



**Rules of
Elected Officials
Division 60—Attorney General
Chapter 6—Operation of Health Spas**

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Title 15—ELECTED OFFICIALS**Division 60—Attorney General
Chapter 6—Operation of Health Spas****15 CSR 60-6.010 Definitions**

PURPOSE: The attorney general enforces the provisions of sections 407.325—407.430, RSMo. The attorney general may define terms, whether or not used in those sections, insofar as the definitions are not inconsistent with those sections. This rule defines certain terms used in the administration of sections 407.325—407.340, RSMo and in the corresponding rules.

(1) Unless inconsistent with the meaning provided in Chapter 407, RSMo, as used in sections 407.325—407.340 and in these rules, the following terms and phrases shall mean:

(A) Person—any natural person or his/her legal representative, partnership, domestic or foreign corporation, company, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or *cestui que* trust thereof.

Auth: section 407.145, RSMo (1986). Emergency rule filed Aug. 29, 1988, effective Sept. 9, 1988, expired Dec. 24, 1988. Original rule filed Aug. 29, 1988, effective Jan. 13, 1989.*

**Original authority 1986*

15 CSR 60-6.020 Forms

PURPOSE: This rule prescribes the forms adopted and approved for filing with the Office of the Attorney General.

(1) The following forms have been adopted and approved for filing with the attorney general's office, trade offenses division:

(A) Form 1-A: Health Spa Initial Registration Statement; and

(B) Form 1-B: Health Spa Annual Renewal Registration.

Auth: sections 407.145, RSMo (1986) and 407.327, RSMo (Supp. 1988). Emergency rule filed Aug. 29, 1988, effective Sept. 9, 1988, expired Dec. 24, 1988. Original rule filed Aug. 29, 1988, effective Jan. 13, 1989.*

**Original authority: 407.145, RSMo (1986) and 407.327, RSMo (1988).*

15 CSR 60-6.030 Initial Registration Statement

PURPOSE: This form is adopted and approved as the initial registration statement for health spas.

(See Form 1-A)

Auth: sections 407.145, RSMo (1986) and 407.327, RSMo (Supp. 1988). Emergency rule filed Aug. 29, 1988, effective Sept. 9, 1988, expired Dec. 24, 1988. Original rule filed Aug. 29, 1988, effective Jan. 13, 1989.*

**Original authority: 407.145, RSMo (1986) and 407.327, RSMo (1988).*

15 CSR 60-6.040 Initial Registration Statement Procedures

PURPOSE: This rule prescribes and clarifies the initial registration procedure for filing with the attorney general's office.

(1) Response to each registration statement question should be typewritten or neatly printed in ink.

(2) Each question blank of the registration statement must be completed. If a question is not applicable, such should be stated and a reason should be specified. Incomplete registration statements may result in ineffective registration.

(3) Additional pages may be attached to the registration statement if necessary to answer any question. The question number being answered must be referenced at the top of each attached page.

(4) Each registration statement must be signed and notarized before it may be filed with the attorney general's office. Failure to have the registration form signed and notarized will result in an ineffective registration.

(5) Each registration statement filing must be accompanied by a filing fee. A filing fee of one hundred dollars (\$100) per registration and each annual renewal after that must be paid by money order, cashier's check, personal check or corporation check, payable to the Health Spa Regulatory Fund.

(6) Each registration statement and its accompanying attachments and filing fee shall be mailed to the Missouri Attorney General's Office, Trade Offenses Division, P. O. Box 899, Jefferson City, MO 65102 or may be brought to the Missouri Attorney General's Office,

Supreme Court Building, Jefferson City, Missouri.

(7) Each registration statement shall be effective upon notification by the attorney general's office that the registration statement, its attachments and the requisite filing fee have been received in proper form.

(8) Any questions regarding completion of a registration statement, filing fees, these rules or registration procedure should be written to P. O. Box 899, Jefferson City, MO 65102, (314) 751-2616.

Auth: sections 407.145, RSMo (1986) and 407.327, RSMo (Supp. 1988). Emergency rule filed Aug. 29, 1988, effective Sept. 9, 1988, expired Dec. 24, 1988. Original rule filed Aug. 29, 1988, effective Jan. 13, 1989.*

**Original authority: 407.145, RSMo (1986) and 407.327, RSMo (1988).*

15 CSR 60-6.050 Health Spa Renewal Registration

PURPOSE: This form is adopted and approved as the annual renewal registration for health spas.

(See Form 1-B)

Auth: sections 407.145, RSMo (1986) and 407.327, RSMo (Supp. 1988). Emergency rule filed Aug. 29, 1988, effective Sept. 9, 1988, expired Dec. 24, 1988. Original rule filed Aug. 29, 1988, effective Jan. 13, 1989.*

**Original authority: 407.145, RSMo (1986) and 407.327, RSMo (1988).*

15 CSR 60-6.060 Health Spa Renewal Registration Procedure

PURPOSE: This rule prescribes the procedures health spas shall use in filing an annual renewal registration with the attorney general's office.

(1) Registration statements filed by health spas shall expire one (1) year from the date of filing. Each health spa, ten (10) days before the expiration date, shall file a renewal application with the attorney general's office. The renewal application form to be used is prescribed in 15 CSR 60-6.050.

(2) Response to each registration statement question should be typewritten or neatly printed in ink.



(3) Each question blank of the registration statement must be completed. If a question is not applicable, this should be stated and a reason should be specified. Incomplete registration statements may result in ineffective registration.

(4) Additional pages may be attached to the registration statement if necessary to answer any question. The question number being answered must be referenced at the top of each attached page.

(5) Each registration statement must be signed and notarized before it may be filed with the attorney general's office. Failure to have the registration form signed and notarized will result in an ineffective registration.

(6) Each registration statement filing must be accompanied by a filing fee of one hundred dollars (\$100) per registration and each annual renewal thereafter, the fee must be paid by money order, cashier's check, personal check or corporate check, payable to the Health Spa Regulatory Fund.

(7) The registration of each health spa that does not file a complete renewal application by the renewal date shall be considered delinquent.

(8) Each renewal application filed thirty (30) days after the renewal date shall be assessed a late filing fee of twenty-five dollars (\$25) in addition to the regular filing fee.

(9) Any health spa that fails to file a renewal with the attorney general's office within forty-five (45) days after the renewal date shall forfeit its registration.

(10) To renew after forfeiture, a health spa shall submit to the attorney general's office a complete initial registration statement. The statement shall be accompanied by a reinstatement fee of fifty dollars (\$50) in addition to the usual filing fee. At the top of the statement, the health spa must disclose the previous registration number and indicate the registration statement is for reinstatement.

(11) All inquiries regarding renewal applications shall be directed, by mail, to the Office of the Attorney General, Trade Offenses Division, P.O. Box 899, Jefferson City, MO 65102, (314) 751-2616.

Auth: sections 407.145, RSMo (1986) and 407.327, RSMo (Supp. 1988). *Emergency rule filed Aug. 29, 1988, effective Sept. 9, 1988, expired Dec. 24, 1988. Original rule filed Aug. 29, 1988, effective Jan. 13, 1989.

*Original authority: 407.145, RSMo (1986) and 407.327, RSMo (1988).

15 CSR 60-6.070 Prepayment Basis Notification

PURPOSE: This rule prescribes and clarifies the procedure for filing, with the attorney general's office, financial institution agreements to deposit all funds received from health spas selling contracts or health spa services on a prepayment basis.

(1) In the event that a health spa is required by the provision of section 407.329, RSMo, to maintain an account established in a financial institution authorized to transact business in the state of Missouri, until the health spa has commenced operation, the health spa must provide written notification to the attorney general's office of the proposed location of the health spa prior to the selling of any health spa contracts or health spa services on a prepayment basis.

(2) The financial institution shall provide to the attorney general's office written verification that the health spa has opened an account for the purpose of depositing all funds received from the sale of health spa contracts or health spa services on a prepayment basis and the financial institution shall agree to not release the funds until written authorization for withdrawal is received from the attorney general's office. The verification shall contain the following information:

- (A) The name of the health spa;
- (B) The proposed location of the health spa;
- (C) The account number established by the health spa;
- (D) The name of the financial institution; and
- (E) The date the account was established.

(3) Written verification from the financial institution must be signed and dated by a corporate officer authorized to sign the verification on behalf of the financial institution. The verification shall be notarized before it is filed with the attorney general's office.

Auth: sections 407.145, RSMo (1986) and 407.329, RSMo (Supp. 1988). *Emergency rule filed Aug. 29, 1988, effective Sept. 9, 1988, expired Dec. 24, 1988. Original rule filed Aug. 29, 1988, effective Jan. 13, 1989.

*Original authority: 407.145, RSMo (1986) and 407.327, RSMo (1988).

15 CSR 60-6.080 Amendments to Health Spa Initial and Annual Renewal Registration Statements

PURPOSE: This rule prescribes the method by which health spas shall amend the initial and annual renewal registration statements filed with, and accepted by, the attorney general's office.

(1) In the event that any information required and supplied in the initial or annual renewal registration statements filed by a health spa as required by section 407.327, RSMo, changes in the extent it causes the statement to be incomplete or incorrect, the health spa shall file an amendment to the registration statement with the attorney general's office. The amendment shall be filed with the attorney general's office within fifteen (15) days of becoming applicable.

(2) All amendments to an initial registration statement shall be made in letter form and shall include:

- (A) Name or organization name last registered;
- (B) Registration file number;
- (C) A list of any amendments to the initial registration statement and any applicable documents required by sections 407.325—407.340, RSMo and these rules; and
- (D) The signature of the person who prepared the amendment statement, which signature shall be notarized.

Auth: section 407.145, RSMo (1986). *Emergency rule filed Aug. 29, 1988, effective Sept. 9, 1988, expired Dec. 24, 1988. Original rule filed Aug. 29, 1988, effective Jan. 13, 1989.

*Original authority 1986.

15 CSR 60-6.090 Corporate Surety Bond or Letter of Credit Filing Procedures

PURPOSE: This rule prescribes and clarifies the filing procedure for corporate surety bonds and letters of credit with the attorney general's office.

(1) In the event that a health spa is required by the provisions of sections 407.325—407.340, RSMo to obtain and maintain a bond with corporate security from a company authorized by the Division of Insurance of Missouri to do surety business within Missouri or to provide a letter of credit from a bank insured by the Federal Deposit Insurance Corporation, the health spa must provide a certified copy of the surety bond or letter of credit with each health spa initial registration statement and health

spa annual renewal statement as required by sections 407.325—407.340, RSMo.

(2) In the event that a health spa duly registered pursuant to the provisions of section 407.327, RSMo, sells health spa contracts or health spa services on a prepayment basis and posts a bond or letter of credit in the amount of twenty-five thousand dollars (\$25,000) in lieu of establishing an account required by section 407.329, RSMo, the bond shall be obtained and maintained with corporate surety from a company authorized by the Department of Insurance of the state of Missouri and the letter of credit must be provided from a bank insured by the Federal Deposit Insurance Corporation. The health spa must provide a certified copy of the surety bond or letter of credit to the office of the attorney general prior to the sale of any health spa contracts or health spa services on a prepayment basis. The bond or letter of credit, required by section 407.329, RSMo, shall be in favor of the state of Missouri and shall be subject to all of the provisions and procedures of section 407.340, RSMo.

Auth: sections 407.145, RSMo (1986), 407.329 and 407.339, RSMo (Supp. 1988).
Emergency rule filed Aug. 29, 1988,
effective Sept. 9, 1988, expired Dec. 24,
1988. Original rule filed Aug. 29, 1988,
effective Jan. 13, 1989.*

**Original authority: 407.145, RSMo (1986) and 407.327, RSMo (1988).*



ATTORNEY GENERAL OF MISSOURI

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ATTORNEY GENERALJEFFERSON CITY
65102P.O. Box 899
(314) 751-3321

Health Spa Registration Forms

INSTRUCTIONS

Before completing the enclosed registration statement, please read these instructions carefully.

1. Please type or neatly print in ink each response to each question.
2. Do not leave any question blank. If a question is not applicable, please so state and specify the reasons. Incomplete statements or unanswered questions may result in an ineffective registration.
3. Attach additional pages if necessary to answer specific questions. Please reference the question number being answered on the attached sheet at the top of the page.
4. Once the form is completed, the person providing the information for the registration statement and signing the statement must have the statement and signature notarized before being filed with the Attorney General's office. Failure to have the registration form signed and notarized will result in an ineffective registration.
5. Attach a money order, cashier's check, personal check or corporation check in the amount of \$100.00 for each registration statement being submitted, and each annual renewal thereafter. The check is to be made payable to the "Health Spa Regulatory Fund".
6. Mail the registration statement(s) and check(s) to the Missouri Attorney General's Office, Attention: Cathy L. Westergaard, Consumer Protection Unit, P. O. Box 899, Jefferson City, Missouri 65102.

The registration is effective upon being notified that the registration statement, its attachments, and the requisite filing fee have been received in proper form by Attorney General's Office.

Should you have any questions, please feel free to contact Cathy L. Westergaard, Consumer Education Coordinator/ Investigator, at (314)751-4471.

Thank you for your cooperation.



INITIAL HEALTH SPA REGISTRATION STATEMENT

1. List the name under which the health spa does business.

2. List the telephone number and address (city and county) where the health spa is located.

3. If the health spa is selling health spa contracts or health spa services on a prepayment basis state:

a) The date of anticipated first sales of said contracts or health spa services. _____

b) The date of anticipated first opening of the health spa. _____

4. If the health spa is selling health spa contracts or health spa services on a non-prepayment basis state:

a) The date of first sales of said contracts of health spa services. _____

b) The date of first opening of the health spa. _____

5. List the telephone number and address of each health spa in the State of Missouri affiliated with the health spa now registering. _____

6. State the date that the health spa commenced doing business in its present county. _____

7. What type of business entity is the health spa?

____ Corporation (attach articles of incorporation)

____ Partnership (attach partnership agreement)

____ Sole Proprietorship

____ Other If other, please explain. _____

8. If the health spa is a corporation, list the name, address, position and telephone number of all officers and directors of the corporation. _____



- 9. If the health spa is a partnership, list the name, address and telephone number of each partner. _____

- 10. List the name, address, telephone number and interest owned by any person that owns ten percent (10%) or more interest in the health spa. _____

- 11. If the health spa is a corporation, what is the name, address and telephone number of the registered agent of the corporation? _____

- 12. List the name, address and telephone number of each manager operating the health spa. _____

- 13. What type of equipment and programs are currently being offered to members of the health spa? _____

- 14. List the name, address and telephone number of all banks, savings and loan associations and all other such financial institutions in which the health spa maintains any checking, savings, loan or any other account. _____

- 15. (a) Has the health spa or any agent or subsidiary of that health spa ever been denied a license or permit to conduct business as a health spa or had any such license or permit revoked? ____ Yes ____ No

(b) If the answer to 15(a) is yes, please explain in detail by providing the location of the action, the name of the governmental agency that brought the action, and the date and nature of the action. _____



16. (a) Has the health spa or any agent or subsidiary of the health spa ever been enjoined or prohibited from conducting business as a health spa by any governmental agency? ____ Yes ____ No

(b) If the answer to 16(a) is yes, please explain in detail by providing the location of the action, the name of the governmental agency that brought the action, and the date and nature of the action. _____

17. (a) Have any of the officers, directors, managers, or anyone else owning more than ten percent (10%) of the health spa ever been convicted of a felony? ____ Yes ____ No

(b) If the answer to 17(a) is yes, explain in detail. _____

18. What is the maximum length of the membership currently being offered for sale and sold for the health spa? (Attach copies of all contracts for membership currently being used by the health spa.) _____

19. For the purpose of annual reporting, disclose the ending date of your fiscal year. _____

VERIFICATION

STATE OF _____)
) SS.
COUNTY OF _____)

_____, being duly sworn deposes and states that s/he has made the foregoing initial registration statement of a health spa, as required by section 407.327, RSMo; that s/he has read the foregoing registration statement and knows the contents thereof; that s/he is authorized to verify the foregoing registration statement; that the foregoing registration statement is true to her/his own knowledge; and that the foregoing registration statement was made for the purpose of complying with the requirements of sections 407.325 through 407.340, RSMo.

(Signature)

Subscribed and sworn to before me this ____ day of _____, 19__.

Notary Public



HEALTH SPA ANNUAL RENEWAL REGISTRATION STATEMENT

1. List the name under which the health spa last registered.

2. List the name under which the health spa currently conducts business in the State of Missouri. _____
3. State the specific date that the health spa commenced business in the State of Missouri. _____
4. List the telephone number and address, including city and county, where the health spa is located.

5. List the telephone number and address of each health spa in the State of Missouri affiliated with the health spa.

6. What type of business entity is the health spa?
 Corporation (attach articles of incorporation)
 Partnership (attach partnership agreement)
 Sole Proprietorship
 Other If other, please explain. _____
7. If the health spa is a corporation, list the name, address, position and telephone number of all officers and directors of the corporation. _____

8. If the health spa is a partnership, list the name, address and telephone number of each partner. _____

9. List the name, address, telephone number and interest owned by any person that owns ten percent (10%) or more interest in the health spa. _____



- 10. If the health spa is a corporation, what is the name, address and telephone number of the registered agent of the corporation? _____

- 11. List the name, address and telephone number of each manager operating the health spa. _____

- 12. What type of equipment and programs are currently being offered to members of the health spa? _____

- 13. List the name, address and telephone number of all banks, savings and loan associations and all other such financial institutions in which the health spa maintains any checking, savings, loan or any other account. _____

- 14. (a) Has the health spa or any agent or subsidiary of that health spa ever been denied a license or permit to conduct business as a health spa or had any such license or permit revoked? ___ Yes ___ No

(b) If the answer to 14(a) is yes, please explain in detail by providing the location of the action, the name of the governmental agency that brought the action, and the date and nature of the action. _____

- 15. (a) Has the health spa or any agent or subsidiary of the health spa ever been enjoined or prohibited from conducting business as a health spa by any governmental agency? ___ Yes ___ No

(b) If the answer to 15(a) is yes, please explain in detail by providing the location of the action, the name of the governmental agency that brought the action, and the date and nature of the action. _____

- 16. (a) Have any of the officers, directors, managers, or anyone else owning more than ten percent (10%) of the health spa ever been convicted of a felony? ___ Yes
 ___ No



(b) If the answer to 16(a) is yes, explain in detail.

17. For the purpose of annual reporting, disclose the ending date of your fiscal year. _____

VERIFICATION

STATE OF _____)
) SS.
 COUNTY OF _____)

_____, being duly sworn deposes and states that s/he has made the foregoing annual renewal registration statement of a health spa, as required by section 407.327, RSMo; that s/he has read the foregoing registration statement and knows the contents thereof; that s/he is authorized to verify the foregoing registration statement; that the foregoing registration statement is true to her/his own knowledge; and that the foregoing registration statement was made for the purpose of complying with the requirements of sections 407.325 through 407.340, RSMo.

 (Signature)

Subscribed and sworn to before me this ____ day of _____, 19__.

 Notary Public