

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 9

AN ACT

To repeal sections 334.530, 334.655, and 337.068, RSMo, and to enact in lieu thereof four new sections relating to the regulation of certain professionals.

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

Section A. Sections 334.530, 334.655, and 337.068, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 173.280, 334.530, 334.655, and 337.068, to read as follows:

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

(1) "Athlete", an individual who participates or has participated in an intercollegiate sport for a postsecondary educational institution. "Athlete" shall not be construed to apply to an individual's participation in a college intramural sport or in a professional sport outside of intercollegiate athletics;

(2) "Athletic association", an entity with athletics governance authority that is composed of postsecondary educational institutions and athletic conferences;

(3) "Athletic conference", an entity that has athletics governance authority, is a member of an athletic association, and has a membership composed of postsecondary educational institutions that compete against other postsecondary educational institutions. "Athletic conference" includes a collaboration of such entities, such as the autonomy conferences;

(4) "Certification", the process of developing and enforcing professional and legal policies and practices;

21 (5) "Group", three or more athletes from the same
22 sport;

23 (6) "Group licensing", any agreement to allow a third
24 party the right to use the name, image, likeness rights, or
25 athletic reputation of a group;

26 (7) "Postsecondary educational institution", any
27 campus of a public or private institution of higher
28 education in this state that is subject to the coordinating
29 board for higher education under section 173.005;

30 (8) "Third party", any individual or entity other than
31 a postsecondary educational institution, athletic
32 conference, or athletic association.

33 2. (1) No postsecondary educational institution shall
34 uphold any rule, requirement, standard, or other limitation
35 that prevents a student of that institution from fully
36 participating in intercollegiate athletics without penalty
37 and earning compensation as a result of the use of the
38 student's name, image, likeness rights, or athletic
39 reputation. Earning compensation from the use of a
40 student's name, image, likeness rights, or athletic
41 reputation shall not affect the student's grant-in-aid or
42 stipend eligibility, amount, duration, or renewal.

43 (2) No postsecondary educational institution shall
44 interfere with or prevent a student from fully participating
45 in intercollegiate athletics or obtaining professional
46 representation in relation to contracts or legal matters
47 including, but not limited to, representation provided by
48 athlete agents, financial advisors, or legal representation
49 provided by attorneys.

50 3. A grant-in-aid or stipend from the postsecondary
51 educational institution in which a student is enrolled shall
52 not be construed to be compensation for use of the student's
53 name, image, likeness rights, or athletic reputation for

54 purposes of this section, and no grant-in-aid or stipend
55 shall be revoked or reduced as a result of a student earning
56 compensation under this section.

57 4. (1) No student athlete shall enter into an
58 apparel, equipment, or beverage contract providing
59 compensation to the athlete for use of the athlete's name,
60 image, likeness rights, or athletic reputation if the
61 contract requires the athlete to display a sponsor's
62 apparel, equipment, or beverage or otherwise advertise for
63 the sponsor during official team activities if such
64 provisions are in conflict with a provision of the athlete's
65 team contract.

66 (2) Any student athlete who enters into a contract
67 providing compensation to the athlete for use of the
68 athlete's name, image, likeness rights, or athletic
69 reputation shall disclose the full contract to an official
70 of the postsecondary educational institution, with such
71 official to be designated by such institution. No
72 institution or its designated official shall disclose terms
73 of an athlete's contract that the athlete or the athlete's
74 legal representation deems to be a trade secret or
75 nondisclosable.

76 (3) An institution asserting a conflict described in
77 subdivision (1) of this subsection shall disclose to the
78 student athlete or the athlete's legal representation the
79 full contract the institution asserts to be in conflict. No
80 athlete or member of the athlete's legal representation
81 shall disclose terms of an institution's contract that the
82 institution deems to be a trade secret or nondisclosable.

83 5. No team contract of a postsecondary educational
84 institution's athletic program shall prevent a student
85 athlete from receiving compensation for using the athlete's
86 name, image, likeness rights, or athletic reputation for a

87 commercial purpose when the athlete is not engaged in
88 official mandatory team activities that are recorded in
89 writing and made publicly available. Such team activities
90 shall not exceed twenty hours per week during the season and
91 eight hours per week during the off-season.

92 6. (1) Postsecondary educational institutions that
93 enter into commercial agreements that directly or indirectly
94 require the use of an athlete's name, image, likeness, or
95 athletic reputation shall conduct a financial development
96 program of up to fifteen hours in duration once per year for
97 their athletes.

98 (2) The financial development program shall not
99 include any marketing, advertising, referral, or
100 solicitation by providers of financial products or services.

101 7. (1) Postsecondary educational institutions shall
102 help distribute informational materials as needed.

103 (2) Postsecondary educational institutions shall
104 inform their athletes of such meetings and provide
105 appropriate meeting space.

106 8. Athlete attorney representation shall be by persons
107 licensed by this state.

108 9. (1) Any athlete may bring a civil action against
109 third parties that violate this section for appropriate
110 injunctive relief or actual damages, or both. Such action
111 shall be brought in the county where the violation occurred,
112 or is about to occur, and the court shall award damages,
113 court costs, and reasonable attorney's fees to a prevailing
114 plaintiff.

115 (2) Students and state or local prosecutors seeking to
116 prosecute violators of this section shall not be deprived of
117 any protections provided under law with respect to a
118 controversy that arises and shall have the right to
119 adjudicate claims that arise under this section.

120 10. Legal settlements shall not permit noncompliance
121 with this section.

122 11. This section shall apply only to agreements or
123 contracts entered into, modified, or renewed on or after
124 August 28, 2021. Such agreements or contracts include, but
125 are not limited to, the national letter of intent, an
126 athlete's financial aid agreement, commercial contracts in
127 the athlete group licensing market, and athletic conference
128 or athletic association rules or bylaws.

129 12. The state of Missouri hereby requests that any
130 federal legislation relating to this section respect and
131 permit Missouri college athletes' rights, protections, and
132 other provisions included in this section.

334.530. 1. A candidate for license to practice as a
2 physical therapist shall furnish evidence of such person's
3 educational qualifications by submitting satisfactory
4 evidence of completion of a program of physical therapy
5 education approved as reputable by the board or eligibility
6 to graduate from such a program within ninety days. A
7 candidate who presents satisfactory evidence of the person's
8 graduation from a school of physical therapy approved as
9 reputable by the American Medical Association or, if
10 graduated before 1936, by the American Physical Therapy
11 Association, or if graduated after 1988, the Commission on
12 Accreditation for Physical Therapy Education or its
13 successor, is deemed to have complied with the educational
14 qualifications of this subsection.

15 2. Persons desiring to practice as physical therapists
16 in this state shall appear before the board at such time and
17 place as the board may direct and be examined as to their
18 fitness to engage in such practice. Applicants shall meet
19 the qualifying standards for such examinations, including
20 any requirements established by any entity contracted by the

21 board to administer the board approved examination.
22 Applications for examination shall be in writing, on a form
23 furnished by the board and shall include evidence
24 satisfactory to the board that the applicant possesses the
25 qualifications set forth in subsection 1 of this section and
26 meets the requirements established to qualify for
27 examination. Each application shall contain a statement
28 that it is made under oath or affirmation and that its
29 representations are true and correct to the best knowledge
30 and belief of the applicant, subject to the penalties of
31 making a false affidavit or declaration.

32 3. The examination of qualified candidates for
33 licenses to practice physical therapy shall test entry-level
34 competence as related to physical therapy theory,
35 examination and evaluation, physical therapy diagnosis,
36 prognosis, treatment, intervention, prevention, and
37 consultation.

38 4. The examination shall embrace, in relation to the
39 human being, the subjects of anatomy, chemistry,
40 kinesiology, pathology, physics, physiology, psychology,
41 physical therapy theory and procedures as related to
42 medicine, surgery and psychiatry, and such other subjects,
43 including medical ethics, as the board deems useful to test
44 the fitness of the candidate to practice physical therapy.

45 5. No person who has failed on six or more occasions
46 to achieve a passing score on the examination required by
47 this section shall be eligible for licensure by examination
48 under this section.

49 6. The applicant shall pass a test administered by the
50 board on the laws and rules related to the practice of
51 physical therapy in Missouri.

334.655. 1. A candidate for licensure to practice as
2 a physical therapist assistant shall furnish evidence of the

3 person's educational qualifications. The educational
4 requirements for licensure as a physical therapist assistant
5 are:

6 (1) A certificate of graduation from an accredited
7 high school or its equivalent; and

8 (2) Satisfactory evidence of completion of an
9 associate degree program of physical therapy education
10 accredited by the commission on accreditation of physical
11 therapy education or eligibility to graduate from such a
12 program within ninety days.

13 2. Persons desiring to practice as a physical
14 therapist assistant in this state shall appear before the
15 board at such time and place as the board may direct and be
16 examined as to the person's fitness to engage in such
17 practice. Applicants shall meet the qualifying standards
18 for such examinations, including any requirements
19 established by any entity contracted by the board to
20 administer the board approved examination. Applications for
21 examination shall be on a form furnished by the board and
22 shall include evidence satisfactory to the board that the
23 applicant possesses the qualifications provided in
24 subsection 1 of this section and meets the requirements
25 established to qualify for examination. Each application
26 shall contain a statement that the statement is made under
27 oath of affirmation and that its representations are true
28 and correct to the best knowledge and belief of the person
29 signing the statement, subject to the penalties of making a
30 false affidavit or declaration.

31 3. The examination of qualified candidates for
32 licensure to practice as physical therapist assistants shall
33 embrace an examination which shall cover the curriculum
34 taught in accredited associate degree programs of physical
35 therapy assistant education. Such examination shall be

36 sufficient to test the qualification of the candidates as
37 practitioners.

38 4. The examination shall include, as related to the
39 human body, the subjects of anatomy, kinesiology, pathology,
40 physiology, psychology, physical therapy theory and
41 procedures as related to medicine and such other subjects,
42 including medical ethics, as the board deems useful to test
43 the fitness of the candidate to practice as a physical
44 therapist assistant.

45 5. No person who has failed on six or more occasions
46 to achieve a passing score on the examination required by
47 this section shall be eligible for licensure by examination
48 under this section.

49 6. The applicant shall pass a test administered by the
50 board on the laws and rules related to the practice as a
51 physical therapist assistant in this state.

52 [6.] 7. The board shall license without examination
53 any legally qualified person who is a resident of this state
54 and who was actively engaged in practice as a physical
55 therapist assistant on August 28, 1993. The board may
56 license such person pursuant to this subsection until ninety
57 days after the effective date of this section.

58 [7.] 8. A candidate to practice as a physical
59 therapist assistant who does not meet the educational
60 qualifications may submit to the board an application for
61 examination if such person can furnish written evidence to
62 the board that the person has been employed in this state
63 for at least three of the last five years under the
64 supervision of a licensed physical therapist and such person
65 possesses the knowledge and training equivalent to that
66 obtained in an accredited school. The board may license
67 such persons pursuant to this subsection until ninety days
68 after rules developed by the state board of healing arts

69 regarding physical therapist assistant licensing become
70 effective.

337.068. 1. If the [board] committee finds merit to a
2 complaint by an individual incarcerated or under the care
3 and control of the department of corrections or who has been
4 ordered to be taken into custody, detained, or held under
5 sections 632.480 to 632.513, or who has been ordered to be
6 evaluated under chapter 552, and takes further investigative
7 action, no documentation may appear on file or disciplinary
8 action may be taken in regards to the licensee's license
9 unless the provisions of subsection 2 of section 337.035
10 have been violated. Any case file documentation that does
11 not result in the [board] committee filing an action
12 pursuant to subsection 2 of section 337.035 shall be
13 destroyed within three months after the final case
14 disposition by the [board] committee. No notification to
15 any other licensing board in another state or any national
16 registry regarding any investigative action shall be made
17 unless the provisions of subsection 2 of section 337.035
18 have been violated.

2. Upon written request of the psychologist subject to
20 a complaint, prior to August 28, 1999, by an individual
21 incarcerated or under the care and control of the department
22 of corrections or prior to August 28, 2008, by an individual
23 who has been ordered to be taken into custody, detained, or
24 held under sections 632.480 to 632.513, or prior to August
25 28, 2021, by an individual who has been ordered to be
26 evaluated under chapter 552, that did not result in the
27 [board] committee filing an action pursuant to subsection 2
28 of section 337.035, the [board] committee and the division
29 of professional registration, shall in a timely fashion:

30 (1) Destroy all documentation regarding the complaint;

31 (2) Notify any other licensing board in another state
32 or any national registry regarding the [board's] committee's
33 actions if they have been previously notified of the
34 complaint; and

35 (3) Send a letter to the licensee that clearly states
36 that the [board] committee found the complaint to be
37 unsubstantiated, that the [board] committee has taken the
38 requested action, and notify the licensee of the provisions
39 of subsection 3 of this section.

40 3. Any person who has been the subject of an
41 unsubstantiated complaint as provided in subsection 1 or 2
42 of this section shall not be required to disclose the
43 existence of such complaint in subsequent applications or
44 representations relating to their psychology professions.

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