

Rules of  
**Department of Economic  
Development**

**Division 267—Office of Tattooing, Body Piercing  
and Branding**

**Chapter 6—Complaints and Investigations**

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## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 267—Office of Tattooing, Body Piercing and Branding Chapter 6—Complaints and Investigations

#### 4 CSR 267-6.010 Enforcement

*PURPOSE: This rule outlines the authority of the office/division personnel to inspect establishments.*

(1) Access. An authorized employee or agent of the division, upon proper identification, shall be permitted to enter any tattoo, body piercing and/or branding establishment at any reasonable time to determine if the establishment and its practitioners are in compliance with Missouri statutes and regulations. The division's employee or agent shall be permitted to examine the records of the establishment, to obtain information about supplies purchased, received or used, sterilization records and information regarding patrons who received tattoos, body piercings or branding. Any records requested by the division's employee or agent may be copied at the establishment operator's expense.

(2) Enforcement Policy. Order to correct violations. If upon inspection of a tattoo, body piercing or branding establishment, the division's employee or agent finds that a tattoo, body piercing or branding establishment is not properly equipped or operated as required pursuant to sections 324.520 to 324.524, RSMo and the regulations promulgated thereunder, the division's employee or agent shall notify the operator in writing. The notice shall include an order that directs the operator to make specified changes that will bring the establishment into compliance with the standards established by statute and regulations and stipulate the time period within which compliance is required. If the order to correct violations is not carried out by the expiration of the time period stipulated, or any reasonable extension of the time granted for compliance, the failure to comply shall be cause for discipline.

*AUTHORITY: section 324.522, RSMo Supp. 2001.\* Original rule filed Aug. 15, 2002, effective Feb. 28, 2003.*

*\*Original authority: 324.522, RSMo 1998, amended 1999, 2001.*

#### 4 CSR 267-6.020 Public Complaint Handling and Disposition

*PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of*

*public complaints pursuant to section 620.010.15(6), RSMo.*

(1) The Division of Professional Registration shall receive and process each complaint made against any licensed practitioner and/or establishment in which the complaint alleges certain acts or practices may constitute one (1) or more violations of the provisions in sections 324.520 to 324.524, RSMo, or the regulations promulgated thereunder. Any division staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Written complaints shall be submitted to the Division of Professional Registration. Complaints may be based upon personal knowledge or upon information and belief, reciting information received from other sources.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address, if available. Verbal or telephone communication will not be considered or processed as a complaint, however, the person making such communication will be asked to supplement the communication with a written complaint.

(4) Each complaint received under this rule will be logged and maintained by the division. The log will contain a record of each complainant's name, if available; the name and address of the subject(s) of the complaint, if available; the date each complaint is received by the office; a brief statement concerning the alleged acts or practices; a notation including whether the complaint was dismissed or disciplinary action pursued; and the ultimate disposition of the complaint. This log shall be a closed record of the office.

(5) Each complaint received under this rule shall be acknowledged in writing within thirty (30) days. The complainant and licensee or establishment shall be notified of the ultimate disposition of the complaint.

(6) Failure of a licensee to respond in writing, within thirty (30) days from the date of the division's written request or inquiry, mailed to the licensee's address currently registered with the office, shall be sufficient grounds for taking disciplinary action against that licensee.

(7) This rule shall not be deemed to limit the division's authority to file a complaint with the Administrative Hearing Commission charging the licensee or establishment with any actionable conduct or violation, whether

or not such a complaint exceeds the scope of the acts charged in a preliminary complaint filed with the division.

(8) The division interprets this rule to exist for the benefit of those members of the public who submit complaints. This rule is not deemed to protect, or inure to the benefit of those licensees, or other persons against whom the division has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 324.520 to 324.524, RSMo.

*AUTHORITY: section 324.522, RSMo Supp. 2001.\* Original rule filed Aug. 15, 2002, effective Feb. 28, 2003.*

*\*Original authority: 324.522, RSMo 1998, amended 1999, 2001.*

#### 4 CSR 267-6.030 Initiation of Disciplinary Proceedings

*PURPOSE: This rule sets forth the basis upon which the division may refuse to issue or renew or may otherwise discipline the holder of any certificate of registration or authority, permit or license required pursuant to sections 324.520 to 324.524, RSMo, and these rules.*

(1) The division may refuse to issue, renew or cause a complaint to be filed with the Administrative Hearing Commission as provided by Chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required pursuant to sections 324.520 to 324.524, RSMo, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(A) Use or illegal possession of any controlled substance, as defined in Chapter 195, RSMo; use of an alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession that is licensed or regulated under Missouri law;

(B) Final adjudication and finding of guilt, or the entrance of a plea of guilty or *nolo contendere*, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession that is licensed or regulated pursuant to sections 324.520 to 324.524, RSMo and the regulations promulgated thereunder, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for



any offense involving moral turpitude, whether or not sentence is imposed;

(C) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license;

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

(E) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession that is licensed or regulated hereunder;

(F) Violation of, or assisting or enabling any person to violate, any provision of sections 324.520 to 324.524, RSMo, or of any lawful rule or regulation adopted thereunder;

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

(H) Disciplinary action brought against the holder of a license or other right to practice any profession regulated pursuant to sections 324.520 to 324.524, RSMo, granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(I) Final adjudication by a court of competent jurisdiction that a person is insane or incompetent;

(J) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated pursuant to sections 324.520 to 324.524, RSMo, who is not licensed and is currently ineligible to practice;

(K) Causing the division to issue a certificate of registration or authority, permit or license based upon a material mistake of fact;

(L) Failure to display a valid license;

(M) Violation of any professional trust or confidence;

(N) Use of any advertisement or solicitation that is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(O) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof.

(2) After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of Chapter 621, RSMo. Upon a finding by the Administrative Hearing Commission that the grounds, provided in section (1), for disciplinary action are met, the division may, singly or in combination, censure or place the person named in the complaint on probation on such terms and

conditions as the division deems appropriate for a period not to exceed five (5) years, or may suspend, for a period not to exceed three (3) years, or revoke the license, certificate, or permit.

*AUTHORITY: section 324.522, RSMo Supp. 2001.\* Original rule filed Aug. 15, 2002, effective Feb. 28, 2003.*

*\*Original authority: 324.522, RSMo 1998, amended 1999, 2001.*