 concentration on Missouri's young people. The commission shall focus
6 its efforts primarily on issues related to education, public safety,
7 human needs and the environment.

8 3. The commission shall work to renew the ethic of civic
9 responsibility in Missouri and to involve and enroll citizens in service
10 opportunities that benefit Missouri while offering citizens skills that
11 can be used to further their own plans for education, for a career, or
12 for continuing community services. The commission shall build on the
13 existing organizational framework of state, local and community-based
14 programs and agencies to expand full-time and part-time service
15 opportunities for all citizens, but particularly Missouri's youth.

620.586. 1. The commission shall include fifteen voting members
2 appointed by the governor with the advice and consent of the
3 senate. The commission shall include the following voting members:

4 (1) A representative of local government;

5 (2) The commissioner of the department of elementary and
6 secondary education or the designee of such person;

7 (3) An individual with experience in promoting the involvement
8 of older adults in service and volunteerism;

9 (4) A representative of a national service program;

10 (5) An individual with expertise in the educational, training and
11 development needs of youth, particularly disadvantaged youth;

12 (6) An individual between the ages of sixteen and twenty-five

13 years who is a participant in or supervisor of a service program for
14 school age youth, or a campus-based or national service program;

15 (7) A representative of community-based agencies or
16 organizations in the state;

17 (8) A representative of labor organizations;

18 (9) A member representing the business community;

19 (10) The lieutenant governor or his or her designee;

20 (11) A representative from the corporation for national and
21 community service, who shall serve as a nonvoting, ex officio member;

22 (12) Four other members, appointed by the governor, provided
23 that no more than twenty percent of the voting members are officers or
24 employees of the state, and provided further that not more than fifty
25 percent plus one of the voting members of the commission are members
26 of the same political party;

27 (13) The governor may appoint any number of other nonvoting,
28 ex officio members who shall serve at the pleasure of the governor.

29 2. Appointments to the commission shall reflect the race,
30 ethnicity, age, gender and disability characteristics of the population
31 of the state as a whole.

32 3. Voting members shall serve renewable terms of three years,
33 except that of the first members appointed, one-third shall serve for a
34 term of one year, one-third shall serve for a term of two years, and one-
35 third shall serve for a term of three years. If a commission vacancy
36 occurs, the governor shall appoint a new member to serve for the
37 remainder of the unexpired term. Vacancies shall not affect the power
38 of the remaining members to execute the commission's duties.

39 4. The members of the commission shall receive no compensation
40 for their services on the commission, but shall be reimbursed for
41 ordinary and necessary expenses incurred in the performance of their
42 duties.

43 5. The voting members of the commission shall elect one of their
44 members to serve as chairperson of the commission. The voting
45 members may elect such other officers as deemed necessary.

46 6. The commission shall meet at least quarterly.

620.588. 1. The commission shall have the following powers and
2 duties:

3 (1) To ensure that its funding decisions meet all federal and state

4 statutory requirements;

5 (2) To prepare for this state an annual national service plan that
6 follows state and federal guidelines;

7 (3) To recommend innovative statewide service programs to
8 increase volunteer participation and community-based problem solving
9 by all age groups and among diverse participants;

10 (4) To utilize local, state and federal resources to initiate,
11 strengthen and expand quality service programs;

12 (5) To promote interagency collaboration to maximize resources
13 and develop a model of such collaboration on the state level;

14 (6) To oversee the application process to apply for corporation
15 grants and funds, and for approval of service positions;

16 (7) To establish priorities, policies and procedures for the use of
17 funds received under national service laws and for funds deposited into
18 the community service commission fund established in section 620.592;

19 (8) To provide technical assistance for applicants to plan and
20 implement service programs and to apply for assistance under the
21 national service laws;

22 (9) To solicit and accept gifts, contributions, grants, bequests or
23 other aid from any person, business, organization or foundation, public
24 or private and from federal, state or local government or any agency of
25 federal, state or local government.

26 2. The commission shall have other powers and duties in
27 addition to those listed in subsection 1 of this section, including:

28 (1) To utilize staff within the department of economic
29 development, the office of a designated statewide elected official or
30 other executive departments as needed for this purpose; and

31 (2) To enter into contracts with individuals, organizations and
32 institutions within amounts available for this purpose.

620.590. 1. All state agencies, the University of Missouri
2 extension system, and any unit of local government, including school
3 districts, may share information and cooperate with the commission to
4 enable it to perform the functions assigned to it by state and federal
5 law.

6 2. Any state agency that operates or plans to establish a
7 community service program may coordinate its efforts with the
8 commission.

620.592. 1. There is hereby created in the state treasury the
2 "Community Service Commission Fund". The state treasurer shall
3 deposit to the credit of the fund all moneys which may be appropriated
4 to it by the general assembly and also any gifts, contributions, grants,
5 bequests or other aid received from federal, private or other
6 sources. The general assembly may appropriate moneys into the fund
7 for the support of the commission and its activities. Notwithstanding
8 the provisions of section 33.080 to the contrary, moneys in the fund
9 shall not revert to the credit of the general revenue fund at the end of
10 the biennium.

11 2. The commission shall submit an annual report of its activities
12 to the speaker of the house of representatives, the president pro tem of
13 the senate, and the governor before January thirty-first of each year.

620.638. As used in sections 620.635 to 620.653, the following terms
2 mean:

3 (1) ["Board", the Missouri seed capital investment board, as established
4 pursuant to section 620.641;

5 (2)] "Committed contributions", the total amount of qualified contributions
6 that are committed to a qualifying fund by contractual agreement;

7 [(3)] (2) "Corporation", the Missouri technology corporation as
8 established pursuant to section 348.251, RSMo;

9 [(4)] (3) "Department", the department of economic development;

10 [(5)] (4) "Director", the director of the department of economic
11 development;

12 [(6)] (5) "Follow-up capital", capital provided to a qualified business in
13 which a qualified fund has previously invested seed capital or start-up capital.
14 No more than forty percent of the qualified contributions to a qualified fund may
15 be used for follow-up capital, and no qualified contributions which generate tax
16 credits before the second round of allocations as authorized by section 620.650
17 shall be used for follow-up capital investments;

18 [(7)] (6) "Person", any individual, corporation, partnership, limited
19 liability company or other entity, including any charitable organization which is
20 exempt from federal income tax and whose Missouri unrelated business taxable
21 income, if any, would be subject to the state income tax imposed under chapter
22 143, RSMo;

23 [(8)] (7) "Positive cash flow", total cash receipts from sales or services,

24 but not from investments or loans, exceeding total cash expenditures as
25 calculated on a fiscal year basis;

26 [(9)] (8) "Qualified business", any independently owned and operated
27 business which is headquartered and located in Missouri and which is involved
28 in or intends to be involved in commerce for the purpose of manufacturing,
29 processing or assembling products, conducting research and development, or
30 providing services in interstate commerce. Such a business shall maintain its
31 headquarters in Missouri for a period of at least three years from the date of
32 receipt of a qualified investment or be subject to penalties pursuant to section
33 620.017;

34 [(10)] (9) "Qualified contribution", cash contributions to a qualified fund
35 pursuant to the terms of contractual agreements made between the qualified fund
36 and a qualified economic development organization authorized by the [board]
37 **corporation** to enter into such contracts;

38 [(11)] (10) "Qualified economic development organization", any
39 corporation organized pursuant to the provisions of chapter 355, RSMo, that, as
40 of January 1, 1991, had obtained a contract with the department to operate an
41 innovation center to promote, assist and coordinate the research and development
42 of new services, products or processes in this state;

43 [(12)] (11) "Qualified fund", a fund established by any corporation,
44 partnership, joint venture, unincorporated association, trust or other organization
45 established pursuant to the laws of Missouri and approved by [the board or] the
46 corporation;

47 [(13)] (12) "Qualified investment", any investment of seed capital,
48 start-up capital or follow-up capital in a qualified business that does not cause
49 more than ten percent of all the qualified contributions to a qualified fund to be
50 invested in a single qualified business;

51 [(14)] (13) "Seed capital", capital provided to a qualified business for
52 research, development and precommercialization activities to prove a concept for
53 a new product, process or service, and for activities related thereto; provided that,
54 seed capital shall not be provided to any business which in a past fiscal year has
55 experienced a positive cash flow;

56 [(15)] (14) "Start-up capital", capital provided to a qualified business for
57 use in preproduction product development, service development or initial
58 marketing thereof; provided that, start-up capital shall not be provided to any
59 business which has experienced a positive cash flow in a past fiscal year;

60 [(16)] (15) "Uninvested capital", that portion of any qualified contribution
61 to a qualified fund, other than management fees not to exceed three percent per
62 year of committed contributions, qualified investments and other expenses or fees
63 authorized by the [board] **corporation**, that is not invested as a qualified
64 investment within ten years of its receipt.

620.641. [There is hereby established the "Missouri Seed Capital
2 Investment Board", to be composed of thirteen persons. One person shall be the
3 director, or the director's designee, and each qualified economic development
4 organization, not to exceed four, shall respectively be represented by one member
5 appointed by each organization. Eight members shall be appointed by the
6 governor with the advice and consent of the senate. Of these, one shall represent
7 a major public research university located within the state, one shall represent
8 a major private research university located within the state and the remaining
9 six members shall have backgrounds in technology, banking, labor or small
10 business development. The eight members appointed by the governor shall serve
11 terms of three years; except that, of those first appointed, three shall serve for
12 terms of three years, three for terms of two years and two for terms of one
13 year. The members of the board shall annually elect one of its members who has
14 been appointed by the governor as chairman of the board. At any meeting of the
15 board, seven members must be present to constitute a quorum. The department
16 shall provide support services necessary to carry out the duties of the board.] **The**
17 **powers and duties of the Missouri Seed Capital Investment Board shall**
18 **be transferred to the Missouri Technology Corporation effective August**
19 **28, 2010, and the Missouri Seed Capital Investment Board shall be**
20 **dissolved.**

620.644. 1. The Missouri seed capital and commercialization strategy
2 shall be jointly developed and approved by the boards of directors of all of the
3 qualified economic development organizations and submitted as one plan to the
4 [board] **corporation** for its approval. The board shall not approve any qualified
5 fund, exclusive of the fund approved by the corporation, unless such fund is
6 described in the Missouri seed capital and commercialization strategy. The
7 strategy shall include a proposal for the establishment and operation of between
8 one and four qualified funds in Missouri, including the fund approved by the
9 corporation pursuant to the provisions of section 620.653. The initial strategy
10 shall be submitted to the board no later than July 1, 2000, and shall be approved
11 or rejected by the board within three months of receipt. No tax credits authorized

12 pursuant to the provisions of sections 620.635 to 620.653 shall be awarded until
13 such strategy has been approved by the board, other than tax credits authorized
14 for qualified contributions to the fund approved by the corporation.

15 2. The department shall authorize the use of up to twenty million dollars
16 in tax credits by the approved qualified funds, in aggregate pursuant to the
17 provisions of section 620.650, with not more than five million dollars of tax
18 credits being issued in any one year.

19 3. The [board or] corporation shall approve the professional managers
20 employed by the qualified funds according to criteria similar to that used by the
21 U.S. Small Business Administration's Small Business Investment Corporation
22 Program.

23 4. The department may promulgate any rules and regulations necessary
24 to administer the provisions of sections 620.635 to 620.653. No rule or regulation
25 or portion of a rule or regulation promulgated pursuant to the authority of this
26 section shall become effective unless it has been promulgated pursuant to the
27 provisions of chapter 536, RSMo.

28 5. The [Missouri seed capital investment board] **corporation** shall report
29 the following to the department:

30 (1) As soon as practicable after the receipt of a qualified contribution the
31 name of each person from which the qualified contribution was received, the
32 amount of each contributor's qualified contribution and the tax credits computed
33 pursuant to this section;

34 (2) On a quarterly basis, the amount of qualified investments made to any
35 qualified business;

36 (3) On a quarterly basis, verification that the investment of seed capital,
37 start-up capital, or follow-up capital in a qualified business does not direct more
38 than ten percent of all the qualified contributions to a qualified fund to be
39 invested in a single qualifying business.

40 6. Each qualified fund shall provide annual audited financial statements,
41 including the opinion of an independent certified public accountant, to the
42 department within ninety days of the close of the state fiscal year. The audit
43 shall address the methods of operation and conduct of the business of the
44 qualified economic development organization to determine compliance with the
45 statutes and program and program rules and that the qualified contributions
46 received by the qualified fund have been invested as required by this section.

620.647. 1. The [board or] corporation may authorize each qualified

2 economic development organization to enter into contractual agreements with any
3 qualified fund allowing such qualified fund to offer tax credits authorized
4 pursuant to the provisions of sections 620.635 to 620.653 to those persons making
5 qualified contributions to the qualified fund. The **[board] corporation** shall
6 establish policies and procedures requiring each authorized qualified economic
7 development organization to secure from each qualified fund and its investors the
8 maximum fund equity interest possible, as dictated by market conditions, in
9 exchange for the use of the tax credits. All tax credits authorized pursuant to
10 sections 620.635 to 620.653 shall be administered by the department.

11 2. Each qualified fund shall enter into a contract with one or more
12 qualified economic development organizations which shall entitle all qualified
13 economic development organizations in existence at that time to receive and share
14 equally all distributions of equity and dividends or other earnings of the fund
15 that are generated as a result of any equity interest secured as a result of actions
16 taken to comply with subsection 1 of this section. Such contracts shall require
17 the qualified funds to transfer to the **[board] corporation** all distributions of
18 dividends or other earnings of the fund that are owed to any qualified economic
19 development organization that has dissolved or has ceased doing business for a
20 period of one year or more.

21 3. All distributions of dividends, earnings, equity or the like owed
22 pursuant to the provisions of sections 620.635 to 620.653 to a qualified economic
23 development organization by any qualified fund shall be paid to the qualified
24 economic development organization. The qualified economic development
25 organization shall use such payments solely for reinvestment in qualified funds
26 in order to provide ongoing seed capital, start-up capital and follow-up capital for
27 Missouri businesses. No qualified economic development organization may
28 transfer any dividends, earnings, equity or the like owed it pursuant to sections
29 620.635 to 620.653 to any other person or entity without the approval of the
30 **[board] corporation**.

620.650. 1. The sole purpose of each qualified fund is to make
2 investments. One hundred percent of investments made from qualified
3 contributions shall be qualified investments.

4 2. Any person who makes a qualified contribution to a qualified fund shall
5 receive a tax credit against the tax otherwise due pursuant to chapter 143, RSMo,
6 chapter 147, RSMo, or chapter 148, RSMo, other than taxes withheld pursuant
7 to sections 143.191 to 143.265, RSMo, in an amount equal to one hundred percent

8 of such person's qualified contribution.

9 3. Such person shall submit to the department an application for the tax
10 credit on a form provided by the department. The department shall award tax
11 credits in the order the applications are received and based upon the strategy
12 approved by the [board] **corporation**. Tax credits issued pursuant to this
13 section may be claimed for the tax year in which the qualified contribution is
14 made or in any of the following ten years, and may be assigned, transferred or
15 sold.

16 4. There is hereby imposed on each qualified fund a tax equal to fifteen
17 percent of the qualified fund's uninvested capital at the close of such qualified
18 fund's tax year. For purposes of tax computation, any distribution made by a
19 qualified fund during a tax year is deemed made at the end of such tax
20 year. Each tax year, every qualified fund shall remit the tax imposed by this
21 section to the director of the department of revenue for deposit in the state
22 treasury to the credit of the general revenue fund.

 620.653. The provisions of sections 620.635 to 620.650 to the contrary
2 notwithstanding, one qualified fund shall be approved by the corporation as soon
3 as practicable after July 8, 1999. Such fund need not be initially incorporated
4 into the seed capital and commercialization strategy until after the appointment
5 of the board. After the appointment of the board, all powers exercised by the
6 corporation in relation to that fund shall be transferred to the board. **After the**
7 **dissolution of the board, all powers exercised by the board shall be**
8 **transferred to the corporation**. The corporation shall approve the
9 professional fund manager employed by the qualified fund established by this
10 section.

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

8 Missouri State Board of Accountancy

9 Missouri State Board for Architects, Professional Engineers, Professional
10 Land Surveyors and Landscape Architects

11 Board of Barber Examiners

12 Board of Cosmetology
13 Board of Chiropractic and Podiatry
14 Board of Chiropractic Examiners **and Acupuncturists**
15 Missouri Dental Board
16 Board of Embalmers and Funeral Directors
17 Board of Registration for the Healing Arts
18 Board of Nursing
19 Board of Optometry
20 Board of Pharmacy
21 Missouri Real Estate Commission
22 Missouri Veterinary Medical Board
23 Supervisor of Liquor Control
24 Department of Health and Senior Services
25 Department of Insurance, Financial Institutions and Professional
26 Registration
27 Department of Mental Health
28 Board of Private **and Fire** Investigator Examiners.

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

32 3. The administrative hearing commission is authorized to conduct
33 hearings and make findings of fact and conclusions of law in those cases brought
34 by the Missouri state board for architects, professional engineers, professional
35 land surveyors and landscape architects against unlicensed persons under section
36 327.076, RSMo.

37 4. Notwithstanding any other provision of this section to the contrary,
38 after August 28, 1995, in order to encourage settlement of disputes between any
39 agency described in subsection 1 or 2 of this section and its licensees, any such
40 agency shall:

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

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

48 settlement offer;

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

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

58 5. If the licensee desires review by the administrative hearing commission
59 under subdivision (3) of subsection 4 of this section at any time prior to the
60 settlement becoming final, the licensee may rescind and withdraw from the
61 settlement and any admissions of fact or law in the agreement shall be deemed
62 withdrawn and not admissible for any purposes under the law against the
63 licensee. Any settlement submitted to the administrative hearing commission
64 shall not be effective and final unless and until findings of fact and conclusions
65 of law are entered by the administrative hearing commission that the facts agreed
66 to by the parties to the settlement constitute grounds for denying or disciplining
67 the license of the licensee.

630.915. 1. The department of mental health, in consultation with the
2 department of health and senior services, shall seek funding from the Centers for
3 Disease Control and Prevention to participate in the National Violent Death
4 Reporting System (NVDRS) to obtain better information about violent deaths,
5 including suicide.

6 2. If such funding under subsection 1 of this section is not available to the
7 state of Missouri, on or before July 1, 2006, the department of mental health, in
8 consultation with the department of health and senior services and subject to
9 appropriation, shall develop a state-based reporting system based on the National
10 Violent Death Reporting System that will provide information needed to
11 accurately assess the factors causing violent deaths, including suicide.

12 3. Information obtained from this state's participation in the National
13 Violent Death Reporting System under subsection 1 of this section or the
14 state-based system developed under subsection 2 of this section shall be used to
15 help answer questions regarding the magnitude, trends, and characteristics of
16 violent deaths and assist in the evaluation and improvement of violence

17 prevention policies and programs.

18 4. Information obtained under this section shall be provided to the
19 [suicide prevention advisory committee] **Missouri advisory council for**
20 **comprehensive psychiatric services** established under section [630.910]
21 **632.020**.

22 5. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

23 (1) The provisions of the new program authorized under this section shall
24 automatically sunset six years after August 28, 2005, unless reauthorized by an
25 act of the general assembly; and

26 (2) If such program is reauthorized, the program authorized under this
27 section shall automatically sunset twelve years after the effective date of the
28 reauthorization of this section; and

29 (3) This section shall terminate on September first of the calendar year
30 immediately following the calendar year in which the program authorized under
31 this section is sunset.

632.020. 1. The Missouri advisory council for comprehensive psychiatric
2 services, created by executive order of the governor on June 10, 1977, shall act
3 as an advisory body to the division and the division director. The council shall
4 be comprised of up to twenty-five members, the number to be determined under
5 the council bylaws.

6 2. The members of the council shall be appointed by the
7 director. Members shall serve for overlapping terms of three years each. The
8 members of the existing council appointed under the provisions of the executive
9 order shall serve the remainder of their appointed terms. At the expiration of the
10 term of each such member, the director shall appoint an individual who shall hold
11 office for a term of three years. Each member shall hold office until a successor
12 has been appointed. Members shall have professional, research or personal
13 interest in the prevention, evaluation, care, treatment and rehabilitation of
14 persons affected by mental disorders and mental illness. The council shall
15 include representatives from the following:

16 (1) Nongovernment organization or groups and state agencies concerned
17 with the planning, operation or use of comprehensive psychiatric services;

18 (2) Representatives of consumers and providers of comprehensive
19 psychiatric services who are familiar with the need for such services. At least
20 one-half of the members shall be consumers. No more than one-fourth of the
21 members shall be vendors or members of boards of directors, employees or officers

22 of vendors, or any of their spouses, if such vendors receive more than fifteen
23 hundred dollars under contract with the department; except that members of
24 boards of directors of not-for-profit corporations shall not be considered members
25 of board of directors of vendors under this subsection.

26 3. A vacancy occurring on the council shall be filled by appointment of the
27 director.

28 4. Meetings shall be held at least every ninety days at the call of the
29 division director or the council chairman, who shall be elected by the council.

30 5. Each member shall be reimbursed for reasonable and necessary
31 expenses, including travel expenses pursuant to the travel regulations for
32 employees of the department, actually incurred in the performance of his official
33 duties.

34 6. The council may be divided into subcouncils in accordance with its
35 bylaws. The council shall study, plan and make recommendations on the
36 prevention, evaluation, care, treatment, rehabilitation, housing and facilities for
37 persons affected by mental disorders and mental illness.

38 7. No member of a state advisory council may participate in or seek to
39 influence a decision or vote of the council if the member would be directly
40 involved with the matter or [if he] would derive income from it. A violation of the
41 prohibition contained herein shall be grounds for a person to be removed as a
42 member of the council by the director.

43 8. The council shall collaborate with the department in developing and
44 administering a state plan for comprehensive psychiatric services. The council
45 shall be advisory and shall:

46 (1) Promote meetings and programs for the discussion of reducing the
47 debilitating effects of mental disorders and mental illness and disseminate
48 information in cooperation with any other department, agency or entity on the
49 prevention, evaluation, care, treatment and rehabilitation for persons affected by
50 mental disorders or mental illness;

51 (2) Study and review current prevention, evaluation, care, treatment and
52 rehabilitation technologies and recommend appropriate preparation, training,
53 retraining and distribution of manpower and resources in the provision of services
54 to persons affected by mental disorders or mental illness through private and
55 public residential facilities, day programs and other specialized services;

56 (3) Recommend what specific methods, means and procedures should be
57 adopted to improve and upgrade the department comprehensive psychiatric

58 service delivery system for citizens of this state;

59 (4) Participate in developing and disseminating criteria and standards to
60 qualify comprehensive psychiatric service residential facilities, day programs and
61 other specialized services in this state for funding or licensing, or both, by the
62 department;

63 **(5) Develop goals and objectives for suicide prevention, provide**
64 **oversight for suicide prevention activities, and make information on**
65 **suicide and mental health intervention models available to community**
66 **groups implementing suicide prevention programs.**

660.010. 1. There is hereby created a "Department of Social Services" in
2 charge of a director appointed by the governor, by and with the advice and
3 consent of the senate. All the powers, duties and functions of the director of the
4 department of public health and welfare, chapters 191 and 192, RSMo and others,
5 not previously reassigned by executive reorganization plan number 2 of 1973 as
6 submitted by the governor under chapter 26, RSMo, except those assigned to the
7 department of mental health, are transferred by type I transfer to the director of
8 the department of social services and the office of the director, department of
9 public health and welfare is abolished. The department of public health and
10 welfare is abolished. All employees of the department of social services shall be
11 covered by the provisions of chapter 36, RSMo, except the director of the
12 department and his secretary, all division directors and their secretaries, and no
13 more than three additional positions in each division which may be designated
14 by the division director.

15 2. It is the intent of the general assembly in establishing the department
16 of social services, as provided herein, to authorize the director of the department
17 to coordinate the state's programs devoted to those unable to provide for
18 themselves and for the rehabilitation of victims of social disadvantage. The
19 director shall use the resources provided to the department to provide
20 comprehensive programs and leadership striking at the roots of dependency,
21 disability and abuse of society's rules with the purpose of improving service and
22 economical operations. The department is directed to take all steps possible to
23 consolidate and coordinate the field operations of the department to maximize
24 service to the citizens of the state.

25 3. All the powers, duties and functions of the division of welfare, chapters
26 205, 207, 208, 209, and 210, RSMo, and others, are transferred by type I transfer
27 to the "Division of Family Services" which is hereby created in the department of

28 social services. The director of the division shall be appointed by the director of
29 the department. All references to the division of welfare shall hereafter be
30 construed to mean the division of family services of the department of social
31 services.

32 4. [All the powers, duties and functions of the board of nursing home
33 administrators, chapter 344, RSMo, are transferred by type I transfer to the
34 department of social services. The public members of the board shall be
35 appointed by the director of the department.

36 5.] The state's responsibility under public law 452 of the eighty-eighth
37 Congress and others, pertaining to the Office of Economic Opportunity, is
38 transferred by type I transfer to the department of social services.

39 [6.] 5. The state's responsibility under public law 73, Older Americans
40 Act of 1965, of the eighty-ninth Congress is transferred by type I transfer to the
41 department of social services.

42 [7.] 6. All the powers, duties and functions vested by law in the curators
43 of the University of Missouri relating to crippled children's services, chapter 201,
44 RSMo, are transferred by type I transfer to the department of social services.

45 [8.] 7. All the powers, duties and functions vested in the state board of
46 training schools, chapter 219, RSMo, and others, are transferred by type I
47 transfer to the "Division of Youth Services" hereby authorized in the department
48 of social services headed by a director appointed by the director of the
49 department. The state board of training schools shall be reconstituted as an
50 advisory board on youth services, appointed by the director of the
51 department. The advisory board shall visit each facility of the division as often
52 as possible, shall file a written report with the director of the department and the
53 governor on conditions they observed relating to the care and rehabilitative
54 efforts in behalf of children assigned to the facility, the security of the facility and
55 any other matters pertinent in their judgment. Copies of these reports shall be
56 filed with the legislative library. Members of the advisory board shall receive
57 reimbursement for their expenses and twenty-five dollars a day for each day they
58 engage in official business relating to their duties. The members of the board
59 shall be provided with identification means by the director of the division
60 permitting immediate access to all facilities enabling them to make unannounced
61 entrance to facilities they wish to inspect.

701.350. As used in sections 701.350 to 701.380, the following terms
2 mean:

- 3 (1) "Alteration", any change or addition to any equipment other than
4 ordinary repairs and replacements;
- 5 (2) "Automatic transfer device", a mechanism which automatically moves
6 a load consisting of a cart, tote box, pallet, wheeled vehicle, box or similar object
7 to and from the platform of the lift but does not carry personnel;
- 8 (3) "Board", the elevator **and amusement ride** safety board appointed
9 as [provided] **established** in [sections 701.350 to 701.380] **section 701.353**;
- 10 (4) "Department", the department of public safety;
- 11 (5) "Dumbwaiter", a hoisting and lowering mechanism with a car of
12 limited capacity and size which moves in guides in a substantially vertical
13 direction, and is used exclusively for carrying material;
- 14 (6) "Elevator", a hoisting and lowering mechanism designed to carry
15 passengers or authorized personnel and equipped with a car which moves in fixed
16 guides and serves two or more fixed landings, but not including installations used
17 in private single-family residences;
- 18 (7) "Escalator", a power-driven inclined continuous stairway used for the
19 raising and lowering of passengers;
- 20 (8) "Existing installation", an installation for which prior to August 28,
21 1994:
- 22 (a) All work to install the installation was completed; or
23 (b) The plans and specifications were filed with the board and work begun
24 not later than twelve months after the date of the permit;
- 25 (9) "Freight elevator", an elevator used primarily for carrying freight and
26 on which only the operator and the persons necessary for unloading and loading
27 the freight are permitted to ride;
- 28 (10) "Installation", an elevator, dumbwaiter, escalator, material lift,
29 inclined lift, special purpose personnel elevator, or moving walk, including its
30 hoistway, hoistway incloser and related construction, and all machinery and
31 equipment;
- 32 (11) "Major alteration", an alteration to an installation as described by the
33 rules and regulations issued by the board;
- 34 (12) "Manlift", a device consisting of a power-driven endless belt moving
35 in one direction only and provided with steps and platforms and handholds
36 attached to it for the transportation of personnel from floor to floor which is not
37 accessible to or used by the general public;
- 38 (13) "Material lift", a hoisting and lowering mechanism normally classified

39 as an elevator which has been modified to adapt it for the automatic movement
40 of material by means of an integrally mounted automatic transfer device;

41 (14) "Moving walk", a type of passenger-carrying device in or on which
42 passengers stand, sit, or walk and in which the movement of the
43 passenger-carrying device is uninterrupted and remains parallel to its direction
44 of motion;

45 (15) "New installation", any installation not classified as an existing
46 installation, or any existing installation, moved to a new location subsequent to
47 August 28, 1994;

48 (16) "Special inspector", an inspector certified by the board, but not
49 employed by the department of public safety or by a municipality or political
50 subdivision;

51 (17) "Special purpose personnel elevator", an elevator installed in a
52 structure and location to provide vertical transportation of authorized personnel
53 and their tools and equipment only. Such elevator is typically installed in
54 structures such as grain elevators, radio antennae and bridge towers,
55 underground facilities, dams, power plants, construction job sites and similar
56 structures, where, by reason of their limited use and types of construction of the
57 structure served, full compliance with the applicable standards is not practical
58 or necessary;

59 (18) "Stairway inclined lift", a power passenger lift installed on an incline
60 for raising and lowering persons from one floor to another.

701.353. 1. There is hereby established an "Elevator **and Amusement**
2 **Ride** Safety Board" to be composed of [~~eleven~~] **thirteen** members, one of whom
3 shall be the director of the department of public safety, **or the director's**
4 **designee**. The remaining [~~ten~~] **twelve** members of the board shall be appointed
5 by the governor with the advice and consent of the senate. Each member
6 appointed by the governor shall be appointed for a **staggered** term of five years
7 or until [~~his~~] **a** successor is appointed. The governor shall fill any vacancy on the
8 board for the remainder of the unexpired term with a representative of the same
9 interest as that of the member whose term is vacant. No more than six members
10 of the board, who are not employees of state or local government, shall be
11 members of the same political party.

12 2. [~~Two members~~] **One member** of the board shall represent the interests
13 of labor and shall be involved in the elevator industry. [~~Two members~~] **One**
14 **member** of the board shall be [~~representatives~~] **a representative** of

15 manufacturers of elevators used in this state. One member of the board shall be
16 [an architect or] a mechanical engineer. One member of the board shall be a
17 representative of owners of buildings affected by sections 701.350 to
18 701.380. [Two members] **One member** shall be a building [officials] **official**
19 with responsibility for administering elevator regulations[, one from each
20 municipality having a population of at least three hundred fifty thousand
21 inhabitants]. One member of the board shall be a representative of the disabled
22 community who is familiar with the provisions of the [Federal] **federal**
23 Americans with Disabilities Act. [One member shall be a representative of the
24 special inspectors.] **Three members of the board shall represent the**
25 **interests of small amusement ride businesses that operate in this**
26 **state. Three members of the board shall represent the interests of the**
27 **fixed amusement ride parks.**

28 3. The director of the department shall call the first meeting of the board
29 within sixty days after all members have been appointed and qualified. The
30 members from among their membership shall elect a chairman. After the initial
31 meeting the members shall meet at the call of the chairman, but shall meet at
32 least four times per year. [Six] **Seven** members of the board shall constitute a
33 quorum.

34 4. The members of the board shall [serve without pay, but they shall
35 receive per diem expenses in an equivalent amount as allowed for members of the
36 general assembly] **receive no compensation for their services, and shall**
37 **be reimbursed for their actual and necessary expenses incurred in the**
38 **performance of their official duties.**

701.355. **In addition to the powers granted in sections 316.203 to**
2 **316.233**, the board shall have the following powers:

3 (1) To consult with engineering authorities and organizations who are
4 studying and developing elevator safety codes;

5 (2) To adopt a code of rules and regulations governing licenses of elevator
6 mechanics and elevator contractors, construction, maintenance, testing, and
7 inspection of both new and existing installations. The board shall have the power
8 to adopt a safety code only for those types of equipment defined in the rule. In
9 promulgating the elevator safety code the board may consider any existing or
10 future American National Standards Institute safety code affecting elevators as
11 defined in sections 701.350 to 701.380, or any other nationally acceptable
12 standard;

13 (3) To certify state, municipal inspectors and political subdivision
14 inspectors, and special inspectors, who shall enforce the provisions of a safety
15 code adopted pursuant to sections 701.350 to 701.380;

16 (4) To appoint a chief safety inspector together with a staff for the purpose
17 of ensuring compliance with any safety code established pursuant to sections
18 701.350 to 701.380.

701.377. As otherwise provided by sections 701.350 to 701.380, the
2 [elevator safety] board shall set fees for inspection, permits, licenses, certificates,
3 and plan review required by the provisions of sections 701.350 to 701.380. Fees
4 shall be determined by the [elevator safety] board to provide sufficient funds for
5 the operation of the board, except that no fee for the certificate shall exceed
6 [twenty-five dollars] **the actual administrative costs**. The [elevator safety]
7 board may alter the fee schedule once each year. Any funds collected pursuant
8 to sections 701.350 to 701.380 and sections 316.200 to 316.237, RSMo, shall be
9 deposited in the "Elevator **and Amusement ride** Safety Fund" which is hereby
10 created. Moneys shall be appropriated from the fund for the expense and
11 functions of the elevator [safety] and amusement ride safety [boards]
12 **board**. Any unexpended funds in the elevator **and amusement ride** safety
13 fund at the close of the biennium shall revert to the general revenue as required
14 by section 33.080, RSMo. A municipality or other political subdivision enforcing
15 the provisions of sections 701.350 to 701.380 under the provisions of subsection
16 2 of section 701.365 and which performs the plan review, permitting, inspections,
17 and certifications as required, the fee for that inspection shall be paid directly to
18 the municipality or political subdivision and shall not be preempted by sections
19 701.350 to 701.380, except that any fee established by the elevator **and**
20 **amusement ride** safety board for the issuance of appropriate state certificates
21 shall be paid to the elevator **and amusement ride** safety board.

[26.600. Sections 26.600 to 26.614 shall be known and may
2 be cited as the "Missouri Community Service Act".]

[26.603. As used in sections 26.600 to 26.614, the following
2 terms mean:

3 (1) "Act", the national and community service act of 1990,
4 as amended;

5 (2) "Commission", the Missouri community service
6 commission created by sections 26.600 to 26.614;

7 (3) "Community service programs", the performance of tasks

8 designed primarily to address educational, public safety, human,
9 or environmental needs at a local, regional, state, or multistate
10 level;

11 (4) "Corporation", the corporation for national and
12 community service authorized by the act;

13 (5) "National service position", a placement in a community
14 service program whereby an individual may earn an educational
15 award, as authorized by the act;

16 (6) "National service laws", the act and other federal
17 legislation that authorizes or may authorize community service
18 activities in states.]

[26.605. 1. There is hereby created and established within
2 the office of the governor "The Missouri Community Service
3 Commission". The governor may, by executive order, assign this
4 commission to the office of any executive department or statewide
5 elected official.

6 2. The commission is established to make community
7 service the common expectation and experience of all Missourians
8 with a special concentration on Missouri's young people. The
9 commission shall focus its efforts primarily on issues related to
10 education, public safety, human needs and the environment.

11 3. The commission shall work to renew the ethic of civic
12 responsibility in Missouri and to involve and enroll citizens in
13 service opportunities that benefit Missouri while offering citizens
14 skills that can be used to further their own plans for education, for
15 a career, or for continuing community services. The commission
16 shall build on the existing organizational framework of state, local
17 and community-based programs and agencies to expand full-time
18 and part-time service opportunities for all citizens, but particularly
19 Missouri's youth.]

[26.607. 1. The commission shall include at least fifteen
2 but no more than twenty-five voting members appointed by the
3 governor, with the advice and consent of the senate. The
4 commission shall include the following voting members:

5 (1) A representative of local government;

6 (2) The commissioner of the department of elementary and

- 7 secondary education or the designee of such person;
- 8 (3) An individual with experience in promoting the
9 involvement of older adults in service and volunteerism;
- 10 (4) A representative of a national service program;
- 11 (5) An individual with expertise in the educational, training
12 and development needs of youth, particularly disadvantaged youth;
- 13 (6) An individual between the ages of sixteen and
14 twenty-five years who is a participant in or supervisor of a service
15 program for school age youth, or a campus-based or national
16 service program;
- 17 (7) A representative of community-based agencies or
18 organizations in the state;
- 19 (8) A representative of labor organizations;
- 20 (9) A member representing the business community;
- 21 (10) The lieutenant governor or his or her designee;
- 22 (11) A representative from the Corporation for National and
23 Community Service, who shall serve as a nonvoting, ex officio
24 member;
- 25 (12) Other members, at the discretion of and appointed by
26 the governor, provided that there are at least fifteen but not more
27 than twenty-five voting members, and provided that no more than
28 twenty-five percent of the voting members are officers or employees
29 of the state, and provided further that not more than fifty percent
30 plus one of the voting members of the commission are members of
31 the same political party;
- 32 (13) The governor may appoint any number of other
33 nonvoting, ex officio members who shall serve at the pleasure of the
34 governor.
- 35 2. Appointments to the commission shall reflect the race,
36 ethnicity, age, gender and disability characteristics of the
37 population of the state as a whole.
- 38 3. Voting members shall serve renewable terms of three
39 years, except that of the first members appointed, one-third shall
40 serve for a term of one year, one-third shall serve for a term of two
41 years, and one-third shall serve for a term of three years. If a
42 commission vacancy occurs, the governor shall appoint a new

43 member to serve for the remainder of the unexpired
44 term. Vacancies shall not affect the power of the remaining
45 members to execute the commission's duties.

46 4. The members of the commission shall receive no
47 compensation for their services on the commission, but shall be
48 reimbursed for ordinary and necessary expenses incurred in the
49 performance of their duties.

50 5. The voting members of the commission shall elect one of
51 their members to serve as chairperson of the commission. The
52 voting members may elect such other officers as deemed necessary.

53 6. The commission shall meet at least quarterly.]

[26.609. 1. The commission shall have the following powers
2 and duties:

3 (1) To ensure that its funding decisions meet all federal and
4 state statutory requirements;

5 (2) To prepare for this state an annual national service plan
6 that follows state and federal guidelines;

7 (3) To recommend innovative statewide service programs to
8 increase volunteer participation and community-based problem
9 solving by all age groups and among diverse participants;

10 (4) To utilize local, state and federal resources to initiate,
11 strengthen and expand quality service programs;

12 (5) To promote interagency collaboration to maximize
13 resources and develop a model of such collaboration on the state
14 level;

15 (6) To oversee the application process to apply for
16 corporation grants and funds, and for approval of service positions;

17 (7) To establish priorities, policies and procedures for the
18 use of funds received under national service laws and for funds
19 deposited into the community service commission fund established
20 in section 26.614;

21 (8) To provide technical assistance for applicants to plan
22 and implement service programs and to apply for assistance under
23 the national service laws;

24 (9) To solicit and accept gifts, contributions, grants,
25 bequests or other aid from any person, business, organization or

26 foundation, public or private and from federal, state or local
27 government or any agency of federal, state or local government.

28 2. The commission shall have other powers and duties in
29 addition to those listed in subsection 1 of this section, including:

30 (1) To utilize staff within the office of the governor, the
31 office of a designated statewide elected official or other executive
32 departments as needed for this purpose; and

33 (2) To enter into contracts with individuals, organizations
34 and institutions within amounts available for this purpose.]

[26.611. 1. All state agencies, the University of Missouri
2 extension system, and any unit of local government, including
3 school districts, may share information and cooperate with the
4 commission to enable it to perform the functions assigned to it by
5 state and federal law.

6 2. Any state agency that operates or plans to establish a
7 community service program may coordinate its efforts with the
8 commission.]

[26.614. 1. There is hereby created in the state treasury
2 the "Community Service Commission Fund". The state treasurer
3 shall deposit to the credit of the fund all moneys which may be
4 appropriated to it by the general assembly and also any gifts,
5 contributions, grants, bequests or other aid received from federal,
6 private or other sources. The general assembly may appropriate
7 moneys into the fund for the support of the commission and its
8 activities. Notwithstanding the provisions of section 33.080, RSMo,
9 to the contrary, moneys in the fund shall not revert to the credit of
10 the general revenue fund at the end of the biennium.

11 2. The commission shall submit an annual report of its
12 activities to the speaker of the house of representatives, the
13 president pro tem of the senate, and the governor before January
14 thirty-first of each year.]

[192.350. 1. There is hereby established within the
2 department of health and senior services the "Missouri State
3 Advisory Council on Pain and Symptom Management". The council
4 shall consist of nineteen members that are residents of this
5 state. The members of the council shall include:

6 (1) The director of the department of health and senior
7 services, or the director's designee, who shall serve as chair of the
8 council;

9 (2) The state attorney general, or the attorney general's
10 designee;

11 (3) Two members of the senate, appointed by the president
12 pro tempore of the senate;

13 (4) Two members of the house of representatives, appointed
14 by the speaker of the house of representatives;

15 (5) One physician, appointed by the Missouri state board of
16 registration for the healing arts, that is certified and accredited in
17 pain management;

18 (6) One physician, appointed by the Missouri state board of
19 registration for the healing arts, that is certified and accredited in
20 palliative care;

21 (7) Two registered nurses, appointed by the Missouri board
22 of nursing, with expertise in hospice, oncology, long-term care, or
23 pain and symptom management and are certified by the National
24 Board for Certification of Hospice and Palliative Nurses;

25 (8) One dentist, appointed by the Missouri board of
26 dentistry, with training in pain and symptom management and is
27 associated with the education and training of dental students;

28 (9) One pharmacist, appointed by the Missouri board of
29 pharmacy, with training in pain and symptom management and is
30 associated with the education and training of pharmacists;

31 (10) One representative of the Pharmaceutical Research
32 and Manufacturers of America, appointed by the governor, with the
33 advice and consent of the senate;

34 (11) One mental health services provider, appointed by the
35 governor, with the advice and consent of the senate;

36 (12) One physician assistant, appointed by the Missouri
37 advisory commission for physician assistants, with training in pain
38 and symptom management;

39 (13) One chiropractic physician, appointed by the Missouri
40 state board of chiropractic examiners, with training in pain and
41 symptom management;

42 (14) One physical therapist, appointed by the Missouri
43 Physical Therapy Association, that specializes in pain
44 management;

45 (15) One advocate representing voluntary health
46 organizations or advocacy groups with an interest in pain
47 management, appointed by the governor, with the advice and
48 consent of the senate; and

49 (16) One member who has been diagnosed with chronic
50 pain, appointed by the governor, with the advice and consent of the
51 senate.

52 2. Members of the council shall be appointed by February
53 1, 2004. Of the members first appointed to the council, seven
54 members shall serve a term of two years, and eight members shall
55 serve a term of one year, and thereafter, members shall serve a
56 term of two years. Members shall continue to serve until their
57 successor is duly appointed and qualified. Any vacancy on the
58 council shall be filled in the same manner as the original
59 appointment.]

[192.352. 1. Members shall serve without compensation but
2 shall, subject to appropriations, be reimbursed for reasonable and
3 necessary expenses actually incurred in the performance of the
4 member's official duties.

5 2. The department of health and senior services with
6 existing resources shall provide administrative support and current
7 staff as necessary for the effective operation of the council.]

[192.355. 1. Meetings shall be held at least every ninety
2 days or at the call of the council chair.

3 2. The advisory council shall:

4 (1) Hold public hearings pursuant to chapter 536, RSMo, to
5 gather information from the general public on issues pertaining to
6 pain and symptom management;

7 (2) Make recommendations on acute and chronic pain
8 management treatment practices;

9 (3) Analyze statutes, rules, and regulations regarding pain
10 management;

11 (4) Study the use of alternative therapies regarding pain

12 and symptom management and any sanctions imposed;

13 (5) Review the acute and chronic pain management
14 education provided by professional licensing boards of this state;

15 (6) Examine the needs of adults, children, the terminally ill,
16 racial and ethnic minorities, and medically underserved
17 populations that have acute and chronic pain;

18 (7) Make recommendations on integrating pain and
19 symptom management into the customary practice of health care
20 professionals;

21 (8) Identify the roles and responsibilities of health care
22 professionals in pain and symptom management;

23 (9) Make recommendations on the duration and content of
24 continuing education requirements for pain and symptom
25 management;

26 (10) Review guidelines on pain and symptom management
27 issued by the United States Department of Health and Human
28 Services;

29 (11) Provide an annual report on the activities of the
30 council to the director of the department of health and senior
31 services, the speaker of the house of representatives, the president
32 pro tempore of the senate, and the governor by February first of
33 every year. Such report shall include, but not be limited to the
34 following:

35 (a) Issues and recommendations developed by the council;

36 (b) Pain management educational curricula and continuing
37 education requirements for institutions providing health care
38 education;

39 (c) Information regarding the impact and effectiveness of
40 prior recommendations, if any, that have been implemented; and

41 (d) Review of current policies regarding pain and symptom
42 management and any changes thereto occurring in pain and
43 symptom management.

44 3. The department of health and senior services may accept
45 on behalf of the council any federal funds, gifts, and donations from
46 individuals, private organizations, and foundations, and any other
47 funds that may become available.]

2 [208.195. The director of the division of family services
3 shall appoint an advisory committee to provide professional and
4 technical consultation in respect to the medical care aspects for
5 public assistance recipients as set out in this chapter. The
6 committee shall consist of twenty members, including the chairman
7 of the senate committee of public health and welfare and chairman
8 of the house of representatives committee of Social Security, and a
9 minority member of each committee and at least three physicians
10 licensed to practice in this state. The others shall be persons
11 interested in hospital administration, nursing home
12 administration, nursing, dentistry, optometry and
13 pharmaceuticals. The members of the advisory committee shall
14 receive no compensation for their services other than expenses
actually incurred in the performance of their official duties.]

[208.197. 1. The "Professional Services Payment
2 Committee" is hereby established within the MO HealthNet
3 division to develop and oversee the pay-for-performance payment
4 program guidelines under section 208.153. The members of the
5 committee shall be appointed by the governor no later than
6 December 31, 2007, and shall be subject to the advice and consent
7 of the senate. The committee shall be composed of eighteen
8 members, geographically balanced, including nine physicians
9 licensed to practice in this state, two patient advocates and the
10 attorney general, or his or her designee. The remaining members
11 shall be persons actively engaged in hospital administration,
12 nursing home administration, dentistry, and pharmaceuticals. The
13 members of the committee shall receive no compensation for their
14 services other than expenses actually incurred in the performance
15 of their official duties.

16 2. The MO HealthNet division shall maintain the
17 pay-for-performance payment program in a manner that ensures
18 quality of care, fosters the relationship between the patient and the
19 provider, uses accurate data and evidence-based measures, does not
20 discourage providers from caring for patients with complex or
21 high-risk conditions, and provides fair and equitable program
22 incentives.]

[208.530. As used in sections 208.530 to 208.535, the following terms shall mean:

(1) "Commission", the commission on the special health, psychological and social needs of minority older individuals established in section 208.533;

(2) "Minority older individual", an individual who is sixty years of age or older and a member of a racial minority group;

(3) "Racial minority group":

(a) Blacks or African Americans;

(b) Native Americans;

(c) Hispanics;

(d) Asian Americans; and

(e) Other similar racial minority groups.]

[208.533. 1. There is hereby established a twenty-member "Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals" under the division of aging. The commission shall consist of the following members:

(1) The directors of the departments of health and senior services, mental health and social services or their designees;

(2) The directors of the office of minority health and the division of aging who shall serve as cochairs of the commission;

(3) Two members of the Missouri house of representatives, one from each major political party represented in the house of representatives, appointed by the speaker of the house who shall serve in a nonvoting, advisory capacity;

(4) Two members of the senate, one from each major political party represented in the senate, appointed by the president pro tem of the senate who shall serve in a nonvoting, advisory capacity;

(5) A representative of the office of the lieutenant governor who shall serve in a nonvoting, advisory capacity; and

(6) Ten individuals appointed by the governor with the advice and consent of the senate who are currently working in the field of minority elderly health, psychological or social problems who have demonstrated expertise in one or more of the following areas: treatment of cardiovascular, cancer and diabetic conditions;

24 nutrition; community-based health services; legal services; elderly
25 consumer advocacy; gerontology or geriatrics; social work and other
26 related services including housing. At least two of the individuals
27 appointed by the governor shall be minority older individuals. The
28 members appointed by the governor shall be residents of
29 Missouri. Any vacancy on the commission shall be filled in the
30 same manner as the original appointment.

31 2. Members appointed by the governor shall serve for
32 three-year terms. Other members, except legislative members,
33 shall serve for as long as they hold the position which made them
34 eligible for appointment. Legislative members shall serve during
35 their current term of office but may be reappointed.

36 3. Members of the commission shall not be compensated for
37 their services, but shall be reimbursed for actual and necessary
38 expenses incurred in the performance of their duties. The office of
39 administration and the departments of health and senior services,
40 mental health and social services shall provide such support as the
41 commission requires to aid it in the performance of its duties.]

[208.535. The responsibilities of the commission shall
2 include, but not be limited to, the following:

3 (1) The commission shall annually prepare a report
4 identifying the special needs of the minority older population in
5 Missouri as compared to the older population at-large and make
6 recommendations for meeting those needs. The report shall be
7 completed no later than October first of each year, beginning in
8 1999, and copies transmitted to the governor, the general assembly
9 and appropriate state agencies. The report shall, at a minimum:

10 (a) Contain an overview of the special health, psychological
11 and social needs of minority older Missourians with particular
12 attention to low-income minority older individuals;

13 (b) Identify specific diseases and health conditions for
14 which minority older individuals are at greater risk than the
15 general population;

16 (c) Identify problems experienced by minority older
17 individuals in obtaining services from governmental agencies;

18 (d) Identify programs at the state and local level designed

19 to specifically meet the needs of minority older individuals; and

20 (e) Recommend program improvements and services at the
21 state and local level designed to address the special unmet needs
22 of the minority older population;

23 (2) In preparing the report required by this section, the
24 commission shall solicit and consider the input of individuals and
25 organizations representing the concerns of the minority older
26 population, with particular attention to the service needs of those
27 with incomes below the federal poverty level, concerning:

28 (a) Programs and services needed by minority older
29 individuals;

30 (b) The extent to which existing programs do not meet the
31 needs of minority older individuals;

32 (c) The accessibility of existing programs to minority older
33 individuals;

34 (d) The availability and adequacy of information regarding
35 existing services;

36 (e) Health problems that minority older individuals
37 experience at a higher rate than the nonminority older population;
38 and

39 (f) Financial, social and other barriers experienced by
40 minority older individuals in obtaining needed services;

41 (3) Conduct an outreach program that provides information
42 to minority older Missourians about health, psychological and
43 social problems experienced by minority older individuals and
44 available programs to address those problems, as identified in the
45 report prepared pursuant to this section.]

[208.792. 1. There is hereby established the "Missouri Rx
2 Plan Advisory Commission" within the department of social
3 services to provide advice on the benefit design and operational
4 policy of the Missouri Rx plan established in sections 208.782 to
5 208.798. The commission shall consist of the following fifteen
6 members:

7 (1) The lieutenant governor, in his or her capacity as
8 advocate for senior citizens;

9 (2) Two members of the senate, with one member from the

10 majority party appointed by the president pro tem of the senate
11 and one member of the minority party appointed by the president
12 pro tem of the senate with the concurrence of the minority floor
13 leader of the senate;

14 (3) Two members of the house of representatives, with one
15 member from the majority party appointed by the speaker of the
16 house of representatives and one member of the minority party
17 appointed by the speaker of the house of representatives with the
18 concurrence of the minority floor leader of the house of
19 representatives;

20 (4) The director of the division of medical services in the
21 department of social services;

22 (5) The director of the division of senior and disability
23 services in the department of health and senior services;

24 (6) The chairperson of the governor's commission on special
25 health, psychological and social needs of minority older individuals;

26 (7) The following four members appointed by the governor,
27 with the advice and consent of the senate:

28 (a) A licensed pharmacist;

29 (b) A licensed physician;

30 (c) A representative from a senior advocacy group; and

31 (d) A representative from an area agency on aging;

32 (8) A representative from the pharmaceutical
33 manufacturers industry as a nonvoting member appointed by the
34 president pro tem of the senate and the speaker of the house of
35 representatives;

36 (9) One public member appointed by the president pro tem
37 of the senate; and

38 (10) One public member appointed by the speaker of the
39 house of representatives. In making the initial appointment to the
40 committee, the governor, president pro tem, and speaker shall
41 stagger the terms of the appointees so that four members serve
42 initial terms of two years, four members serve initial terms of three
43 years, four members serve initial terms of four years, and one
44 member serves an initial term of one year. All members appointed
45 thereafter shall serve three-year terms. All members shall be

46 eligible for reappointment. The commission shall elect a chair and
47 may employ an executive director and such professional, clerical,
48 and research personnel as may be necessary to assist in the
49 performance of the commission's duties.

50 2. Recognizing the unique medical needs of the senior
51 African-American population, the president pro tem of the senate,
52 speaker of the house of representatives, and governor will
53 collaborate to ensure that there is adequate minority
54 representation among legislative members and other members of
55 the commission.

56 3. The commission:

57 (1) May provide advice on guidelines, policies, and
58 procedures necessary to establish the Missouri Rx plan;

59 (2) Shall educate Missouri residents on quality prescription
60 drug programs and cost-containment strategies in medication
61 therapy;

62 (3) Shall assist Missouri residents in enrolling or accessing
63 prescription drug assistance programs for which they are eligible;
64 and

65 (4) Shall hold quarterly meetings and other meetings as
66 deemed necessary.

67 4. The members of the commission shall receive no
68 compensation for their service on the commission, but shall be
69 reimbursed for ordinary and necessary expenses incurred in the
70 performance of their duties as a member of the commission.]

2 [253.375. 1. As a necessary adjunct to the operation and
3 maintenance of this memorial and historic site, as herein provided,
4 there is hereby created a state advisory commission, to be known
5 as "The Thomas Hart Benton Homestead Memorial Commission",
6 to consist of twenty members, ten members to be appointed by the
7 director of the department of natural resources, five members to be
8 appointed by the president pro tem of the senate and five members
9 to be appointed by the speaker of the house. The appointees shall
10 be selected from outstanding individuals, not restricted to citizens
11 of the state, well-known for their interest in and knowledge of
Thomas Hart Benton, his life and his work, and in addition thereto,

12 the director of the department of natural resources, the chairman
13 of the Missouri advisory council on historic preservation, which
14 advisory commission, upon original appointment, is hereby
15 empowered to organize itself and to elect its own officers for such
16 term or terms as the commission shall from time to time
17 determine. Any vacancy on the advisory commission shall be filled
18 by the same official who appointed the person who left the
19 commission thus creating such vacancy.

20 2. The commission shall be advisory to the division of state
21 parks and recreation of the department of natural resources on all
22 policy and administrative matters pertaining to planning, operation
23 and maintenance, including museum activities, the employment of
24 curators, staff employees or other persons, as may be needed.

25 3. The members of the commission shall not receive any
26 compensation for their services, but shall be reimbursed for their
27 actual and necessary expenses, excluding travel expenses, incurred
28 within the state of Missouri in the performance of their duties.

29 4. The commission is empowered, in behalf of the state, to
30 accept gifts, contributions, bequests of unrestricted funds, from
31 individuals, foundations, corporations and other organizations or
32 institutions for the furtherance of the objectives and purposes of
33 this memorial.

34 5. The commission may request from any department,
35 division, board, bureau, council, commission or other agency of this
36 state such assistance and data as will enable it to properly carry
37 out its powers and duties hereunder; and the director of the
38 department of natural resources shall make provision for the
39 staffing and servicing of the commission, and providing the
40 necessary funding to carry out its duties, from funds appropriated
41 or otherwise available to that department.]

2 [260.725. 1. There is hereby created within the department
3 of natural resources the "Low-level Radioactive Waste Compact
4 Advisory Committee". The committee shall consist of one
5 representative of an institution of higher education, one
6 representative of the general public, one representative of industry,
one representative of a medical field, one member of the Missouri

7 house of representatives, one member of the Missouri senate and
8 Missouri's member on the midwest low-level radioactive waste
9 compact commission. If Missouri is designated a host state for a
10 regional disposal facility, the advisory committee shall be expanded
11 to include a representative from the host county. Each member
12 shall be appointed by the governor with the advice and consent of
13 the senate, except that the member from the Missouri house of
14 representatives shall be appointed by the speaker of the house and
15 the member from the Missouri senate shall be appointed by the
16 president pro tempore of the senate. Any representative of a host
17 county shall be nominated by the county court of the host county
18 and appointed by the governor. Each member shall serve for a
19 term of four years with the first members' appointments staggered
20 so that all members' terms do not expire simultaneously.

21 2. The advisory committee shall:

22 (1) Act in an advisory capacity to Missouri's member on the
23 commission;

24 (2) Meet as necessary, but at least twice yearly, to review
25 activities of the commission and midwest interstate low-level
26 radioactive waste compact states; and

27 (3) Present recommendations in writing to the governor and
28 the general assembly as requested or as necessary to insure
29 adequate exchange of information.]

[286.200. 1. The "Governor's Committee on Employment of
2 People with Disabilities" will hereafter be known as the "Governor's
3 Council on Disability" and is hereby assigned to the department of
4 labor and industrial relations.

5 2. The council shall consist of a chairperson, twenty
6 members and an executive director.

7 3. The chairperson shall be appointed by the governor with
8 the advice and consent of the senate. The members of the council
9 shall be appointed by the governor. Recruitment and appointment
10 of members to the council shall provide for representation of
11 various ethnic, age, gender and physical and mental disability
12 groups.

13 4. (1) The nine members of the governor's committee on the

14 employment of people with disabilities whose terms of office expire
15 in October of 1995 and the four members of the governor's
16 committee on the employment of people with disabilities whose
17 terms of office expire in October of 1997 shall be deemed members
18 of the council on disability. Of the ten members of the committee
19 on the employment of people with disabilities whose terms of office
20 expired in October of 1993 and any vacancies on the committee on
21 the employment of people with disabilities, only seven shall be
22 appointed to the council;

23 (2) The terms of office for the chairperson and the seven
24 council members first appointed after August 28, 1994, shall be as
25 follows:

26 (a) The term of office for one of the initial new council
27 members shall expire in October of 1995;

28 (b) The terms of office for the chairperson and the other six
29 initial council members shall expire in October of 1997, so that
30 one-half of the members of the council may be chosen every second
31 year.

32 5. The funds necessary for the executive director and such
33 other personnel as necessary shall be appropriated through the
34 department of labor and industrial relations. The executive
35 director shall serve under the supervision of the committee
36 chairman. The executive director shall be exempted from the state
37 merit system.

38 6. All successor members shall be appointed for four-year
39 terms. Vacancies occurring in the membership of the council for
40 any reason shall be filled by appointment by the governor for the
41 unexpired term. Upon expiration of their terms, members of the
42 council shall continue to hold office until the appointment and
43 qualification of their successors. No person shall be appointed for
44 more than two consecutive terms, except that a person appointed
45 to fill a vacancy may serve for two additional successive
46 terms. The governor may remove a member for cause.

47 7. Members of the council shall be chosen to meet the
48 following criteria:

49 (1) The majority of the council shall be comprised of people

50 with disabilities, representing the various disability groups. The
51 remaining positions shall be filled by family members of people
52 with disabilities, persons who represent other disability-related
53 groups, and other advocates. A person considered to have a
54 disability shall meet the federal definition of disability as defined
55 by P.L. 101-336;

56 (2) The council shall include at least one member from each
57 congressional district;

58 (3) Members of the council shall be knowledgeable about
59 disability-related issues and have demonstrated a commitment to
60 full participation of people with disabilities in all aspects of
61 community life.

62 8. The chairperson of the council shall serve without
63 compensation but shall be reimbursed for actual and necessary
64 travel and other expenses incurred in the performance of the duties
65 as chairperson of the council on disability. The members of the
66 council shall serve without compensation but may be reimbursed
67 for their actual and necessary expenses incurred in attending all
68 meetings provided for by sections 286.200 to 286.210.

69 9. The council shall meet at least once each calendar
70 quarter to conduct its business. The executive director shall give
71 written notice by mail to each member of the time and place of each
72 meeting of the council at least ten days before the scheduled date
73 of the meetings, and notice of any special meetings shall state the
74 specific matters to be considered in the special meeting which is
75 not a regular quarterly meeting.

76 10. The chairperson, with the advice and consent of the
77 council, shall appoint an executive director who shall serve as a
78 nonvoting member and executive officer of the council. The
79 executive director shall serve under the supervision of the
80 chairperson of the council. The executive director shall be a person
81 who is knowledgeable about disability-related issues and has
82 demonstrated a commitment to full participation of people with
83 disabilities in all aspects of community life.

84 11. All information, documents, records and contracts of the
85 committee on employment of people with disabilities shall become

86 those of the council on disability.

87 12. The director of each state department shall designate
88 at least one employee who shall act as a liaison with the council.]

[286.205. The governor's council on disability shall:

2 (1) Act in an advisory capacity to all state agencies and
3 have direct input to all divisions of the office of administration on
4 policies and practices which impact people with disabilities. Input
5 shall include policies and practices affecting personnel, purchasing,
6 design and construction of new facilities, facilities management,
7 budget and planning and general services. In the administration
8 of its duties, the governor's council on disability in cooperation with
9 the office of administration shall offer technical assistance to help
10 all departments, divisions and branches of state government
11 comply with applicable state and federal law regarding persons
12 with disabilities;

13 (2) Work and cooperate with other state commissions,
14 councils or committees pertaining to disabilities and other national,
15 state and local entities to create public policies and encourage
16 system changes which eliminate barriers to people with disabilities;

17 (3) Advocate for public policies and practices which:

18 (a) Promote employment of people with disabilities;

19 (b) Expand opportunities in all aspects of life; and

20 (c) Promote awareness of and compliance with various
21 federal, state and local laws dealing with disabilities;

22 (4) Gather input from disability-related organizations and
23 the public on disability-related issues and report the results of this
24 information in council reports to the governor;

25 (5) Accept grants, private gifts, and bequests, to be used to
26 achieve the purposes of sections 286.200 to 286.210;

27 (6) Promulgate those bylaws necessary for the efficient
28 operation of the council;

29 (7) Prepare an annual report to be presented to the
30 governor not later than January first of each year.]

[286.210. The governor's council on disability may receive
2 funds and property by gift, devise, bequest or otherwise and may
3 solicit funds to be used in carrying out the purposes of sections

4 286.200 to 286.210.]

5 [302.136. The director shall by regulation establish the
6 "Motorcycle Safety Program Advisory Committee" to assist in the
7 development and implementation of the program. The committee
8 shall consist of seven members and shall include members
9 representing the motoring public, motorcycle dealerships,
10 motorcycle instructors, law enforcement agencies, the motorcycle
11 safety education program, and the department of public
12 safety. Beginning on August 28, 1999, the governor shall appoint
13 the members of the committee for terms of three years; except
14 those first appointed by the governor, two shall be for terms of one
15 year, two shall be for terms of two years and three shall be for
terms of three years. The committee shall appoint a chairman and
meet at least two times per year. Members shall serve without
compensation, but may be reimbursed for their reasonable expenses
incurred in the performance of their duties.]

1 [316.204. 1. There is hereby established an "Amusement
2 Ride Safety Board" to be composed of nine members, one of whom
3 shall be the state fire marshal or the marshal's designee. The
4 remaining eight members of the board shall be appointed by the
5 governor with the advice and consent of the senate. Each member
6 appointed by the governor shall be appointed for a staggered term
7 of five years or until a successor is appointed. The governor shall
8 fill any vacancy on the board for the remainder of the unexpired
9 term with a representative of the same interest as that of the
10 member whose term is vacant. No more than four members of the
11 board, who are not employees of state or local government, shall be
12 members of the same political party.

13 2. Three members of the board shall represent the interests
14 of small amusement ride businesses that operate in this
15 state. Three members of the board shall represent the interests of
16 the fixed amusement ride parks. One member of the board shall
17 be a resident of this state. One member of the board shall be a
18 mechanical engineer knowledgeable of amusement rides.

19 3. The state fire marshal shall call the first meeting of the
20 board within sixty days after all members have been appointed and

21 qualified. The members from among their membership shall elect
22 a chairperson. After the initial meeting the members shall meet at
23 the call of the chairperson, but shall meet at least three times per
24 year. Five members of the board shall constitute a quorum.

25 4. The members of the board shall receive no compensation
26 for their services, and shall be reimbursed for their actual and
27 necessary expenses incurred in the performance of their official
28 duties.]

[324.400. As used in sections 324.400 to 324.439, the
2 following terms mean:

3 (1) "Council", the interior design council created in section
4 324.406;

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

6 (3) "Registered interior designer", a design professional who
7 provides services including preparation of documents and
8 specifications relative to nonload-bearing interior construction,
9 furniture, finishes, fixtures and equipment and who meets the
10 criteria of education, experience and examination as provided in
11 sections 324.400 to 324.439.]

[324.402. The state or any county, municipality, or other
2 political subdivision shall not require the use of a registered
3 interior designer for any residential building, residential
4 remodeling, residential rehabilitation, or residential construction
5 purposes.]

[324.403. No person may use the name or title, registered
2 interior designer, in this state unless that person is registered as
3 required by sections 324.400 to 324.439. Nothing in sections
4 324.400 to 324.439 shall be construed as limiting or preventing the
5 practice of a person's profession or restricting a person from
6 providing interior design services, provided such person does not
7 indicate to the public that such person is registered as an interior
8 designer pursuant to the provisions of sections 324.400 to 324.439.]

[324.406. 1. There is hereby created within the division of
2 professional registration a council to be known as the "Interior
3 Design Council". The council shall consist of four interior
4 designers and one public member appointed by the governor with

5 the advice and consent of the senate. The governor shall give due
6 consideration to the recommendations by state organizations of the
7 interior design profession for the appointment of the interior design
8 members to the council. Council members shall be appointed to
9 serve a term of four years; except that of the members first
10 appointed, one interior design member and the public member shall
11 be appointed for terms of four years, one member shall be
12 appointed for a term of three years, one member shall be appointed
13 for a term of two years and one member shall be appointed for a
14 term of one year. No member of the council shall serve more than
15 two terms.

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

23 3. The public member shall be, at the time of such person's
24 appointment, a citizen of the United States, a registered voter, a
25 person who is not and never was a member of the profession
26 regulated by sections 324.400 to 324.439 or the spouse of such a
27 person and a person who does not have and never has had a
28 material financial interest in the providing of the professional
29 services regulated by sections 324.400 to 324.439. The duties of
30 the public member shall not include the determination of the
31 technical requirements for the registration of persons as interior
32 designers. The provisions of section 324.028 pertaining to public
33 members of certain state boards and commissions shall apply to the
34 public member of the council.

35 4. Members of the council may be removed from office for
36 cause. Upon the death, resignation or removal from office of any
37 member of the council, the appointment to fill the vacancy shall be
38 for the unexpired portion of the term so vacated and shall be filled
39 in the same manner as the first appointment and due notice be
40 given to the state organizations of the interior design profession

41 prior to the appointment.

42 5. Each member of the council may receive as compensation
43 an amount set by the division not to exceed fifty dollars per day
44 and shall be reimbursed for the member's reasonable and necessary
45 expenses incurred in the official performance of the member's
46 duties as a member of the council. The director shall establish by
47 rule guidelines for payment.

48 6. The council shall meet at least twice each year and
49 advise the division on matters within the scope of sections 324.400
50 to 324.439. The organization of the council shall be established by
51 the members of the council.

52 7. The council may sue and be sued as the interior design
53 council and the council members need not be named as
54 parties. Members of the council shall not be personally liable
55 either jointly or severally for any act committed in the performance
56 of their official duties as council members. No council member
57 shall be personally liable for any costs which accrue in any action
58 by or against the council.]

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

2 (1) Shall take and pass or have passed the examination
3 administered by the National Council for Interior Design
4 Qualification or an equivalent examination approved by the council.
5 In addition to proof of passage of the examination, the application
6 shall provide substantial evidence to the council that the applicant:

7 (a) Is a graduate of a five-year or four-year interior design
8 program from an accredited institution and has completed at least
9 two years of diversified and appropriate interior design experience;
10 or

11 (b) Has completed at least three years of an interior design
12 curriculum from an accredited institution and has completed at
13 least three years of diversified and appropriate interior design
14 experience; or

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

18 (2) May qualify who is currently registered pursuant to

19 sections 327.091 to 327.171, RSMo, and section 327.401, RSMo,
20 pertaining to the practice of architecture and registered with the
21 council. Such applicant shall give authorization to the council in
22 order to verify current registration with sections 327.091 to
23 327.171, RSMo, and section 327.401, RSMo, pertaining to the
24 practice of architecture.

25 2. Verification of experience required pursuant to this
26 section shall be based on a minimum of two client references,
27 business or employment verification and three industry references,
28 submitted to the council.

29 3. The council shall verify if an applicant has complied with
30 the provisions of this section and has paid the required fees, then
31 the council shall recommend such applicant be registered as a
32 registered interior designer by the council.]

[324.412. 1. The division shall:

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

5 (2) Exercise all budgeting, purchasing, reporting and other
6 related management functions.

7 2. The council shall:

8 (1) Recommend prosecution for violations of sections
9 324.400 to 324.439 to the appropriate prosecuting or circuit
10 attorney;

11 (2) Promulgate such rules and regulations as are necessary
12 to administer the provisions of sections 324.400 to 324.439. Any
13 rule or portion of a rule, as that term is defined in section 536.010,
14 RSMo, that is promulgated to administer and enforce sections
15 324.400 to 324.439, shall become effective only if the agency has
16 fully complied with all of the requirements of chapter 536, RSMo,
17 including but not limited to, section 536.028, RSMo, if applicable,
18 after August 28, 1998. If the provisions of section 536.028, RSMo,
19 apply, the provisions of this section are nonseverable and if any of
20 the powers vested with the general assembly pursuant to section
21 536.028, RSMo, to review, to delay the effective date, or to
22 disapprove and annul a rule or portion of a rule are held

23 unconstitutional or invalid, the purported grant of rulemaking
24 authority and any rule so proposed and contained in the order of
25 rulemaking shall be invalid and void, except that nothing in this
26 section shall affect the validity of any rule adopted and
27 promulgated prior to August 28, 1998.]

[324.415. Applications for registration as a registered
2 interior designer shall be typewritten on forms prescribed by the
3 council and furnished to the applicant. The application shall
4 contain the applicant's statements showing the applicant's
5 education, experience, results of previous interior design
6 certification, registration or licensing examinations, if any, and
7 such other pertinent information as the council may require, or
8 architect's registration number and such other pertinent
9 information as the council may require. Each application shall
10 contain a statement that is made under oath or affirmation and
11 that the representations are true and correct to the best knowledge
12 and belief of the person signing the application. The person shall
13 be subject to the penalties for making a false affidavit or
14 declaration and shall be accompanied by the required fee.]

[324.418. 1. The certificate of registration issued biennially
2 to a registered interior designer pursuant to sections 324.400 to
3 324.439 shall be renewed on or before the certificate renewal date
4 accompanied by the required fee. The certificate of registration of
5 a registered interior designer which is not renewed within three
6 months after the certificate renewal date shall be suspended
7 automatically, subject to the right of the holder to have the
8 suspended certificate of registration reinstated within nine months
9 of the date of suspension if the person pays the required
10 reinstatement fee. Any certificate of registration suspended and
11 not reinstated within nine months of the suspension date shall
12 expire and be void and the holder of such certificate shall have no
13 rights or privileges provided to holders of valid certificates. Any
14 person whose certificate of registration has expired may, upon
15 demonstration of current qualifications and payment of required
16 fees, be reregistered or reauthorized under the person's original
17 certificate of registration number.

18 2. Each application for the renewal or reinstatement of a
19 registration shall be on a form furnished to the applicant and shall
20 be accompanied by the required fees and proof of current
21 completion of at least one unit every two years of approved or
22 verifiable continuing education in interior design or architecture,
23 immediately prior to such renewal or reinstatement. Ten contact
24 hours constitutes one continuing education unit. Five contact
25 hours of teaching in interior design or architecture constitutes one
26 continuing education unit. One college course credit in interior
27 design or architecture constitutes one continuing education unit.]

 [324.421. The council shall register without examination
2 any interior designer certified, licensed or registered in another
3 state or territory of the United States or foreign country if the
4 applicant has qualifications which are at least equivalent to the
5 requirements for registration as a registered interior designer in
6 this state and such applicant pays the required fees.]

 [324.427. It is unlawful for any person to advertise or
2 indicate to the public that the person is a registered interior
3 designer in this state, unless such person is registered as a
4 registered interior designer by the council and is in good standing
5 pursuant to sections 324.400 to 324.439.]

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

 [324.433. The right to use the title of registered interior
2 designer shall be deemed a personal right, based upon the
3 qualifications of the individual, evidenced by the person's current
4 certificate of registration and such certificate is not transferable;
5 except that, a registered interior designer may perform the interior
6 designer's profession through, or as a member of, or as an employee
7 of, a partnership or corporation.]

 [324.436. 1. The council may refuse to issue any certificate
2 required pursuant to sections 324.400 to 324.439, or renew or

3 reinstatement any such certificate, for any one or any combination of the
4 reasons stated in subsection 2 of this section. The council shall
5 notify the applicant in writing of the reasons for the refusal and
6 shall advise the applicant of the person's right to file a complaint
7 with the administrative hearing commission as provided in chapter
8 621, RSMo.

9 2. The council may cause a complaint to be filed with the
10 administrative hearing commission as provided by chapter 621,
11 RSMo, against any holder of a certificate of registration required
12 by sections 324.400 to 324.439 or any person who has failed to
13 renew or has surrendered the person's certificate of registration for
14 any one or combination of the following reasons:

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

23 (2) Use of fraud, deception, misrepresentation or bribery in
24 securing any certificate of registration issued pursuant to sections
25 324.400 to 324.439 or in obtaining permission to take any
26 examination given or required pursuant to sections 324.400 to
27 324.439;

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

31 (4) Incompetency, misconduct, gross negligence, fraud,
32 misrepresentation or dishonesty in the performance of the
33 functions or duties of the profession regulated by sections 324.400
34 to 324.439;

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

38 (6) Impersonation of any person holding a certificate of

39 registration or authority, permit or license or allowing any person
40 to use the person's certificate or diploma from any school;

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

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

48 (9) Issuance of a certificate of registration based upon a
49 material mistake of fact;

50 (10) Use of any advertisement or solicitation which is false,
51 misleading or deceptive to the general public or persons to whom
52 the advertisement or solicitation is primarily directed, as it relates
53 to the interior design profession.

54 3. After the filing of a complaint pursuant to subsection 2
55 of this section, the proceedings shall be conducted in accordance
56 with the provisions of chapter 536, RSMo, and chapter 621,
57 RSMo. Upon a finding by the administrative hearing commission
58 that the grounds, provided in subsection 2 of this section, for
59 disciplinary action are met, the council shall censure or place the
60 person named in the complaint on probation for a period not to
61 exceed five years or may suspend the person's certificate for a
62 period not to exceed three years or may revoke the person's
63 certificate of registration.]

2 [324.439. After twenty-four months after August 28, 1998,
3 any person who violates any provision of sections 324.400 to
324.439 shall be guilty of a class A misdemeanor.]

2 [324.475. For the purposes of sections 324.475 to 324.499,
the following terms mean:

3 (1) "Acupuncture", the use of needles inserted into the body
4 by piercing of the skin and related modalities for the assessment,
5 evaluation, prevention, treatment or correction of any abnormal
6 physiology or pain by means of controlling and regulating the flow
7 and balance of energy in the body so as to restore the body to its
8 proper functioning and state of health;

9 (2) "Acupuncturist", any person licensed as provided in
10 sections 324.475 to 324.499 to practice acupuncture as defined in
11 subdivision (1) of this section;

12 (3) "Auricular detox technician", a person trained solely in,
13 and who performs only, auricular detox treatment. An auricular
14 detox technician shall practice under the supervision of a licensed
15 acupuncturist. Such treatment shall take place in a hospital, clinic
16 or treatment facility which provides comprehensive substance
17 abuse services, including counseling, and maintains all licenses
18 and certifications necessary and applicable;

19 (4) "Auricular detox treatment", a very limited procedure
20 consisting of acupuncture needles inserted into specified points in
21 the outer ear of a person undergoing treatment for drug or alcohol
22 abuse or both drug and alcohol abuse;

23 (5) "Board", the state board of chiropractic examiners
24 established in chapter 331, RSMo;

25 (6) "Committee", the Missouri acupuncture advisory
26 committee;

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

29 (8) "Director", the director of the division of professional
30 registration;

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

32 (10) "License", the document of authorization issued by the
33 board for a person to engage in the practice of acupuncture.]

[324.478. 1. There is hereby created within the division of
2 professional registration a committee to be known as the "Missouri
3 Acupuncturist Advisory Committee". The committee shall consist
4 of five members, all of whom shall be citizens of the United States
5 and registered voters of the state of Missouri. The governor shall
6 appoint the members of the committee with the advice and consent
7 of the senate for terms of four years; except as provided in
8 subsection 2 of this section. Three committee members shall be
9 acupuncturists. Such members shall at all times be holders of
10 licenses for the practice of acupuncture in this state; except for the
11 members of the first committee who shall meet the requirements

12 for licensure pursuant to sections 324.475 to 324.499. One member
13 shall be a current board member of the Missouri state board for
14 chiropractic examiners. The remaining member shall be a public
15 member. All members shall be chosen from lists submitted by the
16 director of the division of professional registration. The president
17 of the Acupuncture Association of Missouri in office at the time
18 shall, at least ninety days prior to the expiration of the term of a
19 board member, other than the public member, or as soon as feasible
20 after a vacancy on the board otherwise occurs, submit to the
21 director of the division of professional registration a list of five
22 acupuncturists qualified and willing to fill the vacancy in question,
23 with the request and recommendation that the governor appoint
24 one of the five persons so listed, and with the list so submitted, the
25 president of the Acupuncture Association of Missouri shall include
26 in his or her letter of transmittal a description of the method by
27 which the names were chosen by that association.

28 2. The initial appointments to the committee shall be one
29 member for a term of one year, one member for a term of two years,
30 one member for a term of three years and two members for a term
31 of four years.

32 3. The public member of the committee shall not be and
33 never has been a member of any profession regulated by the
34 provisions of sections 324.475 to 324.499, or the spouse of any such
35 person; and a person who does not have and never has had a
36 material financial interest in either the providing of the
37 professional services regulated by the provisions of sections 324.475
38 to 324.499 or an activity or organization directly related to the
39 profession regulated pursuant to sections 324.475 to 324.499.

40 4. Any member of the committee may be removed from the
41 committee by the governor for neglect of duty required by law, for
42 incompetency or for unethical or dishonest conduct. Upon the
43 death, resignation, disqualification or removal of any member of
44 the committee, the governor shall appoint a successor. A vacancy
45 in the office of any member shall only be filled for the unexpired
46 term.

47 5. The acupuncturist advisory committee shall:

- 48 (1) Review all applications for licensure;
- 49 (2) Advise the board on all matters pertaining to the
50 licensing of acupuncturists;
- 51 (3) Review all complaints and/or investigations wherein
52 there is a possible violation of sections 324.475 to 324.499 or
53 regulations promulgated pursuant thereto and make
54 recommendations and referrals to the board on complaints the
55 committee determines to warrant further action;
- 56 (4) Follow the provisions of the board's administrative
57 practice procedures in conducting all official duties;
- 58 (5) Recommend for prosecution violations of sections
59 324.475 to 324.499 to an appropriate prosecuting or circuit
60 attorney;
- 61 (6) Assist the board, as needed and when requested by the
62 board, in conducting any inquiry or disciplinary proceedings
63 initiated as a result of committee recommendation and referral
64 pursuant to subdivision (3) of this subsection.]

[324.481. 1. The board shall upon recommendation of the
2 committee license applicants who meet the qualifications for
3 acupuncturists, who file for licensure, and who pay all fees
4 required for this licensure.

5 2. The board shall:

- 6 (1) Maintain a record of all board and committee
7 proceedings regarding sections 324.475 to 324.499 and of all
8 acupuncturists licensed in this state;
- 9 (2) Annually prepare a roster of the names and addresses
10 of all acupuncturists licensed in this state, copies of which shall be
11 made available upon request to any person paying the fee therefor;
- 12 (3) Set the fee for the roster at an amount sufficient to
13 cover the actual cost of publishing and distributing the roster;
- 14 (4) Adopt an official seal;
- 15 (5) Prescribe the design of all forms to be furnished to all
16 persons seeking licensure under sections 324.475 to 324.499;
- 17 (6) Prescribe the form and design of the license to be issued
18 under sections 324.475 to 324.499;
- 19 (7) Inform licensees of any changes in policy, rules or

20 regulations;

21 (8) Upon the recommendation of the committee, set all fees,
22 by rule, necessary to administer the provisions of sections 324.475
23 to 324.499.

24 3. The board may with the approval of the advisory
25 committee:

26 (1) Issue subpoenas to compel witnesses to testify or
27 produce evidence in proceedings to deny, suspend or revoke
28 licensure;

29 (2) Promulgate rules pursuant to chapter 536, RSMo, in
30 order to carry out the provisions of sections 324.475 to 324.499
31 including, but not limited to, regulations establishing:

32 (a) Standards for the practice of acupuncture;

33 (b) Standards for ethical conduct in the practice of
34 acupuncture;

35 (c) Standards for continuing professional education;

36 (d) Standards for the training and practice of auricular
37 detox technicians, including specific enumeration of points which
38 may be used.

39 4. Any rule or portion of a rule, as that term is defined in
40 section 536.010, RSMo, that is promulgated to administer and
41 enforce sections 324.475 to 324.499, shall become effective only if
42 the agency has fully complied with all of the requirements of
43 chapter 536, RSMo, including but not limited to, section 536.028,
44 RSMo, if applicable, after August 28, 1998. If the provisions of
45 section 536.028, RSMo, apply, the provisions of this section are
46 nonseverable and if any of the powers vested with the general
47 assembly pursuant to section 536.028, RSMo, to review, to delay
48 the effective date, or to disapprove and annul a rule or portion of
49 a rule are held unconstitutional or invalid, the purported grant of
50 rulemaking authority and any rule so proposed and contained in
51 the order of rulemaking shall be invalid and void, except that
52 nothing in this section shall affect the validity of any rule adopted
53 and promulgated prior to August 28, 1998.

54 5. All funds received by the board pursuant to the
55 provisions of sections 324.240 to 324.275 shall be collected by the

56 director who shall transmit the funds to the department of revenue
57 for deposit in the state treasury to the credit of the "Acupuncturist
58 Fund" which is hereby created.

59 6. Notwithstanding the provisions of section 33.080, RSMo,
60 to the contrary, money in this fund shall not be transferred and
61 placed to the credit of general revenue until the amount in the fund
62 at the end of the biennium exceeds three times the amount of the
63 appropriation from the acupuncturist fund for the preceding fiscal
64 year. The amount, if any, in the fund which shall lapse is that
65 amount in the fund which exceeds the appropriate multiple of the
66 appropriations from the acupuncturist fund for the preceding fiscal
67 year.]

[324.484. 1. Nothing in sections 324.475 to 324.499 shall
2 be construed to apply to physicians and surgeons licensed pursuant
3 to sections 334.010 to 334.265, RSMo, or chiropractic physicians
4 licensed pursuant to chapter 331, RSMo; except that, if such
5 physician or surgeon or chiropractic physician, with or without a
6 current certification in meridian therapy, uses the title, licensed
7 acupuncturist, then the provisions of sections 324.475 to 324.499
8 shall apply.

9 2. No license to practice acupuncture shall be required for
10 any person who is an auricular detox technician, provided that
11 such person performs only auricular detox treatments as defined in
12 section 324.475, under the supervision of a licensed acupuncturist
13 and in accordance with regulations promulgated pursuant to
14 sections 324.475 to 324.499. An auricular detox technician may not
15 insert acupuncture needles in any other points of the ear or body
16 or use the title, licensed acupuncturist.]

[324.487. 1. It is unlawful for any person to practice
2 acupuncture in this state, unless such person:

3 (1) Possesses a valid license issued by the board pursuant
4 to sections 324.475 to 324.499; or

5 (2) Is engaged in a supervised course of study that has been
6 authorized by the committee approved by the board, and is
7 designated and identified by a title that clearly indicates status as
8 a trainee, and is under the supervision of a licensed acupuncturist.

9 2. A person may be licensed to practice acupuncture in this
10 state if the applicant:

11 (1) Is twenty-one years of age or older and meets one of the
12 following requirements:

13 (a) Is actively certified as a Diplomate in Acupuncture by
14 the National Commission for the Certification of Acupuncture and
15 Oriental Medicine; or

16 (b) Is actively licensed, certified or registered in a state or
17 jurisdiction of the United States which has eligibility and
18 examination requirements that are at least equivalent to those of
19 the National Commission for the Certification of Acupuncture and
20 Oriental Medicine, as determined by the committee and approved
21 by the board; and

22 (2) Submits to the committee an application on a form
23 prescribed by the committee; and

24 (3) Pays the appropriate fee.

25 3. The board shall issue a certificate of licensure to each
26 individual who satisfies the requirements of subsection 2 of this
27 section, certifying that the holder is authorized to practice
28 acupuncture in this state. The holder shall have in his or her
29 possession at all times while practicing acupuncture, the license
30 issued pursuant to sections 324.475 to 324.499.]

 [324.490. 1. Licenses issued pursuant to sections 324.475
2 to 324.499 shall expire every other year. Renewal applications
3 shall be submitted to the division along with the appropriate
4 renewal fee.

5 2. A license to practice acupuncture which is not renewed
6 on or before the date of its expiration becomes invalid. Such
7 license may be restored by complying with the provisions of section
8 324.493.]

 [324.493. Any acupuncturist who fails to renew such
2 acupuncturist's license on or before the date of its expiration may
3 restore such license as follows:

4 (1) If the application for renewal is submitted to the
5 committee not more than two years after the expiration of the
6 applicant's last license, by payment of the appropriate fee and by

7 providing all documentation required by the committee by rule; or
8 (2) If the application for renewal is submitted to the
9 committee more than two years after the expiration of the
10 applicant's last license, by payment of the appropriate fee, and by
11 reapplying as provided in subdivisions (1) and (2) of subsection 2
12 of section 324.487.]

[324.496. 1. The board, with recommendation by the
2 committee, may refuse to issue, renew or reinstate any license
3 required by sections 324.475 to 324.499 for one or any combination
4 of causes stated in subsection 2 of this section. The board shall
5 notify the applicant in writing of the reasons for the refusal and
6 shall advise the applicant of his or her right to file a complaint
7 with the administrative hearing commission as provided by chapter
8 621, RSMo.

9 2. The board, with recommendation by the committee, may
10 cause a complaint to be filed with the administrative hearing
11 commission as provided by chapter 621, RSMo, against any holder
12 of any license issued pursuant to sections 324.475 to 324.499 or any
13 person who has failed to renew or has surrendered his or her
14 license for any one or any combination of the following causes:

15 (1) The person has been finally adjudicated and found
16 guilty, or entered a plea of guilty or nolo contendere, in a criminal
17 prosecution pursuant to the laws of any state or of the United
18 States, for any offense reasonably related to the qualifications,
19 functions or duties of the profession regulated pursuant to sections
20 324.475 to 324.499, for any offense an essential element of which
21 is fraud, dishonesty or an act of violence, or for any offense
22 involving moral turpitude, whether or not sentence is imposed;

23 (2) Use of fraud, deception, misrepresentation or bribery in
24 securing any license issued pursuant to sections 324.475 to 324.499
25 or in obtaining permission to take any examination given or
26 required pursuant to sections 324.475 to 324.499;

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

30 (4) Incompetency, misconduct, gross negligence, fraud,

31 misrepresentation or dishonesty in the performance of the
32 functions or duties of the profession regulated by sections 324.475
33 to 324.499;

34 (5) Violation of, or assisting or enabling any person to
35 violate, any provision of sections 324.475 to 324.499, or of any
36 lawful rule or regulation adopted pursuant to such sections;

37 (6) Impersonation of any person holding a license or
38 allowing any person to use his or her certificate or diploma from
39 any school or certification entity;

40 (7) Disciplinary action against the holder of a license or
41 other right to practice the profession regulated by sections 324.475
42 to 324.499 granted by another state, territory, federal agency or
43 country upon grounds for which revocation or suspension is
44 authorized in this state;

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

47 (9) Issuance of a license based upon a material mistake of
48 fact;

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

52 (11) Use of any controlled substance, as defined in chapter
53 195, RSMo, or alcoholic beverage to an extent that such use
54 impairs a person's ability to perform the work of any profession
55 licensed or regulated by sections 324.475 to 324.499.

56 3. Any person, organization, association or corporation who
57 reports or provides information to the division, board or committee
58 pursuant to the provisions of sections 324.475 to 324.499 and who
59 does so in good faith and without negligence shall not be subject to
60 an action for civil damages as a result thereof.

61 4. After the filing of a complaint pursuant to subsection 2
62 of this section, the proceedings shall be conducted in accordance
63 with the provisions of chapter 621, RSMo. Upon a finding by the
64 administrative hearing commission that the grounds, provided in
65 subsection 2 of this section, for disciplinary action are met, the
66 board may, upon recommendation of the committee, singly or in

67 combination, censure or place the person named in the complaint
68 on probation, suspension or revoke the license of the person on
69 such terms and conditions as the division deems appropriate.]

2 [324.499. 1. Any person who violates any provision of
sections 324.475 to 324.499 is guilty of a class B misdemeanor.

3 2. All fees or other compensation received for services which
4 are rendered in violation of sections 324.475 to 324.499 shall be
5 refunded.

6 3. The board on behalf of the committee may sue in its own
7 name in any court in this state to enforce the provisions of sections
8 324.475 to 324.499. The board may investigate any alleged
9 violations of sections 324.475 to 324.499 referred to it by the
10 committee, may institute actions for penalties provided in this
11 section and shall enforce generally the provisions of sections
12 324.475 to 324.499.

13 4. Upon application by the board, the attorney general may,
14 on behalf of the board, request that a court of competent
15 jurisdiction grant an injunction, restraining order or other order as
16 may be appropriate to enjoin a person from:

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

22 (2) Engaging in any practice or business authorized by a
23 certificate of registration or authority, permit or license, issued
24 pursuant to sections 324.475 to 324.499 upon a showing that the
25 holder presents a substantial probability of serious harm to the
26 health, safety or welfare of any resident of this state or client or
27 patient of the licensee.

28 5. Any action brought pursuant to this section may be in
29 addition to, or in lieu of, any penalty provided by sections 324.475
30 to 324.499 and may be brought concurrently with other actions to
31 enforce the provisions of sections 324.475 to 324.499.]

2 [324.603. 1. The "Board of Licensed Private Fire
Investigator Examiners" is hereby created within the division of

3 fire safety. The board shall be composed of six members appointed
4 by the governor, with the advice and consent of the senate. The
5 board shall consist of:

- 6 (1) The state fire marshal, or his or her designee;
- 7 (2) A representative of a private fire investigation agency;
- 8 (3) A representative of the insurance industry;
- 9 (4) A representative of the Missouri chapter of the
10 International Association of Arson Investigators;
- 11 (5) A representative of the Professional Fire and Fraud
12 Investigators Association;
- 13 (6) A representative of the Kansas City Arson Task Force;

14 and

15 (7) One person who is an independent private fire
16 investigator.

17 2. Each member of the board shall be a citizen of the
18 United States, a resident of this state, at least thirty years of age,
19 and shall have been actively engaged in fire investigation for the
20 previous five years. No more than one board member shall be
21 employed by or affiliated with the same licensed private fire
22 investigation agency. The initial board members shall not be
23 required to be licensed but shall obtain a license within one
24 hundred eighty days after appointment to the board.

25 3. The members of the board shall be appointed for terms
26 of three years, except those first appointed, in which case two
27 members shall be appointed for terms of three years, two members
28 shall be appointed for terms of two years, and two members shall
29 be appointed for a one-year term. Any vacancy on the board shall
30 be filled for the remainder of the unexpired term of that
31 member. The members of the board shall serve without pay, but
32 they shall receive per diem expenses in an equivalent amount as
33 allowed for members of the general assembly.]

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

2. The board shall be composed of five members, including

6 two public members, appointed by the governor with the advice and
7 consent of the senate. Except for the public members, each
8 member of the board shall be a citizen of the United States, a
9 resident of Missouri, at least thirty years of age, and shall have
10 been actively engaged in the private investigator business for the
11 previous five years. No more than one private investigator board
12 member may be employed by, or affiliated with, the same private
13 investigator agency. The initial private investigator board
14 members shall not be required to be licensed but shall obtain a
15 license within one hundred eighty days after the effective date of
16 the rules promulgated under sections 324.1100 to 324.1148
17 regarding licensure. The public members shall each be a registered
18 voter and a person who is not and never was a member of any
19 profession licensed or regulated under sections 324.1100 to
20 324.1148 or the spouse of such person; and a person who does not
21 have and never has had a material, financial interest in either the
22 providing of the professional services regulated by sections
23 324.1100 to 324.1148, or an activity or organization directly related
24 to any profession licensed or regulated under sections 324.1100 to
25 324.1148. The duties of the public members shall not include the
26 determination of the technical requirements to be met for licensure
27 or whether any person meets such technical requirements or of the
28 technical competence or technical judgment of a licensee or a
29 candidate for licensure.

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

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

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

 [331.020. Whenever in this chapter occurs the word "board",
2 or "the board", such words shall be construed to mean the state
3 board of chiropractic examiners.]

 [369.304. The procedure in all hearings before the director
2 of the division of finance shall be governed by, and conducted
3 under, the provisions of chapter 536, RSMo. The director may
4 grant a hearing on any matter but shall be required to do so only
5 where so directed in sections 369.010 to 369.369. Unless otherwise
6 specifically provided by sections 369.010 to 369.369, any person
7 who deems himself or herself aggrieved by any decision, order, or
8 action of the director may appeal such decision and may receive a
9 hearing before the state savings and loan commission as provided
10 in section 369.319. All decisions of the director shall be final if not
11 appealed to the commission as provided in section 369.319.]

 [369.309. 1. There is created in the division of finance a
2 "State Savings and Loan Commission" which shall have such
3 powers and duties as are now or hereafter conferred upon it by law.

 2. The commission shall consist of five members who shall
4 be appointed by the governor. They shall be residents of this state,
5 and one of them shall be a member of the Missouri Bar in good
6 standing. The other members of the commission shall each have
7 had at least five years' experience in this state as an officer or
8

9 director of one or more associations. Not more than three members
10 of the commission shall be members of the same political party.

11 3. The term of office of each member of the commission
12 shall be six years. Members shall serve until their successors are
13 duly appointed and have qualified. Each member of the state
14 savings and loan commission shall serve for the remainder of the
15 term for which the member was appointed to the commission. The
16 commission shall select its own chairman and secretary. Vacancies
17 in the commission shall be filled for the unexpired term in the
18 same manner as in the case of an original appointment.

19 4. The members of the commission shall receive as
20 compensation the sum of fifty dollars per day while discharging
21 their duties, and they shall be reimbursed for their actual and
22 necessary expenses incurred in the performance of their duties.

23 5. A majority of the members of the commission shall
24 constitute a quorum and the decision of a majority of a quorum
25 shall be the decision of the commission. The commission shall
26 meet upon call of its chairman, or of the director of the division of
27 finance, or of any two members of the commission, and may meet
28 at any place in this state.]

[369.319. An appeal shall be perfected by filing with the
2 director of the division of finance within fifteen days after notice of
3 the director's decision is mailed, a notice of appeal stating the
4 name of the appealing party and the order or decision appealed
5 from. The director shall mail copies thereof to all interested
6 parties. Upon any such hearing the transcript of the proceedings
7 before the director or, if the decision appealed from was made
8 without a hearing, all writings used or considered by the director
9 in making such decision, shall be considered by the commission and
10 the commission may take evidence, the taking of such evidence to
11 be limited to newly discovered evidence in those appeals in which
12 there was a hearing before the director and to be governed by the
13 provisions of chapter 536, RSMo. The review by the commission
14 shall be similar to that provided in appeals in equity cases in the
15 courts of this state. Decisions shall be made as provided in chapter
16 536, RSMo. The costs on appeal shall include the per diem

17 compensation of the members of the commission and all such costs
18 may be assessed against parties other than the director as may be
19 determined by the commission. At least fifteen days' notice of the
20 hearing shall be given to all persons interested in the matter
21 appealed from and to the director.]

2 [630.910. 1. There is hereby created within the department
3 of mental health the "Suicide Prevention Advisory Committee" to
4 be comprised of the following eighteen members:

5 (1) Six representatives from each of the following state
6 departments: mental health, health and senior services, social
7 services, elementary and secondary education, corrections, and
8 higher education;

9 (2) Ten citizen members representing suicide survivors, the
10 criminal justice system, the business community, clergy, schools,
11 youth, mental health professionals, health care providers, nonprofit
12 organizations, and a researcher to be appointed by the governor;

13 (3) One member from the house of representatives to be
14 appointed by the speaker of the house of representatives; and

15 (4) One member of the senate to be appointed by the
16 president pro tem of the senate.

17 2. The initial appointments to the advisory committee shall
18 be made by October 1, 2005. The initial ten members appointed
19 under subdivision (2) of subsection 1 of this section shall be
20 appointed as follows: four members shall be appointed for a
21 four-year term, three members shall be appointed for a three-year
22 term, and three members shall be appointed for a two-year term.

23 3. The first meeting of the advisory committee shall be
24 scheduled by the director of the department of mental health and
25 held on or before December 1, 2005. The committee shall meet at
26 least quarterly thereafter. The director of the department of
27 mental health, or the director's designee, shall be the chair of the
28 advisory committee. Each of the departments listed in subdivision
29 (1) of subsection 1 of this section shall provide staff and technical
30 support for the advisory committee.

31 4. The advisory committee shall:

(1) Provide oversight, technical support, and outcome

32 promotion for prevention activities;

33 (2) Develop annual goals and objectives for ongoing suicide
34 prevention efforts;

35 (3) Make information on prevention and mental health
36 intervention models available to community groups implementing
37 suicide prevention programs;

38 (4) Promote the use of outcome methods that will allow
39 comparison and evaluation of the efficacy, effectiveness, cultural
40 competence, and cost-effectiveness of plan-supported interventions,
41 including making specific recording and monitoring instruments
42 available for plan-supported projects;

43 (5) Review and recommend changes to existing or proposed
44 statutes, rules, and policies to prevent suicides; and

45 (6) Coordinate and issue a biannual report on suicide and
46 suicidal behaviors in the state using information drawn from
47 federal, state, and local sources.

48 5. Members of the committee shall serve without
49 compensation but the ten citizen members may be reimbursed for
50 any actual expenses incurred in the performance of their duties as
51 members of the advisory committee.]

[701.302. 1. There is hereby established the "Advisory
2 Committee on Lead Poisoning". The members of the committee
3 shall consist of twenty-seven persons who shall be appointed by the
4 governor with the advice and consent of the senate, except as
5 otherwise provided in this subsection. At least five of the members
6 of the committee shall be African-Americans or representatives of
7 other minority groups disproportionately affected by lead
8 poisoning. The members of the committee shall include:

9 (1) The director of the department of health and senior
10 services or the director's designee, who shall serve as an ex officio
11 member;

12 (2) The director of the department of economic development
13 or the director's designee, who shall serve as an ex officio member;

14 (3) The director of the department of natural resources or
15 the director's designee, who shall serve as an ex officio member;

16 (4) The director of the department of social services or the

17 director's designee, who shall serve as an ex officio member;

18 (5) The director of the department of labor and industrial
19 relations or the director's designee, who shall serve as an ex officio
20 member;

21 (6) One member of the senate, appointed by the president
22 pro tempore of the senate, and one member of the house of
23 representatives, appointed by the speaker of the house of
24 representatives;

25 (7) A representative of the office of the attorney general,
26 who shall serve as an ex officio member;

27 (8) A member of a city council, county commission or other
28 local governmental entity;

29 (9) A representative of a community housing organization;

30 (10) A representative of property owners;

31 (11) A representative of the real estate industry;

32 (12) One representative of an appropriate public interest
33 organization and one representative of a local public health agency
34 promoting environmental health and advocating protection of
35 children's health;

36 (13) A representative of the lead industry;

37 (14) A representative of the insurance industry;

38 (15) A representative of the banking industry;

39 (16) A parent of a currently or previously lead-poisoned
40 child;

41 (17) A representative of the school boards association or an
42 employee of the department of elementary and secondary
43 education, selected by the commissioner of elementary and
44 secondary education;

45 (18) Two representatives of the lead abatement industry,
46 including one licensed lead abatement contractor and one licensed
47 lead abatement worker;

48 (19) A physician licensed under chapter 334, RSMo;

49 (20) A representative of a lead testing laboratory;

50 (21) A lead inspector or risk assessor;

51 (22) The chief engineer of the department of transportation
52 or the chief engineer's designee, who shall serve as an ex officio

53 member;

54 (23) A representative of a regulated industrial business;
55 and

56 (24) A representative of a business organization.

57 2. The committee shall make recommendations relating to
58 actions to:

59 (1) Eradicate childhood lead poisoning by the year 2012;

60 (2) Screen children for lead poisoning;

61 (3) Treat and medically manage lead-poisoned children;

62 (4) Prevent poisoning in children;

63 (5) Maintain and increase laboratory capacity for lead
64 assessments and screening, and a quality control program for
65 laboratories;

66 (6) Abate lead problems after discovery;

67 (7) Identify additional resources, either through a tax or fee
68 structure, to implement programs necessary to address lead
69 poisoning problems and issues;

70 (8) Provide an educational program on lead poisoning for
71 the general public and health care providers;

72 (9) Determine procedures for the removal and disposal of all
73 lead contaminated waste in accordance with the Toxic Substances
74 Control Act, as amended, 42 U.S.C. 2681, et seq., solid waste and
75 hazardous waste statutes, and any other applicable federal and
76 state statutes and regulations.

77 3. The committee members shall receive no compensation
78 but shall, subject to appropriations, be reimbursed for actual and
79 necessary expenses incurred in the performance of their duties. All
80 public members and local officials shall serve for a term of two
81 years and until their successors are selected and qualified, and
82 other members shall serve for as long as they hold the office or
83 position from which they were appointed.

84 4. No later than December fifteenth of each year, the
85 committee shall provide a written annual report of its
86 recommendations for actions as required pursuant to subsection 2
87 of this section to the governor and general assembly, including any
88 legislation proposed by the committee to implement the

89 recommendations.

90 5. The committee shall submit records of its meetings to the
91 secretary of the senate and the chief clerk of the house of
92 representatives in accordance with sections 610.020 and 610.023,
93 RSMo.]

Section B. The repeal of sections 324.475, 324.478, 324.481, 324.484,
2 324.487, 324.490, 324.493, 324.496, and 324.499, of section A of this act shall be
3 effective following notice to the revisor of statutes by the secretary of the senate
4 that the governor has appointed and the senate has confirmed the two members
5 of the state board of chiropractic examiners and acupuncturists who are licensed
6 acupuncturists.

✓

Bill

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