

# Journal of the Senate

SECOND REGULAR SESSION

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SIXTY-FIRST DAY—MONDAY, APRIL 30, 2018

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The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“The earth is the Lord’s and all that is in it, the world and those who live in it.” (Psalm 24:1)

Gracious God of heaven and earth we return refreshed and ready for the challenge that lies ahead. We are grateful to see that all the world and all that is in it including us are Yours and what we must accomplish is also by Your prompting. So grant us to have eyes to see what must be done so we might set our hearts and energy to complete them. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 26, 2018 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Dixon offered Senate Resolution No. 1906, regarding Luke Miller, Ballwin, which was adopted.

Senator Dixon offered Senate Resolution No. 1907, regarding Mirhad Hasanovic, Columbia, which was

adopted.

Senator Cunningham offered Senate Resolution No. 1908, regarding Madison Keith, Mansfield, which was adopted.

Senator Cunningham offered Senate Resolution No. 1909, regarding Joe Chadwell, Norwood, which was adopted.

Senator Schupp offered Senate Resolution No. 1910, regarding Madelyn Hubbs, Bridgeton, which was adopted.

Senator Schupp offered Senate Resolution No. 1911, regarding Lauren Vanlandingham, Ladue, which was adopted.

Senator Schupp offered Senate Resolution No. 1912, regarding Brandi James, Chesterfield, which was adopted.

Senator Schupp offered Senate Resolution No. 1913, regarding Emily Baughman, Maryland Heights, which was adopted.

Senator Schupp offered Senate Resolution No. 1914, regarding Sara Beth Matt, which was adopted.

Senator Hoskins offered Senate Resolution No. 1915, regarding Eagle Scout Samuel Dale James, Sweet Springs, which was adopted.

Senator Rowden offered Senate Resolution No. 1916, regarding Eagle Scout Jacob Michael Hall, Columbia, which was adopted.

Senator Cunningham offered Senate Resolution No. 1917, regarding Toni Walton, which was adopted.

Senator Wallingford offered Senate Resolution No. 1918, regarding Recreation Officer I Robert Dunn, Scott City, which was adopted.

Senator Crawford offered Senate Resolution No. 1919, regarding the Byron House, Lebanon, which was adopted.

Senator Cunningham offered Senate Resolution No. 1920, regarding Mary Clair, Marshfield, which was adopted.

Senator Cunningham offered Senate Resolution No. 1921, regarding Helen Laffoon, Houston, which was adopted.

Senator Schupp offered Senate Resolution No. 1922, regarding the Ninety-ninth Anniversary of the passage of the Nineteenth Amendment to the United States Constitution, which was adopted.

Senator Riddle offered Senate Resolution No. 1923, regarding the Sixty-fifth Wedding Anniversary of Jim and Margie Martin, Troy, which was adopted.

Senator Riddle offered Senate Resolution No. 1924, regarding the One Hundredth Birthday of Woodrow Wilson Boulware, Fulton, which was adopted.

President Pro Tem Richard assumed the dais and delivered the following address:

Senator Ron Richard, President Pro Tem

Farewell Address

April 30, 2018

As we enter into our final weeks of this session, and as I prepare to end my journey of legislative service, I reflect on relationships and friends made; bonds that will last a lifetime.

I am reminded of Winston Churchill's comments on his retirement.

“I trust that I shall not be guilty of trespassing beyond those limits of time necessary to make farewell comments.”

Upon my departure on this public occasion, I want to first and foremost thank my wife Patty for her continued support. With grateful regards, thank you my colleagues for the great opportunity to serve with you. Thank you my friends for your support and guidance. Members of the Senate and House have blessed me with many leadership opportunities.

I consider myself very fortunate to have had such wonderful staff.

To my three Chiefs of Staff during my time at the Capitol, Jeff Brooks, Dusty Schnieders and Heidi Kolkmeier, and to the caucus staff under their direction, thank you for your hard work.

Thanks to Gwen Delano for running my district office and for being on top of things in the district.

Thanks to Pattie Parris and Deanna Gesch for their expertise and organization skills that keep my office running smoothly.

I would like to personally thank the Majority Leader, the Senator from Cole, for a great partnership with me and the Senate, negotiating the rough seas of the calendar work and debate.

Thank you to all Senate Staff - Administration, Secretary of Senate, Accounting, Human Resources, Appropriations, Communications, Computer Information Systems, Operations, Research, Bill Room, Enrolling and Engrossing, Office Assistance and Doorkeepers for all you do to help the senators do their job.

Last but not least thanks to all Senator’s Staff for your hard work and cooperation.

“Never will these illustrious chambers be out of my memory.”

I am reminded of Sen. Dick Webster of Carthage, Missouri (whose picture is in the Senate Lounge) when he arrived to serve in the Missouri House in Jefferson City in 1949. The Democrats were in complete control. He had a general feeling with regard to those people who sat on the other side of the aisle were either hoodlums or nefarious political bosses.

During his 2nd month of the session, a young Irish bartender by the name of Tommy Walsh was handling a bill.

It raised the salaries of constables in St. Louis from \$9.00 a day to \$10.00 a day. A large number of Democrats were voicing their opposition. During the debate, a senior Republican said to Dick Webster “Kid, if I were you I would vote for the bill.” When Webster seemed surprised, the Senior Republican said “Trust ME.” The bill carried by one vote.

As Webster walked out of the House Chamber, the young Irishman put his hand out and said “I won’t forget.”

When Webster later asked the Senior Republican Bill Cruce, from Eldorado Springs, why was that vote important - the answer came, “all the good guys are not in our party and all the bad ones are not in theirs.” Senator Cruce also said that he was not going to point out who the bad guys are. “If you can’t figure that out by the end of session, you shouldn’t be here. Tommy Walsh is one of the good guys.

When the next session began, Warren Fuqua, legislative advisor to Farm Bureau asked Webster to file a bill. Webster thought he was co-sponsoring a bill, but he was being asked to handle it (very unusual for a freshmen).

Webster agreed to handle the bill and received a notice of committee hearing the following week. When he arrived at the hearing, the young Irish bartender was the chairman.

When Webster’s bill came before the committee – Walsh said this bill is very important to our friend, from outstate Missouri.

Representative Webster was asked if he wanted to explain the bill or did he want the committee to go ahead and take action. Webster replied that he would trust the committee’s decision.

The bill was never discussed. The motion was made and carried. The bill came to the floor the next week and Tom Walsh and other democrats saw that there was enough votes to pass the bill.

The bill was the establishment of rural fire districts and also permitted rural areas to cooperate with town and city fire districts. Without the legislation in 1950, the farmers could not expect to participate in the use of the Carthage, Missouri, fire department.

When Dick Webster was elected to the Missouri Senate in 1962, Walsh and Webster continued to be close friends. Walsh worked the Missouri House, walking the aisles helping get enough votes to make Missouri Southern College in Joplin a full four year funded College.

As Sen. Richard Webster prophetically said in 1986, and is still true today, a “multitude of changes have been made in the minds and attitudes of American voters and public officials. Our Constitution, however, is still in place and it will fail only when the people of America lose interest in their government and how it works!”

I would like to share a few thoughts after 16 years in the State Capitol; some of these notions are mine, some are borrowed from intellectuals from the past.

In the time we have served in government, I have asked that you respect tradition, respect your word that which is your bond.

If you want respect, you have to give respect.

The Legislature must be independent and stand against over reach and the assault from the other branches of government and the tides of public opinion.

Be careful of ideas that promote personal agendas. Some ideas may seem in the best interest of Missourians. Look for the residue or the

fallout of the possible outcome.

Daniel Moynihan said that “everyone is entitled to their own opinion but not to their own facts.”

Do not allow an antiquated notion that a caring government can socialize everyone to behave well, thereby erasing personal accountability and responsibility.

I am intrigued by people reacting to circumstance they find themselves and how events were affected by actions.

Incrementalism – the key to passing legislation .... Small bites over several years yields large dividends and your goals while avoiding mistakes in large bills.

As the Speaker of the House, it was difficult to understand the pace of the Senate. However it became clear that the discussion between Washington and Jefferson was true, that the Senate cooled passions and tried to “reconcile the irreconcilable.”

In Robert Bryd, volumes of US Senate history applies to us in the Missouri Senate “Let the Senate in moments of drama - the kind of independence, impartiality, fairness and courage that from time to time over the years has brought to bear on great issues.”

James Madison - “If man were angels, no government would be necessary. If angels were to govern man, neither external nor internal contracts on government would be necessary.”

Elections have consequences because “enlightened statesmen will not always be sent to Jefferson City.”

I have tried to learn leadership skills no matter what office I was elected to. I looked at history for those who had larger decisions to make and how they handled them.

I have always believed that as elected officials we must take charge of events - not allow events to take charge of us.

In the Missouri Senate, the leaders recognized, generations ago, that party affiliation had little to do with political philosophy. They were wise enough in 1919 when the new Capital was opened to establish an unwritten rule that we (the senate) would never sit by political party on the floor of the Senate. It isn't possible to walk in and see the Democrats on one side and the Republicans on the other. It is the only legislative body in this nation which follows that tradition. The result is the ability to vote in accordance with your conscience and the interest of the people that you represent. Neither the Democrat floor leader nor I would ever attempt to crack the whip and deliver a solid party vote in order to maintain party loyalty.

In the Missouri Senate, we generally follow the rules of procedure as the United States Senate. A rule can be suspended by a majority vote. We also have “unwritten rules” which have nothing to do with parliamentary procedure. Some of them deal with the matter of common courtesy. Others deal with overall conduct toward each other.

As an example, it doesn't matter who the governor is, no gubernatorial appointment will be confirmed if the senator in whose district the appointee resides objects. This has been hard for many governors to understand; it is not a written rule, but is strictly enforced.

Thanks for your kindness, your patience, your wisdom.

Your leadership team has always tried to guide the Senate with fairness and professionalism. I have sought guidance, opinions from all I have met.

This is not the occasion to outline remedies on governance, but I may suggest that “My faith is in God's mercy we may choose right.” There is always time and hope if we combine patience and courage.

I will always believe that the “day may dawn when fair play, love for one another, respect for justice and freedom will enable tormented generations to march forth serene and triumphed.”

God bless you

God bless the state of Missouri

God bless the United States

President Pro Tem Richard assumed the Chair.

## REPORTS OF STANDING COMMITTEES

Senator Schaaf, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **HB 1953**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Libla, Chairman of the Committee on Small Business and Industry, submitted the following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **HB 1409**, begs

leave to report that it has considered the same and recommends that the bill do pass.

Senator Wasson, Chairman of the Committee on Economic Development, submitted the following report:

Mr. President: Your Committee on Economic Development, to which was referred **SB 1015**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1797**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 2026**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 2101**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 1267**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1415**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 709**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 640**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schatz, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 1968**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 2330**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HB 1887**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 963**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 1247**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 952**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wallingford, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1831**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HCS for HB 1635**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HCS for HB 2171**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Emery, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS for HB 1364**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hegeman, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **HB 1646**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **HB 1809**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **HB 1252**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **HCS for HB 1251**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hoskins, Chairman of the Committee on Veterans and Military Affairs, submitted the following reports:

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **HCS No. 2 for HB 1503**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **SB 864**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS for HB 1614**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 998**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rowden, Chairman of the Committee on Government Reform, submitted the following reports:

Mr. President: Your Committee on Government Reform, to which was referred **SB 703**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **SB 915**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **SB 934**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **HCS for HB 1264**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **HCS for HB 1611**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **HCS for HB 2119**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following reports:

Mr. President: Your Committee on Professional Registration, to which was referred **HCS for HB 2079**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **HCS for HB 1710**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **SB 988**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **SB 790**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Walsh, Chairman of the Committee on Progress and Development, submitted the following reports:

Mr. President: Your Committee on Progress and Development, to which was referred **HB 1484**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HJR 59**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.



President Parson assumed the Chair.

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 553** and **SCS** for **SB 1007**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### HOUSE BILLS ON THIRD READING

Senator Cunningham moved that **HCS** for **HB 1879**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** was again taken up.

Senator Libla moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman offered **SA 2**:

### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1879, Page 9, Section 30.270, Line 2 of said page, by inserting after all of said line the following:

“34.165. 1. In making purchases for this state, its governmental agencies or political subdivisions, the commissioner of administration shall give a bidding preference consisting of **at least** a [ten-point] **five-point bonus and no greater than a fifteen-point** bonus on bids for products and services manufactured, produced or assembled in qualified nonprofit organizations for the blind established pursuant to the provisions of 41 U.S.C. Sections 46 to 48c, as amended and in sheltered workshops holding a certificate of approval from the department of elementary and secondary education pursuant to section 178.920 if, **at a minimum**, the participating nonprofit organization **or workshop** provides the greater of two percent or five thousand dollars of the total contract value of bids for purchase not exceeding ten million dollars. **The bonus points shall be awarded on the basis of a sliding scale, as determined in rule by the commissioner of administration, based on revenue generation for and utilization of qualified nonprofit organizations for the blind or sheltered workshops, with the bonus points increasing as the revenue generation for and utilization of such organizations and workshops increases.**

2. An affidavit signed by the director or manager and the board president of a participating nonprofit organization shall be provided to the purchasing agency by the contractor at the completion of the contract or within thirty days of the first anniversary of the contract, whichever first occurs, verifying compliance.

3. The commissioner of administration shall make such rules and regulations regarding specifications, quality standards, time of delivery, performance, **bidding preferences**, and other relevant matters as shall be necessary to carry out the purpose of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

4. At the request of the commissioner of administration, the state auditor may examine all records, books and data of any qualified nonprofit organization for the blind to determine the costs of manufacturing products or rendering services and the manner and efficiency of production and administration of such

nonprofit organization with relation to any product or services purchased by this state, its governmental agencies or political subdivisions and to furnish the results of such examination to the commissioner for appropriate action.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Schatz offered SA 3:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1879, Page 1, Section A, Line 6, by inserting after all of said line the following:

**“8.301. 1. Neither the state nor any political subdivision thereof shall:**

**(1) Condition a contract upon a requirement that a bidder have a specified experience modification factor;**

**(2) Make an offer to contract conditioned upon bidder having a specified experience modification factor;**

**(3) Issue an advertisement for bids on a contract containing a requirement that the bidder have a specified experience modification factor;**

**(4) Solicit bids for a contract conditioned upon a bidder having a specified experience modification factor; or**

**(5) Weight any bidder for a contract favorably or unfavorably based upon the bidder's experience modification factor.**

**2. For purposes of this section, the phrase “experience modification factor” shall mean the factor calculated pursuant to the provisions of chapter 287.”; and**

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Wallingford offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1879, Page 9, Section 30.270, Line 2 of said page, by inserting immediately after said line the following:

**“34.010. 1. The term “department” as used in this chapter shall be deemed to mean department, office, board, commission, bureau, institution, or any other agency of the state, except the legislative and judicial departments. The term “department” shall not include public institutions of higher education.**

**2. The term “lowest and best” in determining the lowest and best award, cost, and other factors are to be considered in the evaluation process. Factors may include, but are not limited to, value, performance, and quality of a product.**

**3. The term “Missouri product” refers to goods or commodities which are manufactured, mined,**

produced, or grown by companies in Missouri, or services provided by such companies.

4. The term “negotiation” as used in this chapter means the process of selecting a contractor by the competitive methods described in this chapter, whereby the commissioner of administration can establish any and all terms and conditions of a procurement contract by discussion with one or more prospective contractors.

5. The term “purchase” as used in this chapter shall include the rental or leasing of any equipment, articles or things.

6. The term “supplies” used in this chapter shall be deemed to mean supplies, materials, equipment, contractual services and any and all articles or things, except for utility services regulated under chapter 393 or as in this chapter otherwise provided.

7. The term “value” includes but is not limited to price, performance, and quality. In assessing value, the state purchaser may consider the economic impact to the state of Missouri for Missouri products versus the economic impact of products generated from out of state. This economic impact may include the revenues returned to the state through tax revenue obligations.”; and

Further amend the title and enacting clause accordingly.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham moved that **SS for SCS for HCS for HB 1879**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SS for SCS for HCS for HB 1879**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Libla	Munzlinger	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senator Schaaf—1

Absent—Senators

Koenig	Nasheed—2
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Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HCS for HB 2116**, with **SCS**, entitled:

An Act to repeal sections 306.100, 306.125, and 306.126, RSMo, and to enact in lieu thereof three new sections relating to boat passengers.

Was taken up by Senator Schatz.

**SCS for HCS for HB 2116**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2116

An Act to repeal sections 306.100, 306.125, and 306.126, RSMo, and to enact in lieu thereof three new sections relating to watercraft, with a penalty provision.

Was taken up.

Senator Schatz moved that **SCS for HCS for HB 2116** be adopted, which motion prevailed.

On motion of Senator Schatz, **SCS for HCS for HB 2116** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators

Nasheed      Schupp—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

At the request of Senator Schatz, **HB 1355**, with **SCS**, was placed on the Informal Calendar.

President Pro Tem Richard assumed the Chair.

**HCS for HB 1617**, with **SCS**, entitled:

An Act to repeal sections 191.1145, 208.670, 208.671, 208.673, and 208.677, RSMo, and to enact in lieu thereof three new sections relating to telehealth.

Was taken up by Senator Onder.

**SCS for HCS for HB 1617**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1617

An Act to repeal sections 191.1145, 208.670, 208.671, 208.673, 208.675, and 208.677, RSMo, and to enact in lieu thereof three new sections relating to telehealth.

Was taken up.

Senator Onder moved that **SCS for HCS for HB 1617** be adopted.

President Parson assumed the Chair.

Senator Onder offered **SS** for **SCS for HCS for HB 1617**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1617

An Act to repeal sections 191.1145, 208.670, 208.671, 208.673, 208.675, 208.677, 376.427, 376.1350, and 376.1367, RSMo, and to enact in lieu thereof eight new sections relating to reimbursement of health care services.

Senator Onder moved that **SS** for **SCS for HCS for HB 1617** be adopted.

At the request of Senator Onder, **SS** for **SCS for HCS for HB 1617** was withdrawn.

Senator Onder offered **SS No. 2** for **SCS for HCS for HB 1617**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1617

An Act to repeal sections 191.1145, 208.670, 208.671, 208.673, 208.675, 208.677, 376.427, 376.1350, and 376.1367, RSMo, and to enact in lieu thereof eight new sections relating to reimbursement of health care services.

Senator Onder moved that **SS No. 2** for **SCS for HCS for HB 1617** be adopted.

Senator Onder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1617, Page 10, Section 376.690, Lines 7-8, by striking all of said lines and inserting in lieu thereof the following: “**the health carrier’s networks, the initial offer for reimbursement for unanticipated out-of-network care shall be the amount for the network that has**”.

Senator Onder moved that the above amendment be adopted.

At the request of Senator Onder, **HCS for HB 1617**, with **SCS, SS No. 2 for SCS and SA 1** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

April 27, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Margaret "Ellen" Nichols as a member of the State Board of Registration for the Healing Arts submitted to you on April 26, 2018. Line 4 should be amended to read:

vice, Jeffrey Carter, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

President Pro Tem Richard referred the above addendum to the Committee on Gubernatorial Appointments.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 917**, entitled:

An Act to repeal section 260.242, RSMo, and to enact in lieu thereof one new section relating to coal ash.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 660**, entitled:

An Act to repeal sections 208.217, 552.020, 630.745, and 630.945, RSMo, and to enact in lieu thereof four new sections relating to mental health, with penalty provisions.

With House Amendment Nos. 1, 2, 3, 4 and 5.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 660, Page 1, Section A, Line 3, by inserting after all of said line the following:

"208.151. 1. Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

(1) All participants receiving state supplemental payments for the aged, blind and disabled;

(2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in drug court, as defined in section 478.001, shall have their eligibility automatically extended

sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;

(3) All participants receiving blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet

coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for



this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy. **Subject to appropriations, pregnant women receiving substance abuse treatment within sixty days of giving birth shall be eligible for MO HealthNet benefits for no more than twelve additional months as long as the woman remains adherent with treatment. The department of mental health and the department of social services shall seek any necessary waiver from the Centers for Medicare and Medicaid Services and shall develop rules relating to treatment plan adherence. No later than fifteen months after receiving any necessary waiver, the department of mental health and the department of social services shall report to the house of representatives budget committee and the senate appropriations committee on the compliance with federal cost neutrality requirements;**

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1;

(26) Effective August 28, 2013, persons who are in foster care under the responsibility of the state of Missouri on the date such persons [attain] **attained** the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, without regard to income or assets, if such persons:

- (a) Are under twenty-six years of age;
- (b) Are not eligible for coverage under another mandatory coverage group; and
- (c) Were covered by Medicaid while they were in foster care.

2. Rules and regulations to implement this section shall be promulgated in accordance with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(I).”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 660, Page 1, Section A, Line 3, by inserting immediately after said section and line the following:

**“9.270. June twenty-seventh of each year shall be known and designated as “Posttraumatic Stress Awareness Day”. It is recommended to the people of the state that the day be appropriately observed through activities which will increase awareness of posttraumatic stress.”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 660, Page 3, Section 208.217, Line 65, by inserting immediately after all of said section and line the following:

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

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

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

2. Each applicant shall submit satisfactory evidence to the committee that the applicant has received a

doctoral degree in psychology from a recognized educational institution, and has had at least one year of satisfactory supervised professional experience in the field of psychology.

3. A doctoral degree in psychology is defined as:

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

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

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

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

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

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

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

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

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

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

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

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

a. The biological bases of behavior such as courses in: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

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

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

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

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

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

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

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

(a) Preinternship and predoctoral postinternship professional experience that occurs following the completion of the first year of the doctoral program or at any time while in a doctoral program after completion of a master's degree in psychology or equivalent as defined by rule by the committee;

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

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

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

6. For postinternship and postdoctoral hours, the psychological activities of the applicant shall be performed pursuant to the primary supervisor's order, control, and full professional responsibility. The primary supervisor shall maintain a continuing relationship with the applicant and shall meet with the applicant a minimum of one hour per month in face-to-face individual supervision. Clinical supervision may be delegated by the primary supervisor to one or more secondary supervisors who are qualified psychologists. The secondary supervisors shall retain order, control, and full professional responsibility for the applicant's clinical work under their supervision and shall meet with the applicant a minimum of one hour per week in face-to-face individual supervision. If the primary supervisor is also the clinical supervisor, meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable for supervised professional experience. The primary supervisor shall certify to the committee that the applicant has complied with these requirements and that the applicant has demonstrated ethical and competent practice of psychology. The changing by an agency of the primary supervisor during the course of the supervised experience shall not invalidate the supervised experience.

7. The committee by rule shall provide procedures for exceptions and variances from the requirements

for once a week face-to-face supervision due to vacations, illness, pregnancy, and other good causes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. A psychologist may not represent or hold himself or herself out as a state certified or registered psychological health service provider unless the psychologist has first received the psychologist health service provider certification from the committee; provided, however, nothing in this section shall be construed to limit or prevent a licensed, whether temporary, provisional or permanent, psychologist who

does not hold a health service provider certificate from providing psychological services so long as such services are consistent with subsection 1 of this section.

3. “Relevant professional education and training” for health service provider certification, except those entitled to certification pursuant to subsection 5 or 6 of this section, shall be defined as a licensed psychologist whose graduate psychology degree from a recognized educational institution is in an area designated by the American Psychological Association as pertaining to health service delivery or a psychologist who subsequent to receipt of his or her graduate degree in psychology has either completed a respecialization program from a recognized educational institution in one or more of the American Psychological Association recognized clinical health service provider areas and who in addition has completed at least one year of postdegree supervised experience in such clinical area or a psychologist who has obtained comparable education and training acceptable to the committee through completion of postdoctoral fellowships or otherwise.

4. The degree or respecialization program certificate shall be obtained from a recognized program of graduate study in one or more of the health service delivery areas designated by the American Psychological Association as pertaining to health service delivery, which shall meet one of the criteria established by subdivisions (1) to (3) of this subsection:

(1) A doctoral degree or completion of a recognized respecialization program in one or more of the American Psychological Association designated health service provider delivery areas which is accredited, or provisionally accredited, **either** by the American Psychological Association **or the Psychological Clinical Science Accreditation System**; or

(2) A clinical or counseling psychology doctoral degree program or respecialization program designated, or provisionally approved, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A doctoral degree or completion of a respecialization program in one or more of the American Psychological Association designated health service provider delivery areas that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as being in one or more of the American Psychological Association designated health service provider delivery areas;

(b) Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists in one or more of the American Psychological Association designated health service provider delivery areas.

5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28, 1989, and who subsequently passes the examination shall be deemed to have met all requirements for health service provider certification; provided, however, that such person shall be governed by the provisions of subsection 1 of this section with respect to limitation of practice.

6. Any person who is lawfully licensed as a psychologist in this state and who meets one or more of the following criteria shall automatically, upon payment of the requisite fee, be entitled to receive a health service provider certification from the committee:

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

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

**337.100. 1. Sections 337.100 to 337.165 shall be known as the “Psychology Interjurisdictional Compact”. The party states find that:**

**(1) States license psychologists, in order to protect the public through verification of education, training and experience and ensure accountability for professional practice;**

**(2) This compact is intended to regulate the day to day practice of telepsychology, the provision of psychological services using telecommunication technologies, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;**

**(3) This compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for thirty days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;**

**(4) This compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists licensed in another state;**

**(5) This compact recognizes that states have a vested interest in protecting the public’s health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;**

**(6) This compact does not apply when a psychologist is licensed in both the home and receiving states; and**

**(7) This compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.**

**2. The general purposes of this compact are to:**

**(1) Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;**

**(2) Enhance the states’ ability to protect the public’s health and safety, especially client/patient safety;**

**(3) Encourage the cooperation of compact states in the areas of psychology licensure and regulation;**

**(4) Facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions and disciplinary history;**

**(5) Promote compliance with the laws governing psychological practice in each compact state; and**

**(6) Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.**

**337.105. As used in this compact, the following terms shall mean:**



(1) “Adverse action”, any action taken by a state psychology regulatory authority which finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record;

(2) “Association of State and Provincial Psychology Boards (ASPPB)”, the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada;

(3) “Authority to practice interjurisdictional telepsychology”, a licensed psychologist’s authority to practice telepsychology, within the limits authorized under this compact, in another compact state;

(4) “Bylaws”, those bylaws established by the psychology interjurisdictional compact commission pursuant to section 337.145 for its governance, or for directing and controlling its actions and conduct;

(5) “Client/patient”, the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, or consulting services;

(6) “Commissioner”, the voting representative appointed by each state psychology regulatory authority pursuant to section 337.145;

(7) “Compact state”, a state, the District of Columbia, or United States territory that has enacted this compact legislation and which has not withdrawn pursuant to subsection 3 of section 337.160 or been terminated pursuant to subsection 2 of section 337.155;

(8) “Coordinated licensure information system” also referred to as “coordinated database”, an integrated process for collecting, storing, and sharing information on psychologists’ licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities;

(9) “Confidentiality”, the principle that data or information is not made available or disclosed to unauthorized persons or processes;

(10) “Day”, any part of a day in which psychological work is performed;

(11) “Distant state”, the compact state where a psychologist is physically present, not through the use of telecommunications technologies, to provide temporary in-person, face-to-face psychological services;

(12) “E.Passport”, a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines;

(13) “Executive board”, a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission;

(14) “Home state”, a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the

home state is any compact state where the psychologist is licensed;

(15) “Identity history summary”, a summary of information retained by the Federal Bureau of Investigation, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service;

(16) “In-person, face-to-face”, interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies;

(17) “Interjurisdictional practice certificate (IPC)”, a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily, and verification of one’s qualifications for such practice;

(18) “License”, authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization;

(19) “Noncompact state”, any state which is not at the time a compact state;

(20) “Psychologist”, an individual licensed for the independent practice of psychology;

(21) “Psychology interjurisdictional compact commission” also referred to as “commission”, the national administration of which all compact states are members;

(22) “Receiving state”, a compact state where the client/patient is physically located when the telepsychological services are delivered;

(23) “Rule”, a written statement by the psychology interjurisdictional compact commission promulgated pursuant to section 337.150 of the compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal or suspension of an existing rule;

(24) “Significant investigatory information”:

(a) Investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

(b) Investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and had an opportunity to respond;

(25) “State”, a state, commonwealth, territory, or possession of the United States, the District of Columbia;

(26) “State psychology regulatory authority”, the board, office or other agency with the legislative mandate to license and regulate the practice of psychology;

(27) “Telepsychology”, the provision of psychological services using telecommunication technologies;

**(28) “Temporary authorization to practice”, a licensed psychologist’s authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this compact, in another compact state;**

**(29) “Temporary in-person, face-to-face practice”, where a psychologist is physically present, not through the use of telecommunications technologies, in the distant state to provide for the practice of psychology for thirty days within a calendar year and based on notification to the distant state.**

**337.110. 1. The home state shall be a compact state where a psychologist is licensed to practice psychology.**

**2. A psychologist may hold one or more compact state licenses at a time. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.**

**3. Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.**

**4. Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized by temporary authorization to practice under the terms of this compact.**

**5. A home state’s license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state:**

**(1) Currently requires the psychologist to hold an active E.Passport;**

**(2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;**

**(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;**

**(4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and**

**(5) Complies with the bylaws and rules of the commission.**

**6. A home state’s license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:**

**(1) Currently requires the psychologist to hold an active IPC;**

**(2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;**

**(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;**

**(4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and**

**(5) Complies with the bylaws and rules of the commission.**

**337.115. 1. Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice telepsychology in receiving states in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the compact.**

**2. To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:**

**(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:**

**(a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or**

**(b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a) of this subdivision by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;**

**(2) Hold a graduate degree in psychology that meets the following criteria:**

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

**(b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;**

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

**(d) The program shall consist of an integrated, organized sequence of study;**

**(e) There shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;**

**(f) The designated director of the program shall be a psychologist and a member of the core faculty;**

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

**(h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;**

**(i) The curriculum shall encompass a minimum of three academic years of full-time graduate**

study for doctoral degree and a minimum of one academic year of full-time graduate study for master's degree;

(j) The program includes an acceptable residency as defined by the rules of the commission;

(3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

(4) Have no history of adverse action that violate the rules of the commission;

(5) Have no criminal record history reported on an identity history summary that violates the rules of the commission;

(6) Possess a current, active E.Passport;

(7) Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(8) Meet other criteria as defined by the rules of the commission.

3. The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.

4. A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.

5. If a psychologist's license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

337.120. 1. Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice temporarily in distant states in which the psychologist is not licensed, as provided in the compact.

2. To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:

(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or

(b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a)

of this subdivision by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;

(2) Hold a graduate degree in psychology that meets the following criteria:

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

(b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;

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

(d) The program shall consist of an integrated, organized sequence of study;

(e) There shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

(f) The designated director of the program shall be a psychologist and a member of the core faculty;

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

(h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;

(i) The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;

(j) The program includes an acceptable residency as defined by the rules of the commission;

(3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

(4) No history of adverse action that violate the rules of the commission;

(5) No criminal record history that violates the rules of the commission;

(6) Possess a current, active IPC;

(7) Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(8) Meet other criteria as defined by the rules of the commission.

3. A psychologist practicing into a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.

4. A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's

due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens. If a distant state takes action, the state shall promptly notify the home state and the commission.

5. If a psychologist's license in any home state, another compact state, or any temporary authorization to practice in any distant state, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.

337.125. A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the commission, and under the following circumstances:

(1) The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state;

(2) Other conditions regarding telepsychology as determined by rules promulgated by the commission.

337.130. 1. A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.

2. A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.

3. (1) If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is revoked.

(2) All home state disciplinary orders which impose adverse action shall be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission.

(3) In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.

(4) Other actions may be imposed as determined by the rules promulgated by the commission.

4. A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.

5. A distant state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under

temporary authorization practice which occurred in that distant state as it would if such conduct had occurred by a licensee within the home state. In such cases, distant state's law shall control in determining any adverse action against a psychologist's temporary authorization to practice.

6. Nothing in this compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the compact state's law. Compact states shall require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

7. No other judicial or administrative remedies shall be available to a psychologist in the event a compact state imposes an adverse action pursuant to subsection 3 of this section.

337.135. 1. In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to:

(1) Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses, or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located; and

(2) Issue cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice.

2. During the course of any investigation, a psychologist may not change his or her home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his or her home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

337.140. 1. The commission shall provide for the development and maintenance of a coordinated licensure information system "coordinated database" and reporting system containing licensure and disciplinary action information on all psychologist individuals to whom this compact is applicable in all compact states as defined by the rules of the commission.

2. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including:



- (1) Identifying information;**
- (2) Licensure data;**
- (3) Significant investigatory information;**
- (4) Adverse actions against a psychologist's license;**
- (5) An indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;**
- (6) Nonconfidential information related to alternative program participation information;**
- (7) Any denial of application for licensure, and the reasons for such denial; and**
- (8) Other information which may facilitate the administration of this compact, as determined by the rules of the commission.**

**3. The coordinated database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.**

**4. Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.**

**5. Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated database.**

**337.145. 1. The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.**

**(1) The commission is a body politic and an instrumentality of the compact states.**

**(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.**

**(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.**

**2. The commission shall consist of one voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:**

**(1) Executive director, executive secretary or similar executive;**

**(2) Current member of the state psychology regulatory authority of a compact state; or**

**(3) Designee empowered with the appropriate delegate authority to act on behalf of the compact state.**

**3. (1) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.**

**(2) Each commissioner shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.**

**(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.**

**(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 337.150.**

**(5) The commission may convene in a closed, nonpublic meeting if the commission shall discuss:**

**(a) Noncompliance of a compact state with its obligations under the compact;**

**(b) The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;**

**(c) Current, threatened, or reasonably anticipated litigation against the commission;**

**(d) Negotiation of contracts for the purchase or sale of goods, services or real estate;**

**(e) Accusation against any person of a crime or formally censuring any person;**

**(f) Disclosure of trade secrets or commercial or financial information which is privileged or confidential;**

**(g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;**

**(h) Disclosure of investigatory records compiled for law enforcement purposes;**

**(i) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact;**

**(j) Matters specifically exempted from disclosure by federal and state statute.**

**(6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of subsection 3 of this section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.**

**4. The commission shall, by a majority vote of the commissioners, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:**

**(1) Establishing the fiscal year of the commission;**

**(2) Providing reasonable standards and procedures:**

**(a) For the establishment and meetings of other committees; and**

**(b) Governing any general or specific delegation of any authority or function of the commission;**

**(3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission shall make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed;**

**(4) Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;**

**(5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission;**

**(6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;**

**(7) Providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations.**

**5. (1) The commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact states;**

**(2) The commission shall maintain its financial records in accordance with the bylaws; and**

**(3) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.**

**6. The commission shall have the following powers:**

**(1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rule shall have the force and effect of law and shall be binding in all compact states;**

**(2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;**

**(3) To purchase and maintain insurance and bonds;**

**(4) To borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state;**

**(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;**

**(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest;**

**(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;**

**(8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;**

**(9) To establish a budget and make expenditures;**

**(10) To borrow money;**

**(11) To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;**

**(12) To provide and receive information from, and to cooperate with, law enforcement agencies;**

**(13) To adopt and use an official seal; and**

**(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.**

**7. (1) The elected officers shall serve as the executive board, which shall have the power to act on behalf of the commission according to the terms of this compact.**

**(2) The executive board shall be comprised of six members:**

**(a) Five voting members who are elected from the current membership of the commission by the commission;**

**(b) One ex officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.**

**(3) The ex officio member shall have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.**

**(4) The commission may remove any member of the executive board as provided in bylaws.**

**(5) The executive board shall meet at least annually.**

**(6) The executive board shall have the following duties and responsibilities:**

**(a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states such as annual dues, and any other applicable fees;**

- (b) Ensure compact administration services are appropriately provided, contractual or otherwise;**
- (c) Prepare and recommend the budget;**
- (d) Maintain financial records on behalf of the commission;**
- (e) Monitor compact compliance of member states and provide compliance reports to the commission;**
- (f) Establish additional committees as necessary; and**
- (g) Other duties as provided in rules or bylaws.**

**8. (1) The commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.**

**(2) The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.**

**(3) The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission which shall promulgate a rule binding upon all compact states.**

**(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the compact states, except by and with the authority of the compact state.**

**(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.**

**9. (1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.**

**(2) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from**

that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

**337.150. 1.** The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

2. If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compact state.

3. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

4. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission; and

(2) On the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

5. The notice of proposed rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(2) The text of the proposed rule or amendment and the reason for the proposed rule;

(3) A request for comments on the proposed rule from any interested person;

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

6. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

7. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) At least twenty-five persons who submit comments independently of each other;

(2) A governmental subdivision or agency; or

(3) A duly appointed person in an association that has at least twenty-five members.

8. (1) If a hearing is held on the proposed rule or amendment, the commission shall publish the

place, time, and date of the scheduled public hearing.

(2) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(3) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(4) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subdivision shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

(5) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

10. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

11. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

12. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare;

(2) Prevent a loss of commission or compact state funds;

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(4) Protect public health and safety.

13. (1) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule.

(2) A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action.

**If the revision is challenged, the revision may not take effect without the approval of the commission.**

**337.155. 1. (1) The executive, legislative and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.**

**(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.**

**(3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.**

**2. (1) If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:**

**(a) Provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default or any other action to be taken by the commission; and**

**(b) Provide remedial training and specific technical assistance regarding the default.**

**(2) If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges and benefits conferred by this compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.**

**(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the compact states.**

**(4) A compact state which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.**

**(5) The commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.**

**(6) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.**

**3. (1) Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact which arise among compact states and between compact and noncompact states.**

**(2) The commission shall promulgate a rule providing for both mediation and binding dispute**



resolution for disputes that arise before the commission.

**4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.**

**(2) By majority vote, the commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.**

**(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.**

**337.160. 1. The compact shall come into effect on the date on which the compact is enacted into law in the seventh compact state. The provisions which become effective at that time shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.**

**2. Any state which joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule which has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.**

**3. (1) Any compact state may withdraw from this compact by enacting a statute repealing the same.**

**(2) A compact state's withdrawal shall not take effect until six months after enactment of the repealing statute.**

**(3) Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.**

**4. Nothing contained in this compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a noncompact state which does not conflict with the provisions of this compact.**

**5. This compact may be amended by the compact states. No amendment to this compact shall become effective and binding upon any compact state until it is enacted into the law of all compact states.**

**337.165. This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact states.”; and**

Further amend said bill, Page 9, Section 630.945, Line 7, by inserting immediately after all of said section and line the following:

“Section B. Sections 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140,

337.145, 337.150, 337.155, 337.160, and 337.165 of this act shall become effective upon notification by the commission to the revisor of statutes that seven states have adopted the psychology interjurisdictional compact.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 660, Page 9, Section 630.945, Line 7, by inserting after all of said line the following:

“632.005. As used in chapter 631 and this chapter, unless the context clearly requires otherwise, the following terms shall mean:

(1) “Comprehensive psychiatric services”, any one, or any combination of two or more, of the following services to persons affected by mental disorders other than intellectual disabilities or developmental disabilities: inpatient, outpatient, day program or other partial hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education, rehabilitation, prevention, screening, transitional living, medical prevention and treatment for alcohol abuse, and medical prevention and treatment for drug abuse;

(2) “Council”, the Missouri advisory council for comprehensive psychiatric services;

(3) “Court”, the court which has jurisdiction over the respondent or patient;

(4) “Division”, the division of comprehensive psychiatric services of the department of mental health;

(5) “Division director”, director of the division of comprehensive psychiatric services of the department of mental health, or his designee;

(6) “Head of mental health facility”, superintendent or other chief administrative officer of a mental health facility, or his designee;

(7) “Judicial day”, any Monday, Tuesday, Wednesday, Thursday or Friday when the court is open for business, but excluding Saturdays, Sundays and legal holidays;

(8) “Licensed physician”, a physician licensed pursuant to the provisions of chapter 334 or a person authorized to practice medicine in this state pursuant to the provisions of section 334.150;

(9) “Licensed professional counselor”, a person licensed as a professional counselor under chapter 337 and with a minimum of one year training or experience in providing psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a mental disorder;

(10) “Likelihood of serious harm” means any one or more of the following but does not require actual physical injury to have occurred:

(a) A substantial risk that serious physical harm will be inflicted by a person upon his own person, as evidenced by recent threats, including verbal threats, or attempts to commit suicide or inflict physical harm on himself. Evidence of substantial risk may also include information about patterns of behavior that historically have resulted in serious harm previously being inflicted by a person upon himself;

(b) A substantial risk that serious physical harm to a person will result or is occurring because of an impairment in his capacity to make decisions with respect to his hospitalization and need for treatment as evidenced by his current mental disorder or mental illness which results in an inability to provide for his

own basic necessities of food, clothing, shelter, safety or medical care or his inability to provide for his own mental health care which may result in a substantial risk of serious physical harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in serious harm to the person previously taking place because of a mental disorder or mental illness which resulted in his inability to provide for his basic necessities of food, clothing, shelter, safety or medical or mental health care; or

(c) A substantial risk that serious physical harm will be inflicted by a person upon another as evidenced by recent overt acts, behavior or threats, including verbal threats, which have caused such harm or which would place a reasonable person in reasonable fear of sustaining such harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in physical harm previously being inflicted by a person upon another person;

(11) “Mental health coordinator”, a mental health professional who has knowledge of the laws relating to hospital admissions and civil commitment and who is authorized by the director of the department, or his designee, to serve a designated geographic area or mental health facility and who has the powers, duties and responsibilities provided in this chapter;

(12) “Mental health facility”, any residential facility, public or private, or any public or private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering from a mental disorder or mental illness and which is recognized as such by the department or any outpatient treatment program certified by the department of mental health. No correctional institution or facility, jail, regional center or developmental disability facility shall be a mental health facility within the meaning of this chapter;

(13) “Mental health professional”, a psychiatrist, resident in psychiatry, **psychiatric physician assistant, psychiatric assistant physician, psychiatric advanced practice registered nurse**, psychologist, psychiatric nurse, licensed professional counselor, or psychiatric social worker;

(14) “Mental health program”, any public or private residential facility, public or private hospital, public or private specialized service or public or private day program that can provide care, treatment, rehabilitation or services, either through its own staff or through contracted providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the department. No correctional institution or facility or jail may be a mental health program within the meaning of this chapter;

(15) “Ninety-six hours” shall be construed and computed to exclude Saturdays, Sundays and legal holidays which are observed either by the court or by the mental health facility where the respondent is detained;

(16) “Peace officer”, a sheriff, deputy sheriff, county or municipal police officer or highway patrolman;

(17) **“Psychiatric advanced practice registered nurse”, a registered nurse who is currently recognized by the board of nursing as an advanced practice registered nurse, who has at least two years of experience in providing psychiatric treatment to individuals suffering from mental disorders;**

(18) **“Psychiatric assistant physician”, a licensed assistant physician under chapter 334 and who has had at least two years of experience as an assistant physician in providing psychiatric treatment to individuals suffering from mental health disorders;**

(19) “Psychiatric nurse”, a registered professional nurse who is licensed under chapter 335 and who has

had at least two years of experience as a registered professional nurse in providing psychiatric nursing treatment to individuals suffering from mental disorders;

**(20) “Psychiatric physician assistant”, a licensed physician assistant under chapter 334 and who has had at least two years of experience as a physician assistant in providing psychiatric treatment to individuals suffering from mental health disorders or a graduate of a postgraduate residency or fellowship for physician assistants in psychiatry;**

[(18)] **(21) “Psychiatric social worker”, a person with a master’s or further advanced degree from an accredited school of social work, practicing pursuant to chapter 337, and with a minimum of one year training or experience in providing psychiatric care, treatment or services in a psychiatric setting to individuals suffering from a mental disorder;**

[(19)] **(22) “Psychiatrist”, a licensed physician who in addition has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;**

[(20)] **(23) “Psychologist”, a person licensed to practice psychology under chapter 337 with a minimum of one year training or experience in providing treatment or services to mentally disordered or mentally ill individuals;**

[(21)] **(24) “Resident in psychiatry”, a licensed physician who is in a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;**

[(22)] **(25) “Respondent”, an individual against whom involuntary civil detention proceedings are instituted pursuant to this chapter;**

[(23)] **(26) “Treatment”, any effort to accomplish a significant change in the mental or emotional conditions or the behavior of the patient consistent with generally recognized principles or standards in the mental health professions.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 660, Page 9, Section 630.945, Line 7, by inserting after all of said section and line the following:

**“630.1010. The department of mental health shall develop a treatment protocol containing best practice guidelines for the treatment of opioid-dependent patients. The treatment protocol shall include the following:**

**(1) Appropriate clinical use of all drugs approved by the federal Food and Drug Administration for the treatment of opioid addiction, including, but not limited to, the following:**

**(a) Opioid maintenance;**

**(b) Opioid detoxification;**

**(c) Overdose reversal; and**

**(d) Long acting, antagonist medication;**

**(2) Training for prescribers dispensing narcotic drugs for the treatment and management of opiate-dependent patients consistent with the federal Controlled Substances Act, as amended by Section 303 of the Comprehensive Addiction and Recovery Act of 2016; and**

**(3) Development and adoption of standard processes for obtaining informed consent from patients concerning all available medication-assisted treatment options, including potential benefits and risks.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2015**, entitled:

An Act to appropriate money for supplemental purposes for the expenses, grants and distributions of the Department of Economic Development to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2018.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2002**. Representatives: Fitzpatrick, Alferman, Rowland (155), Kendrick, McGee.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2003**. Representatives: Fitzpatrick, Alferman, Rowland (155), Kendrick, McGee.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2004**. Representatives: Fitzpatrick, Alferman, Conway (104), Butler, Razer.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2005**. Representatives: Fitzpatrick, Alferman, Bahr, Kendrick, Merideth (80).

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2006**, as amended. Representatives: Fitzpatrick, Alferman, Redmon, Kendrick, Pierson.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS for HCS for HB 2007**, as amended. Representatives: Fitzpatrick, Alferman, Redmon, Burnett, Kendrick.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS for HCS for HB 2008**. Representatives: Fitzpatrick, Alferman, Conway (104), Butler, May.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS for HCS for HB 2009**. Representatives: Fitzpatrick, Alferman, Conway (104), Kendrick, May.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS for SCS for HCS for HB 2010**. Representatives: Fitzpatrick, Alferman, Wood, Lavender, Quade.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS for HCS for HB 2011**. Representatives: Fitzpatrick, Alferman, Wood, Lavender, Quade.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS for HCS for HB 2012**. Representatives: Fitzpatrick, Alferman, Bahr, Lavender, Merideth (80).

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS for HCS for HB 2013**. Representatives: Fitzpatrick, Alferman, Bahr, Kendrick, Razer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2179**, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to prohibiting public entities from contracting with companies discriminating against Israel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2538**, entitled:

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to maintaining Missouri state parks.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2499**, entitled:

An Act to repeal sections 217.670 and 217.690, RSMo, and to enact in lieu thereof two new sections relating to videoconferencing for parole hearings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2438**, entitled:

An Act to repeal section 287.090, RSMo, and to enact in lieu thereof one new section relating to workers' compensation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2407**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto two new sections relating to an advisory council on rare diseases within the MO HealthNet division.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **PRIVILEGED MOTIONS**

Senator Eigel moved that the Senate refuse to recede from its position on **SS** for **HB 1858**, and grant the House a conference thereon, which motion prevailed.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS** for **HB 2140**—Government Reform.

**HB 2336**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HBs 2523 and 2524**—Rules, Joint Rules, Resolutions and Ethics.

**HCS for HB 1542**—Insurance and Banking.

**HCS for HB 1915**—Government Reform.

**HB 2155**—Government Reform.

**HCS for HB 2017**—Appropriations.

**HCS for HB 2018**—Appropriations.

**HCS for HB 1999**—Commerce, Consumer Protection, Energy and the Environment.

**HCS for HB 1289**—Local Government and Elections.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2002**: Senators Brown, Hegeman, Cunningham, Curls and Holsman.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2003**: Senators Brown, Hegeman, Sater, Curls and Nasheed.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2004**: Senators Brown, Hegeman, Cunningham, Curls and Holsman.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2005**: Senators Brown, Hegeman, Cunningham, Curls and Holsman.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2006**, as amended: Senators Brown, Hegeman, Cunningham, Curls and Holsman.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2007**, as amended: Senators Brown, Hegeman, Cunningham, Curls and Nasheed.

Also,



President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2008**: Senators Brown, Hegeman, Cunningham, Curls and Holsman.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2009**: Senators Brown, Sater, Cunningham, Curls and Nasheed.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 2010**: Senators Brown, Hegeman, Sater, Curls and Nasheed.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2011**: Senators Brown, Hegeman, Sater, Curls and Nasheed.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2012**: Senators Brown, Hegeman, Sater, Curls and Nasheed.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2013**: Senators Brown, Hegeman, Sater, Curls and Holsman.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SS** for **HB 1858**: Senators Eigel, Wallingford, Koenig, Nasheed and Rizzo.

## **RESOLUTIONS**

Senator Romine offered Senate Resolution No. 1925, regarding Lance Sprenkel, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 1926, regarding Robert Love, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 1927, regarding Charlotte Hopkins, Farmington, which was adopted.

Senator Romine offered Senate Resolution No. 1928, regarding Shirley Lotz, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 1929, regarding Sherry Mauk, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 1930, regarding Terri Barron, Desloge, which was adopted.

Senator Romine offered Senate Resolution No. 1931, regarding Paul Schroer, Bonne Terre, which was

adopted.

Senator Romine offered Senate Resolution No. 1932, regarding Julie Gilliland, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 1933, regarding Norma Coplin, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 1934, regarding William Neubrand, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 1935, regarding Jason Jones, Farmington, which was adopted.

Senator Romine offered Senate Resolution No. 1936, regarding Laura Horton, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 1937, regarding Randy Nash, Bismarck, which was adopted.

Senator Romine offered Senate Resolution No. 1938, regarding Tonya Cook, Lesterville, which was adopted.

Senator Romine offered Senate Resolution No. 1939, regarding Gary Volner, Lesterville, which was adopted.

### **INTRODUCTION OF GUESTS**

Senator Dixon introduced to the Senate, Mirhad Hasanovic, Columbia.

Senator Schupp introduced to the Senate, Madelyn Hubbs and her parents, Jeff and Melissa, Bridgeton.

Senator Libla introduced to the Senate, Don Chance, Dudley; and Tracy Davied, Sikeston.

Senator Munzlinger introduced to the Senate, Haleigh Karl, Gower; Ethan Boss, Salisbury; Emily Hagan, Old Monroe; and Baylee Siegel, and her parents, Katie and Joshua, California.

Senator Cunningham introduced to the Senate, Madison Keith, and her parents, Kendall and Carrie, Mansfield.

On motion of Senator Kehoe, the Senate adjourned under the rules.

### **SENATE CALENDAR**

—————  
SIXTY-SECOND DAY—TUESDAY, MAY 1, 2018  
—————

### **FORMAL CALENDAR**

#### **HOUSE BILLS ON SECOND READING**

HC B 11-Neely  
HC B 16-Houghton

HC B 14-Reiboldt  
HB 2015-Fitzpatrick

HB 2179-Richardson  
HB 2538-Pietzman  
HB 2499-Hansen

HB 2438-Remole  
HCS for HB 2407

THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)  
SS for SB 699-Sifton (In Fiscal Oversight)  
SS for SCS for SB 907-Kehoe

SS for SCS for SB 553-Dixon  
SCS for SB 1007-Kehoe

SENATE BILLS FOR PERFECTION

1. SJR 36-Schatz, with SCS
2. SB 678-Eigel
3. SB 1102-Kehoe, with SCS
4. SB 1015-Wieland, with SCS
5. SB 709-Schatz, with SCS
6. SB 640-Sater
7. SB 963-Wieland, with SCS
8. SB 952-Rowden

9. SB 864-Hoskins
10. SB 998-Schatz, with SCS
11. SB 703-Hegeman
12. SB 915-Crawford
13. SB 934-Hegeman
14. SB 988-Rowden, with SCS
15. SB 790-Cierpiot, with SCS

HOUSE BILLS ON THIRD READING

1. HB 1492-Lynch (Brown)
2. HCS for HB 1597, with SCS (Dixon)
3. HB 1744-Hansen (Romine)
4. HCS for HB 1606 (Romine)
5. HB 1428-Muntzel (Munzlinger)
6. HCS for HB 2034, with SCS (Munzlinger)
7. HCS for HB 1796 (Rowden)
8. HB 2122-Engler, with SCS (Schatz)
9. HCS for HB 1443, with SCS (Sater)
10. HCS for HB 1645 (Rowden)
11. HB 1953-Neely (Onder)
12. HB 1409-Fitzpatrick (Kehoe)
13. HB 1797-Fitzwater, with SCS (Riddle)
14. HB 2026-Wilson, with SCS (Rowden)
15. HB 2101-Beard (Hoskins)
16. HB 1267-Lichtenegger (Munzlinger)
17. HB 1415-Lauer (Wasson)

18. HB 1968-Grier (Schatz)
19. HB 2330-Beck (Sifton)
20. HB 1887-Bahr (Onder)
21. HB 1247-Pike (Onder)
22. HB 1831-Ruth (Wieland)
23. HCS for HB 1635, with SCS (Wallingford)
24. HCS for HB 2171 (Sater)
25. HCS for HB 1364, with SCS (Munzlinger)
26. HB 1646-Eggleston (Hegeman)
27. HB 1809-Tate (Schatz)
28. HB 1252-Plocher (Riddle)
29. HCS for HB 1251, with SCS (Crawford)
30. HCS#2 for HB 1503, with SCS (Hoskins)
31. HCS for HB 1614 (Hegeman)
32. HCS for HB 1264 (Hegeman)
33. HCS for HB 1611 (Riddle)
34. HCS for HB 2119 (Rowden)

35. HCS for HB 2079, with SCS (Crawford)

36. HCS for HB 1710, with SCS (Eigel)

37. HB 1484-Brown (57) (Romine)

38. HJR 59-Brown (57) (Romine)

### INFORMAL CALENDAR

#### THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 &  
667-Eigel (In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)

SB 550-Wasson, with SCS

SBs 555 & 609-Brown, with SCS

SB 556-Brown, with SA 1 (pending)

SB 561-Sater, with SA 1 (pending)

SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)

SB 578-Romine

SB 591-Hegeman, with SCS

SB 596-Riddle, with SCS

SB 599-Schatz

SB 602-Onder, with SCS

SB 612-Koenig, with SCS, SS#2 for SCS,  
SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
for SA 2 (pending)

SB 663-Schatz, with SCS, SS for SCS &  
SA 1 (pending)

SB 730-Wallingford, with SCS & SA 1  
(pending)

SB 751-Schatz

SB 767-Hoskins, with SCS, SS for SCS &  
SA 2 (pending)

SB 774-Munzlinger

SB 813-Riddle, with SCS & SA 1 (pending)

SB 822-Hegeman, with SCS & SS for SCS  
(pending)

SB 832-Rowden, with SCS, SS#2 for SCS &  
point of order (pending)

SB 837-Rowden

SB 848-Riddle

SB 849-Kehoe and Schupp, with SCS, SA 1  
& SA 1 to SA 1 (pending)

SB 859-Koenig, with SCS & SS for SCS  
(pending)

SB 860-Koenig, with SCS, SS for SCS &  
SA 1 (pending)

SB 861-Hegeman, with SCS

SB 865-Kehoe

SB 893-Sater, with SCS, SS for SCS &  
SA 1 (pending)

SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)

SB 920-Riddle, with SS & SA 2 (pending)

SB 928-Onder, with SCS

SB 949-Emery, with SCS, SS for SCS &  
SA 2 (pending)

SB 1003-Wasson, with SS & SA 1 (pending)

SB 1021-Dixon and Wallingford, with SCS

#### HOUSE BILLS ON THIRD READING

HCS for HBs 1288, 1377 & 2050, with SCS  
(Dixon)

HB 1303-Alferman, with SCS (Rowden)

HB 1329-Remole, with SCS, SS for SCS &  
SA 5 (pending) (Munzlinger)

SS for SCS for HB 1350-Smith (163) (Rowden)

HB 1355-Phillips, with SCS (Schatz)  
HB 1413-Taylor, with SCS, SS for SCS &  
SA 1 (pending) (Onder)  
HB 1442-Alferman, with SCS, SS for SCS &  
SA 1 (pending) (Schatz)  
HCS for HB 1461 (Rowden)  
HB 1578-Kolkmeier (Munzlinger)  
HCS for HB 1605, with SCS (Kehoe)  
HCS for HB 1617, with SCS, SS#2 for SCS  
& SA 1 (pending) (Onder)

HB 1630-Evans (Rowden)  
HB 1691-Miller, with SCS (Emery)  
HCS for HBs 1729, 1621 & 1436 (Brown)  
HB 1769-Mathews, with SCS (Schatz)  
HB 1880-Trent, with SCS & SS for SCS  
(pending) (Cunningham)  
HCS for HB 1991, with SCS (Rowden)  
HB 2044-Taylor, with SCS (pending) (Dixon)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 660-Riddle, with HCS, as amended  
SS for SCS for SB 775-Brown, with HCS,  
as amended

SCS for SB 917-Crawford, with HCS

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 569-Cunningham, with HCS, as amended  
HB 1291-Henderson, with SS for SCS,  
as amended (Romine) (House adopted CCR  
and passed CCS)  
SS for HB 1858-Christofanelli (Eigel)  
HCS for HB 2002, with SCS (Brown)  
HCS for HB 2003, with SCS (Brown)  
HCS for HB 2004, with SCS (Brown)  
HCS for HB 2005, with SCS (Brown)  
HCS for HB 2006, with SCS, as amended  
(Brown)

HCS for HB 2007, with SCS, as amended  
(Brown)  
HCS for HB 2008, with SCS (Brown)  
HCS for HB 2009, with SCS (Brown)  
HCS for HB 2010, with SS for SCS (Brown)  
HCS for HB 2011, with SCS (Brown)  
HCS for HB 2012, with SCS (Brown)  
HCS for HB 2013, with SCS (Brown)

##### Requests to Recede or Grant Conference

SS for SB 608-Hoskins, with HCS (Senate  
requests House recede or grant  
conference)

SS for SCS for SB 826-Sater, with HCS,  
as amended (Senate requests House  
recede or grant conference)

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)

SCR 37-Eigel and Onder

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