

FIRST REGULAR SESSION

SENATE BILL NO. 476

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time February 27, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2404S.011

AN ACT

To repeal sections 324.008 and 324.009, RSMo, and to enact in lieu thereof one new section relating to professional licensing reciprocity for nonresident military spouses.

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

Section A. Sections 324.008 and 324.009, RSMo, are repealed and one new
2 section enacted in lieu thereof, to be known as section 324.009, to read as follows:

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

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

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

11 (3) "Oversight body", any board, department, agency, or office of a
12 jurisdiction that issues licenses; except, for the purposes of this section, oversight
13 body shall not include the state board of registration for the healing arts, the
14 state board of nursing, the board of pharmacy, the state committee of
15 psychologists, the Missouri dental board, the Missouri board for architects,
16 professional engineers, professional land surveyors and professional landscape
17 architects, the state board of optometry, or the Missouri veterinary medical board.

18 2. Any [resident] **person including, but not limited to, any**

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

19 **nonresident military spouse** of Missouri who holds a valid current license
20 issued by another state, territory of the United States, or the District of Columbia
21 may submit an application for a license in Missouri in the same occupation or
22 profession for which he or she holds the current license, along with **any**
23 **required application fee and** proof of current licensure in [the] **all** other
24 **[jurisdiction] jurisdictions**, to the relevant oversight body in this state.

25 3. The oversight body in this state shall, within [six months] **ninety days**
26 of receiving an application described in subsection 2 of this section, waive any
27 examination, educational, or experience requirements for licensure in this state
28 for the applicant if it determines that the licensing requirements in the
29 jurisdiction that issued the applicant's license are substantially similar to or more
30 stringent than the licensing requirements in Missouri for the same occupation or
31 profession.

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

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

40 6. Nothing in this section shall prohibit the oversight body from denying
41 a license to an applicant under this section for any reason described in any
42 section associated with the occupation or profession for which the applicant seeks
43 a license.

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

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

49 9. The provisions of this section shall not be construed to alter the
50 authority granted by, or any requirements promulgated pursuant to, any
51 interjurisdictional or interstate compacts adopted by Missouri statute or any
52 reciprocity agreements with other states [in effect on August 28, 2018, and
53 whenever possible this section shall be interpreted so as to imply no conflict
54 between it and any compact, or any reciprocity agreements with other states in

55 effect on August 28, 2018] and should any conflict arise between the
56 provisions of this section and the provisions of any interjurisdictional
57 or interstate compact or reciprocity agreement, the provisions of such
58 compact or agreement shall prevail.

59 **10. For the purposes of this section, nonresident military spouses**
60 **shall be eligible to apply for a license with any board, department,**
61 **agency, or office of a jurisdiction that issues licenses, including the**
62 **state board of registration for the healing arts, the state board of**
63 **nursing, the board of pharmacy, the state committee of psychologists,**
64 **the Missouri dental board, the Missouri board for architects,**
65 **professional engineers, professional land surveyors and professional**
66 **landscape architects, the state board of optometry, and the Missouri**
67 **veterinary medical board.**

[324.008. 1. As used in this section, "nonresident military
2 spouse" means a nonresident spouse of an active duty member of
3 the Armed Forces of the United States who has been transferred or
4 is scheduled to be transferred to the state of Missouri, is domiciled
5 in the state of Missouri, or has moved to the state of Missouri on
6 a permanent change-of-station basis.

7 2. Except as provided in subsection 6 of this section and
8 notwithstanding any other provision of law, any agency of this
9 state or board established under state law for the regulation of
10 occupations and professions in this state shall, with respect to such
11 occupation or profession that it regulates, by rule establish criteria
12 for the issuance of a temporary courtesy license to a nonresident
13 spouse of an active duty member of the military who is transferred
14 to this state in the course of the member's military duty, so that,
15 on a temporary basis, the nonresident military spouse may lawfully
16 practice his or her occupation or profession in this state.

17 3. Notwithstanding provisions to the contrary, a
18 nonresident military spouse shall receive a temporary courtesy
19 license under subsection 2 of this section if, at the time of
20 application, the nonresident military spouse:

21 (1) Holds a current license or certificate in another state,
22 district, or territory of the United States with licensure
23 requirements that the appropriate regulatory board or agency

24 determines are equivalent to those established under Missouri law
25 for that occupation or profession;

26 (2) Was engaged in the active practice of the occupation or
27 profession for which the nonresident military spouse seeks a
28 temporary license or certificate in a state, district, or territory of
29 the United States for at least two of the five years immediately
30 preceding the date of application under this section;

31 (3) Has not committed an act in any jurisdiction that would
32 have constituted grounds for the refusal, suspension, or revocation
33 of a license or certificate to practice that occupation or profession
34 under Missouri law at the time the act was committed;

35 (4) Has not been disciplined by a licensing or credentialing
36 entity in another jurisdiction and is not the subject of an
37 unresolved complaint, review procedure, or disciplinary proceeding
38 conducted by a licensing or credentialing entity in another
39 jurisdiction;

40 (5) Authorizes the appropriate board or agency to conduct
41 a criminal background check and pay for any costs associated with
42 such background check;

43 (6) Pays any fees required by the appropriate board or
44 agency for that occupation or profession; and

45 (7) Complies with other requirements as provided by the
46 board.

47 4. Relevant full-time experience in the discharge of official
48 duties in the military service or an agency of the federal
49 government shall be credited in the counting of years of practice
50 under subdivision (2) of subsection 3 of this section.

51 5. A temporary courtesy license or certificate issued under
52 this section is valid for one hundred eighty days and may be
53 extended at the discretion of the applicable regulatory board or
54 agency for another one hundred eighty days on application of the
55 holder of the temporary courtesy license or certificate.

56 6. This section shall not apply to the practice of law or the
57 regulation of attorneys.

58 7. The appropriate board or agency shall promulgate rules
59 to implement the provisions of this section. Any rule or portion of

60 a rule, as that term is defined in section 536.010, that is created
61 under the authority delegated in this section shall become effective
62 only if it complies with and is subject to all of the provisions of
63 chapter 536 and, if applicable, section 536.028. This section and
64 chapter 536 are nonseverable and if any of the powers vested with
65 the general assembly under chapter 536 to review, to delay the
66 effective date, or to disapprove and annul a rule are subsequently
67 held unconstitutional, then the grant of rulemaking authority and
68 any rule proposed or adopted after August 28, 2011, shall be
69 invalid and void.]

Unofficial ✓

Bill

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