

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 9
101ST GENERAL ASSEMBLY

0360H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 191.1145, 191.1146, 324.009, 324.012, 324.200, 324.206, 324.520, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 332.071, 333.041, 333.042, 333.061, 333.081, 333.315, 334.036, 334.108, 334.506, 334.530, 334.613, 334.655, 337.068, 339.100, 339.150, 376.1900, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof forty-seven new sections relating to licensed professionals, with penalty provisions and a delayed effective date for a certain section.

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

Section A. Sections 191.1145, 191.1146, 324.009, 324.012, 324.200, 324.206, 324.520, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 332.071, 333.041, 333.042, 333.061, 333.081, 333.315, 334.036, 334.108, 334.506, 334.530, 334.613, 334.655, 337.068, 339.100, 339.150, 376.1900, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, are repealed and forty-seven new sections enacted in lieu thereof, to be known as sections 191.1145, 191.1146, 324.009, 324.012, 324.093, 324.200, 324.206, 324.520, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 329.034, 332.071, 332.368, 332.600, 333.041, 333.042, 333.061, 333.081, 333.315, 334.036, 334.108, 334.506, 334.530, 334.613, 334.655, 337.068, 339.100, 339.150, 375.029, 376.1900, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.260, 436.263, and 436.266, to read as follows:

191.1145. 1. As used in sections 191.1145 and 191.1146, the following terms shall mean:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

3 (1) "Asynchronous store-and-forward transfer", the collection of a patient's relevant
4 health information and the subsequent transmission of that information from an originating site
5 to a health care provider at a distant site without the patient being present;

6 (2) "Clinical staff", any health care provider licensed in this state;

7 (3) "Distant site", a site at which a health care provider is located while providing health
8 care services by means of telemedicine;

9 (4) "Health care provider", as that term is defined in section 376.1350;

10 (5) "Originating site", a site at which a patient is located at the time health care services
11 are provided to him or her by means of telemedicine. For the purposes of asynchronous store-
12 and-forward transfer, originating site shall also mean the location at which the health care
13 provider transfers information to the distant site;

14 (6) "Telehealth" or "telemedicine", the delivery of health care services by means of
15 information and communication technologies which facilitate the assessment, diagnosis,
16 consultation, treatment, education, care management, and self-management of a patient's health
17 care while such patient is at the originating site and the health care provider is at the distant site.
18 Telehealth or telemedicine shall also include the use of asynchronous store-and-forward
19 technology, **including the use of such technology through an adaptive questionnaire.**

20 2. Any licensed health care provider shall be authorized to provide telehealth services
21 if such services are within the scope of practice for which the health care provider is licensed and
22 are provided with the same standard of care as services provided in person. This section shall
23 not be construed to prohibit a health carrier, as defined in section 376.1350, from reimbursing
24 nonclinical staff for services otherwise allowed by law.

25 3. In order to treat patients in this state through the use of telemedicine or telehealth,
26 health care providers shall be fully licensed to practice in this state and shall be subject to
27 regulation by their respective professional boards.

28 4. Nothing in subsection 3 of this section shall apply to:

29 (1) Informal consultation performed by a health care provider licensed in another state,
30 outside of the context of a contractual relationship, and on an irregular or infrequent basis
31 without the expectation or exchange of direct or indirect compensation;

32 (2) Furnishing of health care services by a health care provider licensed and located in
33 another state in case of an emergency or disaster; provided that, no charge is made for the
34 medical assistance; or

35 (3) Episodic consultation by a health care provider licensed and located in another state
36 who provides such consultation services on request to a physician in this state.

37 5. Nothing in this section shall be construed to alter the scope of practice of any health
38 care provider or to authorize the delivery of health care services in a setting or in a manner not
39 otherwise authorized by the laws of this state.

40 6. No originating site for services or activities provided under this section shall be
41 required to maintain immediate availability of on-site clinical staff during the telehealth services,
42 except as necessary to meet the standard of care for the treatment of the patient's medical
43 condition if such condition is being treated by an eligible health care provider who is not at the
44 originating site, has not previously seen the patient in person in a clinical setting, and is not
45 providing coverage for a health care provider who has an established relationship with the
46 patient.

47 7. Nothing in this section shall be construed to alter any collaborative practice
48 requirement as provided in chapters 334 and 335.

 191.1146. 1. Physicians licensed under chapter 334 who use telemedicine shall ensure
2 that a properly established physician-patient relationship exists with the person who receives the
3 telemedicine services. The physician-patient relationship may be established by:

4 (1) An in-person encounter through a medical interview and physical examination;
5 (2) Consultation with another physician, or that physician's delegate, who has an
6 established relationship with the patient and an agreement with the physician to participate in the
7 patient's care; or

8 (3) A telemedicine encounter, if the standard of care does not require an in-person
9 encounter, and in accordance with evidence-based standards of practice and telemedicine
10 practice guidelines that address the clinical and technological aspects of telemedicine.

11 2. In order to establish a physician-patient relationship through telemedicine:

12 (1) The technology utilized, **including any use of an adaptive questionnaire**, shall be
13 sufficient to establish an informed diagnosis as though the medical interview ~~and~~ **or** physical
14 examination has been performed in person; and

15 (2) Prior to providing treatment, including issuing prescriptions or physician
16 certifications under Article XIV of the Missouri Constitution, a physician who uses telemedicine
17 shall interview the patient, collect or review relevant medical history, and perform an
18 examination sufficient for the diagnosis and treatment of the patient. A **static** questionnaire
19 completed by the patient, whether via the internet or telephone, does not constitute an acceptable
20 medical interview and examination for the provision of treatment by telehealth.

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

2 (1) "License", a license, certificate, registration, permit, ~~or~~ accreditation, **or military**
3 **occupational specialty** that enables a person to legally practice an occupation or profession in
4 a particular jurisdiction;

5 (2) **"Military", the Armed Forces of the United States including the Air Force,**
6 **Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard and any other**
7 **military branch that is designated by Congress as part of the Armed Forces of the United**
8 **States, and all reserve components and auxiliaries. Such term also includes the military**
9 **reserves and militia of any United States territory or state;**

10 (3) "Nonresident military spouse", a nonresident spouse of an active duty member of the
11 Armed Forces of the United States who has been transferred or is scheduled to be transferred to
12 the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent
13 state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri
14 on a permanent change-of-station basis;

15 ~~(3)~~ (4) "Oversight body", any board, department, agency, or office of a jurisdiction that
16 issues licenses;

17 ~~(4)~~ (5) "Resident military spouse", a spouse of an active duty member of the Armed
18 Forces of the United States who has been transferred or is scheduled to be transferred to the state
19 of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who
20 is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

21 2. Any person who holds a valid current license issued by another state, **a branch or**
22 **unit of the military**, a territory of the United States, or the District of Columbia, and who has
23 been licensed for at least one year in such other jurisdiction, may submit an application for a
24 license in Missouri in the same occupation or profession, and at the same practice level, for
25 which he or she holds the current license, along with proof of current licensure and proof of
26 licensure for at least one year in the other jurisdiction, to the relevant oversight body in this state.

27 3. The oversight body in this state shall:

28 (1) Within six months of receiving an application described in subsection 2 of this
29 section, waive any examination, educational, or experience requirements for licensure in this
30 state for the applicant if it determines that there were minimum education requirements and, if
31 applicable, work experience and clinical supervision requirements in effect and the other state
32 verifies that the person met those requirements in order to be licensed or certified in that state.
33 An oversight body that administers an examination on laws of this state as part of its licensing
34 application requirement may require an applicant to take and pass an examination specific to the
35 laws of this state; or

36 (2) Within thirty days of receiving an application described in subsection 2 of this
37 section from a nonresident military spouse or a resident military spouse, waive any examination,
38 educational, or experience requirements for licensure in this state for the applicant and issue such
39 applicant a license under this section if such applicant otherwise meets the requirements of this
40 section.

41 4. (1) The oversight body shall not waive any examination, educational, or experience
42 requirements for any applicant who has had his or her license revoked by an oversight body
43 outside the state; who is currently under investigation, who has a complaint pending, or who is
44 currently under disciplinary action, except as provided in subdivision (2) of this subsection, with
45 an oversight body outside the state; who does not hold a license in good standing with an
46 oversight body outside the state; who has a criminal record that would disqualify him or her for
47 licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on
48 the date the oversight body receives his or her application under this section.

49 (2) If another jurisdiction has taken disciplinary action against an applicant, the oversight
50 body shall determine if the cause for the action was corrected and the matter resolved. If the
51 matter has not been resolved by that jurisdiction, the oversight body may deny a license until the
52 matter is resolved.

53 5. Nothing in this section shall prohibit the oversight body from denying a license to an
54 applicant under this section for any reason described in any section associated with the
55 occupation or profession for which the applicant seeks a license.

56 6. Any person who is licensed under the provisions of this section shall be subject to the
57 applicable oversight body's jurisdiction and all rules and regulations pertaining to the practice
58 of the licensed occupation or profession in this state.

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

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

64 9. The provisions of this section shall not impede an oversight body's authority to require
65 an applicant to submit fingerprints as part of the application process.

66 10. The provisions of this section shall not apply to an oversight body that has entered
67 into a licensing compact with another state for the regulation of practice under the oversight
68 body's jurisdiction. The provisions of this section shall not be construed to alter the authority
69 granted by, or any requirements promulgated pursuant to, any interjurisdictional or interstate
70 compacts adopted by Missouri statute or any reciprocity agreements with other states in effect
71 on August 28, 2018, and whenever possible this section shall be interpreted so as to imply no
72 conflict between it and any compact, or any reciprocity agreements with other states in effect on
73 August 28, 2018.

74 11. Notwithstanding any other provision of law, a license issued under this section shall
75 be valid only in this state and shall not make a licensee eligible to be part of an interstate

76 compact. An applicant who is licensed in another state pursuant to an interstate compact shall
77 not be eligible for licensure by an oversight body under the provisions of this section.

78 ~~[12. The provisions of this section shall not apply to any occupation set forth in~~
79 ~~subsection 6 of section 290.257, or any electrical contractor licensed under sections 324.900 to~~
80 ~~324.945.]~~

324.012. 1. This section shall be known and may be cited as the "Fresh Start Act of
2 2020".

3 2. As used in this section, the following terms mean:

4 (1) "Criminal conviction", any conviction, finding of guilt, plea of guilty, or plea of nolo
5 contendere;

6 (2) "Licensing", any required training, education, or fee to work in a specific occupation,
7 profession, or activity in the state;

8 (3) "Licensing authority", an agency, examining board, credentialing board, or other
9 office of the state with the authority to impose occupational fees or licensing requirements on
10 any profession. **For purposes of the provisions of this section other than subsection 7 of this**
11 **section**, the term "licensing authority" shall not include the state board of education's licensure
12 of teachers pursuant to chapter 168, the Missouri state board of accountant's licensure of
13 accountants pursuant to chapter 326, the board of podiatric medicine's licensure of podiatrists
14 pursuant to chapter 330, the Missouri dental board's licensure of dentists pursuant to chapter 332,
15 the state board of registration for the healing art's licensure of physicians and surgeons pursuant
16 to chapter 334, the Missouri state board of nursing's licensure of nurses pursuant to chapter 335,
17 the board of pharmacy's licensure of pharmacists pursuant to chapter 338, the Missouri real estate
18 commission's licensure of real estate brokers, real estate salespersons, or real estate broker-
19 salespersons pursuant to sections 339.010 to 339.205, the Missouri veterinary medical board's
20 licensure of veterinarian's pursuant to chapter 340, the Missouri director of finance appointed
21 pursuant to chapter 361, or the peace officer standards and training commission's licensure of
22 peace officers or other law enforcement personnel pursuant to chapter 590;

23 (4) "Political subdivision", a city, town, village, municipality, or county.

24 3. Notwithstanding any other provision of law, beginning January 1, 2021, no person
25 shall be disqualified by a state licensing authority from pursuing, practicing, or engaging in any
26 occupation for which a license is required solely or in part because of a prior conviction of a
27 crime in this state or another state, unless the criminal conviction directly relates to the duties
28 and responsibilities for the licensed occupation as set forth in this section or is violent or sexual
29 in nature.

30 4. Beginning August 28, 2020, applicants for examination of licensure who have pleaded
31 guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following

32 offenses or offenses of a similar nature established under the laws of this state, any other state,
33 United States, or any other country, notwithstanding whether sentence is imposed, shall be
34 considered by state licensing authorities to have committed a criminal offense that directly relates
35 to the duties and responsibilities of a licensed profession:

36 (1) Any murder in the first degree, or dangerous felony as defined under section 556.061
37 excluding an intoxication-related traffic offense or intoxication-related boating offense if the
38 person is found to be a habitual offender or habitual boating offender as such terms are defined
39 in section 577.001;

40 (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,
41 statutory rape in the first degree, statutory rape in the second degree, rape in the second degree,
42 sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree,
43 statutory sodomy in the second degree, child molestation in the first degree, child molestation
44 in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct
45 involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior
46 to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013,
47 sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

48 (3) Any of the following offenses against the family and related offenses: incest,
49 abandonment of a child in the first degree, abandonment of a child in the second degree,
50 endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual
51 performance, promoting sexual performance by a child, or trafficking in children; and

52 (4) Any of the following offenses involving child pornography and related offenses:
53 promoting obscenity in the first degree, promoting obscenity in the second degree when the
54 penalty is enhanced to a class E felony, promoting child pornography in the first degree,
55 promoting child pornography in the second degree, possession of child pornography in the first
56 degree, possession of child pornography in the second degree, furnishing child pornography to
57 a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene
58 material;

59 (5) The offense of delivery of a controlled substance, as provided in section 579.020,
60 may be a disqualifying criminal offense for the following occupations: real estate appraisers and
61 appraisal management companies, licensed pursuant to sections 339.500 to 339.549; and nursing
62 home administrators, licensed pursuant to chapter 344; and

63 (6) Any offense an essential element of which is fraud may be a disqualifying criminal
64 offense for the following occupations: private investigators, licensed pursuant to sections
65 324.1100 to 324.1148; accountants, licensed pursuant to chapter 326; architects, licensed
66 pursuant to sections 327.091 to 327.172; engineers, licensed pursuant to sections 327.181 to
67 327.271; land surveyors, licensed pursuant to sections 327.272 to 327.371; landscape architects,

68 licensed pursuant to sections 327.600 to 327.635; chiropractors, licensed pursuant to chapter
69 331; embalmers and funeral directors, licensed pursuant to chapter 333; real estate appraisers and
70 appraisal management companies, licensed pursuant to sections 339.500 to 339.549; and nursing
71 home administrators, licensed pursuant to chapter 344.

72 5. If an individual is charged with any of the crimes set forth in subsection 4 of this
73 section, and is convicted, pleads guilty to, or is found guilty of a lesser-included offense and is
74 sentenced to a period of incarceration, such conviction shall only be considered by state licensing
75 authorities as a criminal offense that directly relates to the duties and responsibilities of a
76 licensed profession for four years, beginning on the date such individual is released from
77 incarceration.

78 6. (1) ~~[Licensing authorities shall only list criminal convictions that are directly related~~
79 ~~to the duties and responsibilities for the licensed occupation.~~

80 ~~——(2)]~~ The licensing authority shall determine whether an applicant with a criminal
81 conviction ~~[listed under subdivision (1) of this subsection]~~ will be denied a license based on the
82 following factors:

83 (a) The nature and seriousness of the crime for which the individual was convicted;

84 (b) The passage of time since the commission of the crime, including consideration of
85 the factors listed under subdivision ~~[(3)]~~ (2) of this subsection;

86 (c) The relationship of the crime to the ability, capacity, and fitness required to perform
87 the duties and discharge the responsibilities of the occupation; and

88 (d) Any evidence of rehabilitation or treatment undertaken by the individual that might
89 mitigate against a direct relation.

90 ~~[(3)]~~ (2) If an individual has a valid criminal conviction for a criminal offense that could
91 disqualify the individual from receiving a license, the disqualification shall not apply to an
92 individual who has been exonerated for a crime for which he or she has previously been
93 convicted of or incarcerated.

94 7. An individual with a criminal record may petition a licensing authority at any time for
95 a determination of whether the individual's criminal record will disqualify the individual from
96 obtaining a license. This petition shall include details on the individual's criminal record. The
97 licensing authority shall inform the individual of his or her standing within thirty days after the
98 licensing authority has met, but in no event more than four months after receiving the petition
99 from the applicant. The decision shall be binding, unless the individual has subsequent criminal
100 convictions or failed to disclose information in his or her petition. **If the decision is that the**
101 **individual is disqualified, the individual shall be notified in writing of the grounds and**
102 **reasons for disqualification.** The licensing authority may charge a fee by rule to recoup its
103 costs as set by rulemaking authority not to exceed twenty-five dollars for each petition.

104 8. (1) If a licensing authority denies an individual a license solely or in part because of
105 the individual's prior conviction of a crime, the licensing authority shall notify the individual in
106 writing of the following:

107 (a) The grounds and reasons for the denial or disqualification;

108 (b) That the individual has the right to a hearing as provided by chapter 621 to challenge
109 the licensing authority's decision;

110 (c) The earliest date the person may reapply for a license; and

111 (d) That evidence of rehabilitation may be considered upon reapplication.

112 (2) Any written determination by the licensing authority that an applicant's criminal
113 conviction is a specifically listed disqualifying conviction and is directly related to the duties and
114 responsibilities for the licensed occupation shall be documented with written findings for each
115 of the grounds or reasons under paragraph (a) of subdivision (1) of this subsection by clear and
116 convincing evidence sufficient for a reviewing court.

117 (3) In any administrative hearing or civil litigation authorized under this subsection, the
118 licensing authority shall carry the burden of proof on the question of whether the applicant's
119 criminal conviction directly relates to the occupation for which the license is sought.

120 9. The provisions of this section shall apply to any profession for which an occupational
121 license is issued in this state, including any new occupational license created by a state licensing
122 authority after August 28, 2020. Notwithstanding any other provision of law, political
123 subdivisions shall be prohibited from creating any new occupational licenses after August 28,
124 2020. The provisions of this section shall not apply to business licenses, where the terms
125 "occupational licenses" and "business licenses" are used interchangeably in a city or county
126 charter definition.

324.093. OCCUPATIONAL THERAPY LICENSURE COMPACT

2 SECTION 1. PURPOSE

3 **The purpose of this Compact is to facilitate interstate practice of Occupational Therapy**
4 **with the goal of improving public access to Occupational Therapy services. The Practice**
5 **of Occupational Therapy occurs in the State where the patient/client is located at the time**
6 **of the patient/client encounter. The Compact preserves the regulatory authority of States**
7 **to protect public health and safety through the current system of State licensure.**

8

9 **This Compact is designed to achieve the following objectives:**

10 **A. Increase public access to Occupational Therapy services by providing for the**
11 **mutual recognition of other Member State licenses;**

12 **B. Enhance the States' ability to protect the public's health and safety;**

- 13 **C. Encourage the cooperation of Member States in regulating multi-State**
14 **Occupational Therapy Practice;**
- 15 **D. Support spouses of relocating military members;**
- 16 **E. Enhance the exchange of licensure, investigative, and disciplinary information**
17 **between Member States;**
- 18 **F. Allow a Remote State to hold a provider of services with a Compact Privilege in**
19 **that State accountable to that State's practice standards; and**
- 20 **G. Facilitate the use of Telehealth technology in order to increase access to**
21 **Occupational Therapy services.**

22 **SECTION 2. DEFINITIONS**

23 **As used in this Compact, and except as otherwise provided, the following definitions shall**
24 **apply:**

25 **A. "Active Duty Military" means full-time duty status in the active uniformed**
26 **service of the United States, including members of the National Guard and Reserve on**
27 **active duty orders pursuant to 10 U.S.C. Chapter 1209 and Section 1211.**

28 **B. "Adverse Action" means any administrative, civil, equitable, or criminal action**
29 **permitted by a State's laws which is imposed by a Licensing Board or other authority**
30 **against an Occupational Therapist or Occupational Therapy Assistant, including actions**
31 **against an individual's license or Compact Privilege such as censure, revocation,**
32 **suspension, probation, monitoring of the Licensee, or restriction on the Licensee's practice.**

33 **C. "Alternative Program" means a non-disciplinary monitoring process approved**
34 **by an Occupational Therapy Licensing Board.**

35 **D. "Compact Privilege" means the authorization, which is equivalent to a license,**
36 **granted by a Remote State to allow a Licensee from another Member State to practice as**
37 **an Occupational Therapist or practice as an Occupational Therapy Assistant in the**
38 **Remote State under its laws and rules. The Practice of Occupational Therapy occurs in**
39 **the Member State where the patient/client is located at the time of the patient/client**
40 **encounter.**

41 **E. "Continuing Competence/Education" means a requirement, as a condition of**
42 **license renewal, to provide evidence of participation in, and/or completion of, educational**
43 **and professional activities relevant to practice or area of work.**

44 **F. "Current Significant Investigative Information" means Investigative**
45 **Information that a Licensing Board, after an inquiry or investigation that includes**
46 **notification and an opportunity for the Occupational Therapist or Occupational Therapy**
47 **Assistant to respond, if required by State law, has reason to believe is not groundless and,**
48 **if proved true, would indicate more than a minor infraction.**

49 **G. "Data System" means a repository of information about Licensees, including**
50 **but not limited to license status, Investigative Information, Compact Privileges, and**
51 **Adverse Actions.**

52 **H. "Encumbered License" means a license in which an Adverse Action restricts the**
53 **Practice of Occupational Therapy by the Licensee or said Adverse Action has been**
54 **reported to the National Practitioners Data Bank (NPDB).**

55 **I. "Executive Committee" means a group of directors elected or appointed to act**
56 **on behalf of, and within the powers granted to them by, the Commission.**

57 **J. "Home State" means the Member State that is the Licensee's Primary State of**
58 **Residence.**

59 **K. "Impaired Practitioner" means individuals whose professional practice is**
60 **adversely affected by substance abuse, addiction, or other health-related conditions.**

61 **L. "Investigative Information" means information, records, and/or documents**
62 **received or generated by an Occupational Therapy Licensing Board pursuant to an**
63 **investigation.**

64 **M. "Jurisprudence Requirement" means the assessment of an individual's**
65 **knowledge of the laws and rules governing the Practice of Occupational Therapy in a State.**

66 **N. "Licensee" means an individual who currently holds an authorization from the**
67 **State to practice as an Occupational Therapist or as an Occupational Therapy Assistant.**

68 **O. "Member State" means a State that has enacted the Compact.**

69 **P. "Occupational Therapist" means an individual who is licensed by a State to**
70 **practice Occupational Therapy.**

71 **Q. "Occupational Therapy Assistant" means an individual who is licensed by a**
72 **State to assist in the Practice of Occupational Therapy.**

73 **R. "Occupational Therapy," "Occupational Therapy Practice," and the "Practice**
74 **of Occupational Therapy" mean the care and services provided by an Occupational**
75 **Therapist or an Occupational Therapy Assistant as set forth in the Member State's statutes**
76 **and regulations.**

77 **S. "Occupational Therapy Compact Commission" or "Commission" means the**
78 **national administrative body whose membership consists of all States that have enacted the**
79 **Compact.**

80 **T. "Occupational Therapy Licensing Board" or "Licensing Board" means the**
81 **agency of a State that is authorized to license and regulate Occupational Therapists and**
82 **Occupational Therapy Assistants.**

83 **U. "Primary State of Residence" means the state (also known as the Home State)**
84 **in which an Occupational Therapist or Occupational Therapy Assistant who is not Active**

85 **Duty Military declares a primary residence for legal purposes as verified by: driver's**
86 **license, federal income tax return, lease, deed, mortgage or voter registration or other**
87 **verifying documentation as further defined by Commission Rules.**

88 **V. "Remote State" means a Member State other than the Home State, where a**
89 **Licensee is exercising or seeking to exercise the Compact Privilege.**

90 **W. "Rule" means a regulation promulgated by the Commission that has the force**
91 **of law.**

92 **X. "State" means any state, commonwealth, district, or territory of the United**
93 **States of America that regulates the Practice of Occupational Therapy.**

94 **Y. "Single-State License" means an Occupational Therapist or Occupational**
95 **Therapy Assistant license issued by a Member State that authorizes practice only within**
96 **the issuing State and does not include a Compact Privilege in any other Member State.**

97 **Z "Telehealth" means the application of telecommunication technology to deliver**
98 **Occupational Therapy services for assessment, intervention and/or consultation.**

99 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

100 **A. To participate in the Compact, a Member State shall:**

101 **1. License Occupational Therapists and Occupational Therapy Assistants;**

102 **2. Participate fully in the Commission's Data System, including but not limited to**
103 **using the Commission's unique identifier as defined in Rules of the Commission;**

104 **3. Have a mechanism in place for receiving and investigating complaints about**
105 **Licensees;**

106 **4. Notify the Commission, in compliance with the terms of the Compact and Rules,**
107 **of any Adverse Action or the availability of Investigative Information regarding a**
108 **Licensee;**

109 **5. Implement or utilize procedures for considering the criminal history records of**
110 **applicants for an initial Compact Privilege. These procedures shall include the submission**
111 **of fingerprints or other biometric-based information by applicants for the purpose of**
112 **obtaining an applicant's criminal history record information from the Federal Bureau of**
113 **Investigation and the agency responsible for retaining that State's criminal records;**

114 **a. A Member State shall, within a time frame established by the Commission,**
115 **require a criminal background check for a Licensee seeking/applying for a Compact**
116 **Privilege whose Primary State of Residence is that Member State, by receiving the results**
117 **of the Federal Bureau of Investigation criminal record search, and shall use the results in**
118 **making licensure decisions.**

119 **b. Communication between a Member State, the Commission and among Member**
120 **States regarding the verification of eligibility for licensure through the Compact shall not**

121 include any information received from the Federal Bureau of Investigation relating to a
122 federal criminal records check performed by a Member State under Public Law 92-544.

123 6. Comply with the Rules of the Commission;

124 7. Utilize only a recognized national examination as a requirement for licensure
125 pursuant to the Rules of the Commission; and

126 8. Have Continuing Competence/Education requirements as a condition for license
127 renewal.

128 B. A Member State shall grant the Compact Privilege to a Licensee holding a valid
129 unencumbered license in another Member State in accordance with the terms of the
130 Compact and Rules.

131 C. Member States may charge a fee for granting a Compact Privilege.

132 D. A Member State shall provide for the State's delegate to attend all Occupational
133 Therapy Compact Commission meetings.

134 E. Individuals not residing in a Member State shall continue to be able to apply for
135 a Member State's Single-State License as provided under the laws of each Member State.
136 However, the Single-State License granted to these individuals shall not be recognized as
137 granting the Compact Privilege in any other Member State.

138 F. Nothing in this Compact shall affect the requirements established by a Member
139 State for the issuance of a Single-State License.

140 SECTION 4. COMPACT PRIVILEGE

141 A. To exercise the Compact Privilege under the terms and provisions of the
142 Compact, the Licensee shall:

143 1. Hold a license in the Home State;

144 2. Have a valid United States Social Security Number or National Practitioner
145 Identification number;

146 3. Have no encumbrance on any State license;

147 4. Be eligible for a Compact Privilege in any Member State in accordance with
148 Section 4D, F, G, and H;

149 5. Have paid all fines and completed all requirements resulting from any Adverse
150 Action against any license or Compact Privilege, and two years have elapsed from the date
151 of such completion;

152 6. Notify the Commission that the Licensee is seeking the Compact Privilege within
153 a Remote State(s);

154 7. Pay any applicable fees, including any State fee, for the Compact Privilege;

155 8. Complete a criminal background check in accordance with Section 3A(5);

156 a. The Licensee shall be responsible for the payment of any fee associated with the
157 completion of a criminal background check.

158 9. Meet any Jurisprudence Requirements established by the Remote State(s) in
159 which the Licensee is seeking a Compact Privilege; and

160 10. Report to the Commission Adverse Action taken by any non-Member State
161 within 30 days from the date the Adverse Action is taken.

162 B. The Compact Privilege is valid until the expiration date of the Home State
163 license. The Licensee must comply with the requirements of Section 4A to maintain the
164 Compact Privilege in the Remote State.

165 C. A Licensee providing Occupational Therapy in a Remote State under the
166 Compact Privilege shall function within the laws and regulations of the Remote State.

167 D. Occupational Therapy Assistants practicing in a Remote State shall be
168 supervised by an Occupational Therapist licensed or holding a Compact Privilege in that
169 Remote State.

170 E. A Licensee providing Occupational Therapy in a Remote State is subject to that
171 State's regulatory authority. A Remote State may, in accordance with due process and that
172 State's laws, remove a Licensee's Compact Privilege in the Remote State for a specific
173 period of time, impose fines, and/or take any other necessary actions to protect the health
174 and safety of its citizens. The Licensee may be ineligible for a Compact Privilege in any
175 State until the specific time for removal has passed and all fines are paid.

176 F. If a Home State license is encumbered, the Licensee shall lose the Compact
177 Privilege in any Remote State until the following occur:

178 1. The Home State license is no longer encumbered; and

179 2. Two years have elapsed from the date on which the Home State license is no
180 longer encumbered in accordance with Section 4(F)(1).

181 G. Once an Encumbered License in the Home State is restored to good standing,
182 the Licensee must meet the requirements of Section 4A to obtain a Compact Privilege in
183 any Remote State.

184 H. If a Licensee's Compact Privilege in any Remote State is removed, the individual
185 may lose the Compact Privilege in any other Remote State until the following occur:

186 1. The specific period of time for which the Compact Privilege was removed has
187 ended;

188 2. All fines have been paid and all conditions have been met;

189 3. Two years have elapsed from the date of completing requirements for 4(H)(1)
190 and (2); and

191 **4. The Compact Privileges are reinstated by the Commission, and the compact Data**
192 **System is updated to reflect reinstatement.**

193 **I. If a Licensee's Compact Privilege in any Remote State is removed due to an**
194 **erroneous charge, privileges shall be restored through the compact Data System.**

195 **J. Once the requirements of Section 4H have been met, the license must meet the**
196 **requirements in Section 4A to obtain a Compact Privilege in a Remote State.**

197 **SECTION 5. OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF**
198 **COMPACT PRIVILEGE**

199 **A. An Occupational Therapist or Occupational Therapy Assistant may hold a**
200 **Home State license, which allows for Compact Privileges in Member States, in only one**
201 **Member State at a time.**

202 **B. If an Occupational Therapist or Occupational Therapy Assistant changes**
203 **Primary State of Residence by moving between two Member States:**

204 **1. The Occupational Therapist or Occupational Therapy Assistant shall file an**
205 **application for obtaining a new Home State license by virtue of a Compact Privilege, pay**
206 **all applicable fees, and notify the current and new Home State in accordance with**
207 **applicable Rules adopted by the Commission.**

208 **2. Upon receipt of an application for obtaining a new Home State license by virtue**
209 **of compact privilege, the new Home State shall verify that the Occupational Therapist or**
210 **Occupational Therapy Assistant meets the pertinent criteria outlined in Section 4 via the**
211 **Data System, without need for primary source verification except for:**

212 **a. an FBI fingerprint based criminal background check if not previously performed**
213 **or updated pursuant to applicable Rules adopted by the Commission in accordance with**
214 **Public Law 92-544;**

215 **b. other criminal background check as required by the new Home State; and**

216 **c. submission of any requisite Jurisprudence Requirements of the new Home State.**

217 **3. The former Home State shall convert the former Home State license into a**
218 **Compact Privilege once the new Home State has activated the new Home State license in**
219 **accordance with applicable Rules adopted by the Commission.**

220 **4. Notwithstanding any other provision of this Compact, if the Occupational**
221 **Therapist or Occupational Therapy Assistant cannot meet the criteria in Section 4, the new**
222 **Home State shall apply its requirements for issuing a new Single-State License.**

223 **5. The Occupational Therapist or the Occupational Therapy Assistant shall pay all**
224 **applicable fees to the new Home State in order to be issued a new Home State license.**

225 **C. If an Occupational Therapist or Occupational Therapy Assistant changes**
226 **Primary State of Residence by moving from a Member State to a non-Member State, or**

227 from a non-Member State to a Member State, the State criteria shall apply for issuance of
228 a Single-State License in the new State.

229 **D. Nothing in this compact shall interfere with a Licensee's ability to hold a Single-**
230 **State License in multiple States; however, for the purposes of this compact, a Licensee shall**
231 **have only one Home State license.**

232 **E. Nothing in this Compact shall affect the requirements established by a Member**
233 **State for the issuance of a Single-State License.**

234 **SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES**

235 **A. Active Duty Military personnel, or their spouses, shall designate a Home State**
236 **where the individual has a current license in good standing. The individual may retain the**
237 **Home State designation during the period the service member is on active duty.**
238 **Subsequent to designating a Home State, the individual shall only change their Home State**
239 **through application for licensure in the new State or through the process described in**
240 **Section 5.**

241 **SECTION 7. ADVERSE ACTIONS**

242 **A. A Home State shall have exclusive power to impose Adverse Action against an**
243 **Occupational Therapist's or Occupational Therapy Assistant's license issued by the Home**
244 **State.**

245 **B. In addition to the other powers conferred by State law, a Remote State shall**
246 **have the authority, in accordance with existing State due process law, to:**

247 **1. Take Adverse Action against an Occupational Therapist's or Occupational**
248 **Therapy Assistant's Compact Privilege within that Member State.**

249 **2. Issue subpoenas for both hearings and investigations that require the attendance**
250 **and testimony of witnesses as well as the production of evidence. Subpoenas issued by a**
251 **Licensing Board in a Member State for the attendance and testimony of witnesses or the**
252 **production of evidence from another Member State shall be enforced in the latter State by**
253 **any court of competent jurisdiction, according to the practice and procedure of that court**
254 **applicable to subpoenas issued in proceedings pending before it. The issuing authority**
255 **shall pay any witness fees, travel expenses, mileage and other fees required by the service**
256 **statutes of the State in which the witnesses or evidence are located.**

257 **C. For purposes of taking Adverse Action, the Home State shall give the same**
258 **priority and effect to reported conduct received from a Member State as it would if the**
259 **conduct had occurred within the Home State. In so doing, the Home State shall apply its**
260 **own State laws to determine appropriate action.**

261 **D. The Home State shall complete any pending investigations of an Occupational**
262 **Therapist or Occupational Therapy Assistant who changes Primary State of Residence**

263 during the course of the investigations. The Home State, where the investigations were
264 initiated, shall also have the authority to take appropriate action(s) and shall promptly
265 report the conclusions of the investigations to the OT Compact Commission Data System.
266 The Occupational Therapy Compact Commission Data System administrator shall
267 promptly notify the new Home State of any Adverse Actions.

268 E. A Member State, if otherwise permitted by State law, may recover from the
269 affected Occupational Therapist or Occupational Therapy Assistant the costs of
270 investigations and disposition of cases resulting from any Adverse Action taken against
271 that Occupational Therapist or Occupational Therapy Assistant.

272 F. A Member State may take Adverse Action based on the factual findings of the
273 Remote State, provided that the Member State follows its own procedures for taking the
274 Adverse Action.

275 G. Joint Investigations

276 1. In addition to the authority granted to a Member State by its respective State
277 Occupational Therapy laws and regulations or other applicable State law, any Member
278 State may participate with other Member States in joint investigations of Licensees.

279 2. Member States shall share any investigative, litigation, or compliance materials
280 in furtherance of any joint or individual investigation initiated under the Compact.

281 H. If an Adverse Action is taken by the Home State against an Occupational
282 Therapist's or Occupational Therapy Assistant's license, the Occupational Therapist's or
283 Occupational Therapy Assistant's Compact Privilege in all other Member States shall be
284 deactivated until all encumbrances have been removed from the State license. All Home
285 State disciplinary orders that impose Adverse Action against an Occupational Therapist's
286 or Occupational Therapy Assistant's license shall include a Statement that the
287 Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege is
288 deactivated in all Member States during the pendency of the order.

289 I. If a Member State takes Adverse Action, it shall promptly notify the
290 administrator of the Data System. The administrator of the Data System shall promptly
291 notify the Home State of any Adverse Actions by Remote States.

292 J. Nothing in this Compact shall override a Member State's decision that
293 participation in an Alternative Program may be used in lieu of Adverse Action.

294 SECTION 8. ESTABLISHMENT OF THE OCCUPATIONAL THERAPY 295 COMPACT COMMISSION

296 A. The Compact Member States hereby create and establish a joint public agency
297 known as the Occupational Therapy Compact Commission:

298 1. The Commission is an instrumentality of the Compact States.

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

304 **3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.**

305 **B. Membership, Voting, and Meetings**

306 **1. Each Member State shall have and be limited to one (1) delegate selected by that**
307 **Member State's Licensing Board.**

308 **2. The delegate shall be either:**

309 **a. A current member of the Licensing Board, who is an Occupational Therapist,**
310 **Occupational Therapy Assistant, or public member; or**

311 **b. An administrator of the Licensing Board.**

312 **3. Any delegate may be removed or suspended from office as provided by the law**
313 **of the State from which the delegate is appointed.**

314 **4. The Member State board shall fill any vacancy occurring in the Commission**
315 **within 90 days.**

316 **5. Each delegate shall be entitled to one (1) vote with regard to the promulgation**
317 **of Rules and creation of bylaws and shall otherwise have an opportunity to participate in**
318 **the business and affairs of the Commission. A delegate shall vote in person or by such**
319 **other means as provided in the bylaws. The bylaws may provide for delegates'**
320 **participation in meetings by telephone or other means of communication.**

321 **6. The Commission shall meet at least once during each calendar year. Additional**
322 **meetings shall be held as set forth in the bylaws.**

323 **7. The Commission shall establish by Rule a term of office for delegates.**

324 **C. The Commission shall have the following powers and duties:**

325 **1. Establish a Code of Ethics for the Commission;**

326 **2. Establish the fiscal year of the Commission;**

327 **3. Establish bylaws;**

328 **4. Maintain its financial records in accordance with the bylaws;**

329 **5. Meet and take such actions as are consistent with the provisions of this Compact**
330 **and the bylaws;**

331 **6. Promulgate uniform Rules to facilitate and coordinate implementation and**
332 **administration of this Compact. The Rules shall have the force and effect of law and shall**
333 **be binding in all Member States;**

334 **7. Bring and prosecute legal proceedings or actions in the name of the Commission,**
335 **provided that the standing of any State Occupational Therapy Licensing Board to sue or**
336 **be sued under applicable law shall not be affected;**

337 **8. Purchase and maintain insurance and bonds;**

338 **9. Borrow, accept, or contract for services of personnel, including, but not limited**
339 **to, employees of a Member State;**

340 **10. Hire employees, elect or appoint officers, fix compensation, define duties, grant**
341 **such individuals appropriate authority to carry out the purposes of the Compact, and**
342 **establish the Commission's personnel policies and programs relating to conflicts of interest,**
343 **qualifications of personnel, and other related personnel matters;**

344 **11. Accept any and all appropriate donations and grants of money, equipment,**
345 **supplies, materials and services, and receive, utilize and dispose of the same; provided that**
346 **at all times the Commission shall avoid any appearance of impropriety and/or conflict of**
347 **interest;**

348 **12. Lease, purchase, accept appropriate gifts or donations of, or otherwise own,**
349 **hold, improve or use, any property, real, personal or mixed; provided that at all times the**
350 **Commission shall avoid any appearance of impropriety;**

351 **13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose**
352 **of any property real, personal, or mixed;**

353 **14. Establish a budget and make expenditures;**

354 **15. Borrow money;**

355 **16. Appoint committees, including standing committees composed of members,**
356 **State regulators, State legislators or their representatives, and consumer representatives,**
357 **and such other interested persons as may be designated in this Compact and the bylaws;**

358 **17. Provide and receive information from, and cooperate with, law enforcement**
359 **agencies;**

360 **18. Establish and elect an Executive Committee; and**

361 **19. Perform such other functions as may be necessary or appropriate to achieve the**
362 **purposes of this Compact consistent with the State regulation of Occupational Therapy**
363 **licensure and practice.**

364 **D. The Executive Committee**

365 **The Executive Committee shall have the power to act on behalf of the Commission**
366 **according to the terms of this Compact.**

367 **1. The Executive Committee shall be composed of nine members:**

368 **a. Seven voting members who are elected by the Commission from the current**
369 **membership of the Commission;**

- 370 **b. One ex-officio, nonvoting member from a recognized national Occupational**
371 **Therapy professional association; and**
- 372 **c. One ex-officio, nonvoting member from a recognized national Occupational**
373 **Therapy certification organization.**
- 374 **2. The ex-officio members will be selected by their respective organizations.**
- 375 **3. The Commission may remove any member of the Executive Committee as**
376 **provided in bylaws.**
- 377 **4. The Executive Committee shall meet at least annually.**
- 378 **5. The Executive Committee shall have the following Duties and responsibilities:**
- 379 **a. Recommend to the entire Commission changes to the Rules or bylaws, changes**
380 **to this Compact legislation, fees paid by Compact Member States such as annual dues, and**
381 **any Commission Compact fee charged to Licensees for the Compact Privilege;**
- 382 **b. Ensure Compact administration services are appropriately provided, contractual**
383 **or otherwise;**
- 384 **c. Prepare and recommend the budget;**
- 385 **d. Maintain financial records on behalf of the Commission;**
- 386 **e. Monitor Compact compliance of Member States and provide compliance reports**
387 **to the Commission;**
- 388 **f. Establish additional committees as necessary; and**
- 389 **g. Perform other duties as provided in Rules or bylaws.**
- 390 **E. Meetings of the Commission**
- 391 **1. All meetings shall be open to the public, and public notice of meetings shall be**
392 **given in the same manner as required under the Rulemaking provisions in Section 10.**
- 393 **2. The Commission or the Executive Committee or other committees of the**
394 **Commission may convene in a closed, non-public meeting if the Commission or Executive**
395 **Committee or other committees of the Commission must discuss:**
- 396 **a. Non-compliance of a Member State with its obligations under the Compact;**
- 397 **b. The employment, compensation, discipline or other matters, practices or**
398 **procedures related to specific employees or other matters related to the Commission's**
399 **internal personnel practices and procedures;**
- 400 **c. Current, threatened, or reasonably anticipated litigation;**
- 401 **d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real**
402 **estate;**
- 403 **e. Accusing any person of a crime or formally censuring any person;**
- 404 **f. Disclosure of trade secrets or commercial or financial information that is**
405 **privileged or confidential;**

406 g. Disclosure of information of a personal nature where disclosure would constitute
407 a clearly unwarranted invasion of personal privacy;

408 h. Disclosure of investigative records compiled for law enforcement purposes;

409 i. Disclosure of information related to any investigative reports prepared by or on
410 behalf of or for use of the Commission or other committee charged with responsibility of
411 investigation or determination of compliance issues pursuant to the Compact; or

412 j. Matters specifically exempted from disclosure by federal or Member State
413 statute.

414 3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
415 Commission's legal counsel or designee shall certify that the meeting may be closed and
416 shall reference each relevant exempting provision.

417 4. The Commission shall keep minutes that fully and clearly describe all matters
418 discussed in a meeting and shall provide a full and accurate summary of actions taken, and
419 the reasons therefore, including a description of the views expressed. All documents
420 considered in connection with an action shall be identified in such minutes. All minutes
421 and documents of a closed meeting shall remain under seal, subject to release by a majority
422 vote of the Commission or order of a court of competent jurisdiction.

423 F. Financing of the Commission

424 1. The Commission shall pay, or provide for the payment of, the reasonable
425 expenses of its establishment, organization, and ongoing activities.

426 2. The Commission may accept any and all appropriate revenue sources, donations,
427 and grants of money, equipment, supplies, materials, and services.

428 3. The Commission may levy on and collect an annual assessment from each
429 Member State or impose fees on other parties to cover the cost of the operations and
430 activities of the Commission and its staff, which must be in a total amount sufficient to
431 cover its annual budget as approved by the Commission each year for which revenue is not
432 provided by other sources. The aggregate annual assessment amount shall be allocated
433 based upon a formula to be determined by the Commission, which shall promulgate a Rule
434 binding upon all Member States.

435 4. The Commission shall not incur obligations of any kind prior to securing the
436 funds adequate to meet the same; nor shall the Commission pledge the credit of any of the
437 Member States, except by and with the authority of the Member State.

438 5. The Commission shall keep accurate accounts of all receipts and disbursements.
439 The receipts and disbursements of the Commission shall be subject to the audit and
440 accounting procedures established under its bylaws. However, all receipts and
441 disbursements of funds handled by the Commission shall be audited yearly by a certified

442 or licensed public accountant, and the report of the audit shall be included in and become
443 part of the annual report of the Commission.

444 **G. Qualified Immunity, Defense, and Indemnification**

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

454 **2. The Commission shall defend any member, officer, executive director, employee,**
455 **or representative of the Commission in any civil action seeking to impose liability arising**
456 **out of any actual or alleged act, error, or omission that occurred within the scope of**
457 **Commission employment, duties, or responsibilities, or that the person against whom the**
458 **claim is made had a reasonable basis for believing occurred within the scope of**
459 **Commission employment, duties, or responsibilities; provided that nothing herein shall be**
460 **construed to prohibit that person from retaining his or her own counsel; and provided**
461 **further, that the actual or alleged act, error, or omission did not result from that person's**
462 **intentional or willful or wanton misconduct.**

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

471 **SECTION 9. DATA SYSTEM**

472 **A. The Commission shall provide for the development, maintenance, and utilization**
473 **of a coordinated database and reporting system containing licensure, Adverse Action, and**
474 **Investigative Information on all licensed individuals in Member States.**

475 **B. A Member State shall submit a uniform data set to the Data System on all**
476 **individuals to whom this Compact is applicable (utilizing a unique identifier) as required**
477 **by the Rules of the Commission, including:**

- 478 **1. Identifying information;**
479 **2. Licensure data;**
480 **3. Adverse Actions against a license or Compact Privilege;**
481 **4. Non-confidential information related to Alternative Program participation;**
482 **5. Any denial of application for licensure, and the reason(s) for such denial;**
483 **6. Other information that may facilitate the administration of this Compact, as**
484 **determined by the Rules of the Commission; and**
485 **7. Current Significant Investigative Information.**

486 **C. Current Significant Investigative Information and other Investigative**
487 **Information pertaining to a Licensee in any Member State will only be available to other**
488 **Member States.**

489 **D. The Commission shall promptly notify all Member States of any Adverse Action**
490 **taken against a Licensee or an individual applying for a license. Adverse Action**
491 **information pertaining to a Licensee in any Member State will be available to any other**
492 **Member State.**

493 **E. Member States contributing information to the Data System may designate**
494 **information that may not be shared with the public without the express permission of the**
495 **contributing State.**

496 **F. Any information submitted to the Data System that is subsequently required to**
497 **be expunged by the laws of the Member State contributing the information shall be**
498 **removed from the Data System.**

499 **SECTION 10. RULEMAKING**

500 **A. The Commission shall exercise its Rulemaking powers pursuant to the criteria**
501 **set forth in this Section and the Rules adopted thereunder. Rules and amendments shall**
502 **become binding as of the date specified in each Rule or amendment.**

503 **B. The Commission shall promulgate reasonable rules in order to effectively and**
504 **efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the**
505 **event the Commission exercises its rulemaking authority in a manner that is beyond the**
506 **scope of the purposes of the Compact, or the powers granted hereunder, then such an**
507 **action by the Commission shall be invalid and have no force and effect.**

508 **C. If a majority of the legislatures of the Member States rejects a Rule, by**
509 **enactment of a statute or resolution in the same manner used to adopt the Compact within**
510 **4 years of the date of adoption of the Rule, then such Rule shall have no further force and**
511 **effect in any Member State.**

512 **D. Rules or amendments to the Rules shall be adopted at a regular or special**
513 **meeting of the Commission.**

514 **E. Prior to promulgation and adoption of a final Rule or Rules by the Commission,**
515 **and at least thirty (30) days in advance of the meeting at which the Rule will be considered**
516 **and voted upon, the Commission shall file a Notice of Proposed Rulemaking:**

517 **1. On the website of the Commission or other publicly accessible platform; and**

518 **2. On the website of each Member State Occupational Therapy Licensing Board**
519 **or other publicly accessible platform or the publication in which each State would**
520 **otherwise publish proposed Rules.**

521 **F. The Notice of Proposed Rulemaking shall include:**

522 **1. The proposed time, date, and location of the meeting in which the Rule will be**
523 **considered and voted upon;**

524 **2. The text of the proposed Rule or amendment and the reason for the proposed**
525 **Rule;**

526 **3. A request for comments on the proposed Rule from any interested person; and**

527 **4. The manner in which interested persons may submit notice to the Commission**
528 **of their intention to attend the public hearing and any written comments.**

529 **G. Prior to adoption of a proposed Rule, the Commission shall allow persons to**
530 **submit written data, facts, opinions, and arguments, which shall be made available to the**
531 **public.**

532 **H. The Commission shall grant an opportunity for a public hearing before it adopts**
533 **a Rule or amendment if a hearing is requested by:**

534 **1. At least twenty five (25) persons;**

535 **2. A State or federal governmental subdivision or agency; or**

536 **3. An association or organization having at least twenty five (25) members.**

537 **I. If a hearing is held on the proposed Rule or amendment, the Commission shall**
538 **publish the place, time, and date of the scheduled public hearing. If the hearing is held via**
539 **electronic means, the Commission shall publish the mechanism for access to the electronic**
540 **hearing.**

541 **1. All persons wishing to be heard at the hearing shall notify the executive director**
542 **of the Commission or other designated member in writing of their desire to appear and**
543 **testify at the hearing not less than five (5) business days before the scheduled date of the**
544 **hearing.**

545 **2. Hearings shall be conducted in a manner providing each person who wishes to**
546 **comment a fair and reasonable opportunity to comment orally or in writing.**

547 **3. All hearings will be recorded. A copy of the recording will be made available on**
548 **request.**

549 **4. Nothing in this section shall be construed as requiring a separate hearing on each**
550 **Rule. Rules may be grouped for the convenience of the Commission at hearings required**
551 **by this section.**

552 **J. Following the scheduled hearing date, or by the close of business on the**
553 **scheduled hearing date if the hearing was not held, the Commission shall consider all**
554 **written and oral comments received.**

555 **K. If no written notice of intent to attend the public hearing by interested parties**
556 **is received, the Commission may proceed with promulgation of the proposed Rule without**
557 **a public hearing.**

558 **L. The Commission shall, by majority vote of all members, take final action on the**
559 **proposed Rule and shall determine the effective date of the Rule, if any, based on the**
560 **Rulemaking record and the full text of the Rule.**

561 **M. Upon determination that an emergency exists, the Commission may consider**
562 **and adopt an emergency Rule without prior notice, opportunity for comment, or hearing,**
563 **provided that the usual Rulemaking procedures provided in the Compact and in this**
564 **section shall be retroactively applied to the Rule as soon as reasonably possible, in no event**
565 **later than ninety (90) days after the effective date of the Rule. For the purposes of this**
566 **provision, an emergency Rule is one that must be adopted immediately in order to:**

- 567 **1. Meet an imminent threat to public health, safety, or welfare;**
568 **2. Prevent a loss of Commission or Member State funds;**
569 **3. Meet a deadline for the promulgation of an administrative Rule that is**
570 **established by federal law or Rule; or**
571 **4. Protect public health and safety.**

572 **N. The Commission or an authorized committee of the Commission may direct**
573 **revisions to a previously adopted Rule or amendment for purposes of correcting**
574 **typographical errors, errors in format, errors in consistency, or grammatical errors.**
575 **Public notice of any revisions shall be posted on the website of the Commission. The**
576 **revision shall be subject to challenge by any person for a period of thirty (30) days after**
577 **posting. The revision may be challenged only on grounds that the revision results in a**
578 **material change to a Rule. A challenge shall be made in writing and delivered to the chair**
579 **of the Commission prior to the end of the notice period. If no challenge is made, the**
580 **revision will take effect without further action. If the revision is challenged, the revision**
581 **may not take effect without the approval of the Commission.**

582 **SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

583 **A. Oversight**

584 1. The executive, legislative, and judicial branches of State government in each
585 Member State shall enforce this Compact and take all actions necessary and appropriate
586 to effectuate the Compact's purposes and intent. The provisions of this Compact and the
587 Rules promulgated hereunder shall have standing as statutory law.

588 2. All courts shall take judicial notice of the Compact and the Rules in any judicial
589 or administrative proceeding in a Member State pertaining to the subject matter of this
590 Compact which may affect the powers, responsibilities, or actions of the Commission.

591 3. The Commission shall be entitled to receive service of process in any such
592 proceeding, and shall have standing to intervene in such a proceeding for all purposes.
593 Failure to provide service of process to the Commission shall render a judgment or order
594 void as to the Commission, this Compact, or promulgated Rules.

595 **B. Default, Technical Assistance, and Termination**

596 1. If the Commission determines that a Member State has defaulted in the
597 performance of its obligations or responsibilities under this Compact or the promulgated
598 Rules, the Commission shall:

599 a. Provide written notice to the defaulting State and other Member States of the
600 nature of the default, the proposed means of curing the default and/or any other action to
601 be taken by the Commission; and

602 b. Provide remedial training and specific technical assistance regarding the default.

603 2. If a State in default fails to cure the default, the defaulting State may be
604 terminated from the Compact upon an affirmative vote of a majority of the Member States,
605 and all rights, privileges and benefits conferred by this Compact may be terminated on the
606 effective date of termination. A cure of the default does not relieve the offending State of
607 obligations or liabilities incurred during the period of default.

608 3. Termination of membership in the Compact shall be imposed only after all other
609 means of securing compliance have been exhausted. Notice of intent to suspend or
610 terminate shall be given by the Commission to the governor, the majority and minority
611 leaders of the defaulting State's legislature, and each of the Member States.

612 4. A State that has been terminated is responsible for all assessments, obligations,
613 and liabilities incurred through the effective date of termination, including obligations that
614 extend beyond the effective date of termination.

615 5. The Commission shall not bear any costs related to a State that is found to be in
616 default or that has been terminated from the Compact, unless agreed upon in writing
617 between the Commission and the defaulting State.

618 6. The defaulting State may appeal the action of the Commission by petitioning the
619 U.S. District Court for the District of Columbia or the federal district where the

620 Commission has its principal offices. The prevailing member shall be awarded all costs of
621 such litigation, including reasonable attorney's fees.

622 **C. Dispute Resolution**

623 1. Upon request by a Member State, the Commission shall attempt to resolve
624 disputes related to the Compact that arise among Member States and between member and
625 non-Member States.

626 2. The Commission shall promulgate a Rule providing for both mediation and
627 binding dispute resolution for disputes as appropriate.

628 **D. Enforcement**

629 1. The Commission, in the reasonable exercise of its discretion, shall enforce the
630 provisions and Rules of this Compact.

631 2. By majority vote, the Commission may initiate legal action in the United States
632 District Court for the District of Columbia or the federal district where the Commission
633 has its principal offices against a Member State in default to enforce compliance with the
634 provisions of the Compact and its promulgated Rules and bylaws. The relief sought may
635 include both injunctive relief and damages. In the event judicial enforcement is necessary,
636 the prevailing member shall be awarded all costs of such litigation, including reasonable
637 attorney's fees.

638 3. The remedies herein shall not be the exclusive remedies of the Commission. The
639 Commission may pursue any other remedies available under federal or State law.

640 **SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE**
641 **COMMISSION FOR OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED**
642 **RULES, WITHDRAWAL, AND AMENDMENT**

643 **A. The Compact shall come into effect on the date on which the Compact statute**
644 **is enacted into law in the tenth Member State. The provisions, which become effective at**
645 **that time, shall be limited to the powers granted to the Commission relating to assembly**
646 **and the promulgation of Rules. Thereafter, the Commission shall meet and exercise**
647 **Rulemaking powers necessary to the implementation and administration of the Compact.**

648 **B. Any State that joins the Compact subsequent to the Commission's initial**
649 **adoption of the Rules shall be subject to the Rules as they exist on the date on which the**
650 **Compact becomes law in that State. Any Rule that has been previously adopted by the**
651 **Commission shall have the full force and effect of law on the day the Compact becomes law**
652 **in that State.**

653 **C. Any Member State may withdraw from this Compact by enacting a statute**
654 **repealing the same.**

655 1. A Member State's withdrawal shall not take effect until six (6) months after
656 enactment of the repealing statute.

657 2. Withdrawal shall not affect the continuing requirement of the withdrawing
658 State's Occupational Therapy Licensing Board to comply with the investigative and
659 Adverse Action reporting requirements of this act prior to the effective date of withdrawal.

660 D. Nothing contained in this Compact shall be construed to invalidate or prevent
661 any Occupational Therapy licensure agreement or other cooperative arrangement between
662 a Member State and a non-Member State that does not conflict with the provisions of this
663 Compact.

664 E. This Compact may be amended by the Member States. No amendment to this
665 Compact shall become effective and binding upon any Member State until it is enacted into
666 the laws of all Member States.

667 SECTION 13. CONSTRUCTION AND SEVERABILITY

668 This Compact shall be liberally construed so as to effectuate the purposes thereof. The
669 provisions of this Compact shall be severable and if any phrase, clause, sentence or
670 provision of this Compact is declared to be contrary to the constitution of any Member
671 State or of the United States or the applicability thereof to any government, agency, person,
672 or circumstance is held invalid, the validity of the remainder of this Compact and the
673 applicability thereof to any government, agency, person, or circumstance shall not be
674 affected thereby. If this Compact shall be held contrary to the constitution of any Member
675 State, the Compact shall remain in full force and effect as to the remaining Member States
676 and in full force and effect as to the Member State affected as to all severable matters.

677 SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

678 A. A Licensee providing Occupational Therapy in a Remote State under the
679 Compact Privilege shall function within the laws and regulations of the Remote State.

680 B. Nothing herein prevents the enforcement of any other law of a Member State
681 that is not inconsistent with the Compact.

682 C. Any laws in a Member State in conflict with the Compact are superseded to the
683 extent of the conflict.

684 D. Any lawful actions of the Commission, including all Rules and bylaws
685 promulgated by the Commission, are binding upon the Member States.

686 E. All agreements between the Commission and the Member States are binding in
687 accordance with their terms.

688 F. In the event any provision of the Compact exceeds the constitutional limits
689 imposed on the legislature of any Member State, the provision shall be ineffective to the
690 extent of the conflict with the constitutional provision in question in that Member State.

324.200. 1. Sections 324.200 to 324.225 shall be known and may be cited as the "Dietitian Practice Act".

2. As used in sections 324.200 to 324.225, the following terms shall mean:

(1) "Accreditation Council for Education in Nutrition and Dietetics" or "ACEND", the Academy of Nutrition and Dietetics accrediting agency for education programs preparing students for professions as registered dietitians;

(2) "Committee", the state committee of dietitians established in section 324.203;

(3) "Dietetics practice", the application of principles derived from integrating knowledge of food, nutrition, biochemistry, physiology, management, and behavioral and social science to achieve and maintain the health of people by providing nutrition assessment and nutrition care services. The primary function of dietetic practice is the provision of nutrition care services that shall include, but not be limited to:

(a) Assessing the nutrition needs of individuals and groups and determining resources and constraints in the practice setting;

(b) Establishing priorities, goals, and objectives that meet nutrition needs and are consistent with available resources and constraints;

(c) Providing nutrition counseling or education in health and disease;

(d) Developing, implementing, and managing nutrition care systems;

(e) Evaluating, making changes in, and maintaining appropriate standards of quality and safety in food and in nutrition services;

(f) Engaged in medical nutritional therapy as defined in subdivision (8) of this section;

(4) "Dietitian", one engaged in dietetic practice as defined in subdivision (3) of this section;

(5) "Director", the director of the division of professional registration;

(6) "Division", the division of professional registration;

(7) "Licensed dietitian", a person who is licensed pursuant to the provisions of sections 324.200 to 324.225 to engage in the practice of dietetics or medical nutrition therapy;

(8) "Medical nutrition therapy", ~~nutritional diagnostic, therapy, and counseling services which are furnished by a registered dietitian or registered dietitian nutritionist~~ **the provision of nutrition care services for the treatment or management of a disease or medical condition;**

(9) "Registered dietitian" or "registered dietitian nutritionist", a person who:

(a) Has completed a minimum of a baccalaureate degree granted by a United States regionally accredited college or university or foreign equivalent;

(b) Completed the academic requirements of a didactic program in dietetics, as approved by ACEND;

(c) Successfully completed the registration examination for dietitians; and

37 (d) Accrued seventy-five hours of approved continuing professional units every five
38 years; as determined by the Committee on Dietetic Registration.

324.206. 1. As long as the person involved does not represent or hold himself or herself
2 out as a dietitian as defined by subdivision (4) of subsection 2 of section 324.200, nothing in
3 sections 324.200 to 324.225 is intended to limit, preclude, or otherwise interfere with:

4 (1) Self-care by a person or gratuitous care by a friend or family member;

5 (2) Persons in the military services or working in federal facilities from performing any
6 activities described in sections 324.200 to 324.225 during the course of their assigned duties in
7 the military service or a federal facility;

8 (3) A licensed health care provider performing any activities described in sections
9 324.200 to 324.225 that are within the scope of practice of the licensee;

10 (4) A person pursuing an approved educational program leading to a degree or certificate
11 in dietetics at an accredited or approved educational program as long as such person does not
12 provide dietetic services outside the educational program. Such person shall be designated by
13 a title that clearly indicates the person's status as a student;

14 (5) Individuals who do not hold themselves out as dietitians marketing or distributing
15 food products including dietary supplements as defined by the Food and Drug Administration
16 or engaging in the explanation and education of customers regarding the use of such products;

17 (6) Any person furnishing general nutrition information as to the use of food, food
18 materials, or dietary supplements, nor prevent in any way the free dissemination of literature;

19 (7) **A person credentialed in the field of nutrition from providing advice,**
20 **counseling, or evaluations in matters of food, diet, or nutrition to the extent such acts are**
21 **within the scope of practice listed by the credentialing body and do not constitute medical**
22 **nutrition therapy;**

23
24 provided, however, no such individual may call himself or herself a dietitian unless he or she is
25 licensed under this chapter.

26 **2. A credentialed person not representing or holding himself or herself out as a**
27 **dietitian, who performs any of the acts or services listed in subsection 1 of this section, shall**
28 **provide, prior to performing such act or service for another, the following:**

29 (1) **The person's name and title;**

30 (2) **The person's business address and telephone number;**

31 (3) **A statement that the person is not a dietitian licensed by the state of Missouri;**

32 (4) **A statement that the information provided or advice given may be considered**
33 **alternative care by licensed practitioners in the state of Missouri; and**

34 **(5) The person's qualifications for providing such information or advice, including**
35 **educational background, training, and experience.**

324.520. 1. As used in sections 324.520 to 324.524, the following terms mean:

2 (1) "Body piercing", the perforation of human tissue other than an ear for a nonmedical
3 purpose;

4 (2) "Branding", a permanent mark made on human tissue by burning with a hot iron or
5 other instrument;

6 (3) "Controlled substance", any substance defined in section 195.010;

7 (4) "Minor", a person under the age of eighteen;

8 (5) "Tattoo", one or more of the following:

9 (a) ~~[An indelible]~~ **A mark made on the body of another person by the insertion of a**
10 **permanent pigment under the skin with the aid of needles; [or]**

11 **(b) A mark made on the face or body of another person for cosmetic purposes or**
12 **to any part of the body for scar coverage or other corrective purposes by the insertion of**
13 **a permanent pigment under the skin with the aid of needles; or**

14 **(c) An indelible design made on the body of another person by production of scars other**
15 **than by branding.**

16 2. No person shall knowingly tattoo, brand or perform body piercing on a minor unless
17 such person obtains the prior written informed consent of the minor's parent or legal guardian.
18 The minor's parent or legal guardian shall execute the written informed consent required pursuant
19 to this subsection in the presence of the person performing the tattooing, branding or body
20 piercing on the minor, or in the presence of an employee or agent of such person. Any person
21 who fraudulently misrepresents himself or herself as a parent is guilty of a class B misdemeanor.

22 3. A person shall not tattoo, brand or perform body piercing on another person if the
23 other person is under the influence of intoxicating liquor or a controlled substance.

24 4. A person who violates any provisions of sections 324.520 to 324.526 is guilty of a
25 misdemeanor and shall be fined not more than five hundred dollars. If there is a subsequent
26 violation within one year of the initial violation, such person shall be fined not less than five
27 hundred dollars or more than one thousand dollars.

28 5. No person under the age of eighteen shall tattoo, brand or perform body piercing on
29 another person.

30 **6. Any person performing microblading prior to August 28, 2022, who has**
31 **registered with the division of professional registration as an apprentice to engage in**
32 **learning the practice of tattooing, body piercing, or branding under the supervision of a**
33 **Missouri licensed practitioner may apply to the division for a waiver to continue**
34 **performing microblading until such person obtains his or her license to practice tattooing,**

35 **body piercing, or branding; no such waiver shall remain in effect beyond August 28, 2023.**
36 **For the purposes of this subsection, "microblading" means a tattooing technique in which**
37 **a small handheld tool made of several tiny needles is used to add pigment to the skin.**

327.011. As used in this chapter, the following words and terms shall have the meanings
2 indicated:

3 (1) "Accredited degree program from a school of architecture", a degree from any school
4 or other institution which teaches architecture and whose curricula for the degree in question
5 have been, at the time in question, certified as accredited by the National Architectural
6 Accrediting Board;

7 (2) "Accredited school of engineering", any school or other institution which teaches
8 engineering and whose curricula on the subjects in question are or have been, at the time in
9 question certified as accredited by the engineering accreditation commission of the accreditation
10 board for engineering and technology or its successor organization;

11 (3) "Accredited school of landscape architecture", any school or other institution which
12 teaches landscape architecture and whose curricula on the subjects in question are or have been
13 at the times in question certified as accredited by the Landscape Architecture Accreditation
14 Board of the American Society of Landscape Architects;

15 (4) "Architect", any person authorized pursuant to the provisions of this chapter to
16 practice architecture in Missouri, as the practice of architecture is defined in section 327.091;

17 (5) "Board", the Missouri board for architects, professional engineers, professional land
18 surveyors and professional landscape architects;

19 (6) "Corporation", any general business corporation, professional corporation or limited
20 liability company;

21 (7) "Design coordination", the review and coordination of technical submissions
22 prepared by others including, as appropriate and without limitation, architects, professional
23 engineers, professional land surveyors, professional landscape architects, and other consultants;

24 (8) "Design survey", a survey which includes all activities required to gather information
25 to support the sound conception, planning, design, construction, maintenance, and operation of
26 design projects, but excludes the surveying of real property for the establishment of land
27 boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of
28 the public land survey system;

29 (9) "Incidental practice", the performance of other professional services licensed under
30 chapter 327 that are related to a licensee's professional service, but are secondary and
31 substantially less in scope and magnitude when compared to the professional services usually
32 and normally performed by the licensee practicing in their licensed profession. This incidental
33 professional service shall be safely and competently performed by the licensee without

34 jeopardizing the health, safety, and welfare of the public. The licensee shall be qualified by
 35 education, training, and experience as determined by the board and in sections 327.091, 327.181,
 36 327.272, and 327.600 and applicable board rules to perform such incidental professional service;

37 (10) "Licensee", a person licensed to practice any profession regulated under this chapter
 38 or a corporation authorized to practice any such profession;

39 (11) "Partnership", any partnership or limited liability partnership;

40 (12) "Person", any ~~[person]~~ **individual**, corporation, firm, partnership, association, or
 41 other entity **authorized to do business**;

42 (13) "Professional engineer", any person authorized pursuant to the provisions of this
 43 chapter to practice as a professional engineer in Missouri, as the practice of engineering is
 44 defined in section 327.181;

45 (14) "Professional land surveyor", any person authorized pursuant to the provisions of
 46 this chapter to practice as a professional land surveyor in Missouri as the practice of land
 47 surveying is ~~[defined]~~ **described** in section 327.272;

48 (15) "Professional landscape architect", any person authorized pursuant to the provisions
 49 of this chapter to practice as a professional landscape architect in Missouri as the practice of
 50 landscape architecture is defined in section 327.600;

51 (16) "Responsible charge", the independent direct control of a licensee's work and
 52 personal supervision of such work pertaining to the practice of architecture, engineering, land
 53 surveying, or landscape architecture.

327.091. 1. ~~[Any person practices as an architect in Missouri who renders or offers to
 2 render or represents himself or herself as willing or able to render service or creative work which
 3 requires architectural education, training and experience, including services and work such as
 4 consultation, evaluation, planning, aesthetic and structural design, the preparation of drawings,
 5 specifications and related documents, and the coordination of services furnished by structural,
 6 civil, mechanical and electrical engineers and other consultants as they relate to architectural
 7 work in connection with the construction or erection of any private or public building, building
 8 structure, building project or integral part or parts of buildings or of any additions or alterations
 9 thereto; or who uses the title "architect" or the terms "architect" or "architecture" or
 10 "architectural" alone or together with any words other than "landscape" that indicate or imply that
 11 such person is or holds himself or herself out to be an architect] **The practice of architecture
 12 shall be the rendering or offering to render services in connection with the design and
 13 construction of public and private buildings, structures and shelters, and site
 14 improvements, in whole or in part and including any additions or alterations thereto, as
 15 well as to the spaces within and the site surrounding such buildings and structures that**~~

16 **have as their principal purpose human occupancy or habitation. Such services include**
17 **providing the following:**

18 **(1) Consultation;**

19 **(2) Design surveys;**

20 **(3) Feasibility studies;**

21 **(4) Evaluation;**

22 **(5) Planning;**

23 **(6) Aesthetic and structural design;**

24 **(7) Preliminary design;**

25 **(8) Drawings;**

26 **(9) Specifications;**

27 **(10) Technical submissions and other instruments of service;**

28 **(11) The administration of construction contracts, construction observation and**
29 **inspection; and**

30 **(12) The coordination of any elements of technical submissions prepared by others,**
31 **including professional engineers, landscape architects, and other consultants, that pertain**
32 **to the practice of architecture.**

33

34 **No person shall use the title "architect" or the words "architecture" or "architectural"**
35 **alone or together with any words other than "landscape" to indicate or imply that such**
36 **person is or holds himself or herself out to be an architect unless such person has the**
37 **required architectural education, practical training, relevant work experience, and license**
38 **to practice as an architect in Missouri.**

39 **2. Architects shall be in responsible charge of all architectural design of buildings and**
40 **structures that can affect the health, safety, and welfare of the public within their scope of**
41 **practice.**

327.101. **1. No person shall practice architecture in Missouri as [defined] described in**
2 **section 327.091 unless and until there is issued to the person a license or a certificate of authority**
3 **certifying that the person has been duly licensed as an architect or authorized to practice**
4 **architecture, in Missouri, and unless such license has been renewed as hereinafter specified[;**
5 **provided, however, that nothing in this chapter shall apply to the following persons:].**

6 **2. Notwithstanding the provisions of subsection 1 of this section, the following**
7 **persons may engage in the practice of architecture under section 327.091 so long as such**
8 **persons do not use the title "architect" or the terms "architecture" or "architectural"**
9 **alone or together with any words other than "landscape" to indicate or imply that such**
10 **persons are or hold themselves out to be architects:**

11 (1) Any person who is an employee of a person holding a currently valid license as an
 12 architect or who is an employee of any person holding a currently valid certificate of authority
 13 pursuant to this chapter, and who performs architectural work under the direction and continuing
 14 supervision of and is checked by one holding a currently valid license as an architect pursuant
 15 to this chapter;

16 (2) Any person who is a regular full-time employee who performs architectural work for
 17 the person's employer if and only if all such work and service so performed is in connection with
 18 a facility owned or wholly operated by the employer and which is occupied by the employer of
 19 the employee performing such work or service, and if and only if such work and service so
 20 performed do not endanger the public health or safety;

21 (3) Any holder of a currently valid license or certificate of authority as a professional
 22 engineer who performs only such architecture as incidental practice and necessary to the
 23 completion of professional services lawfully being performed by such licensed professional
 24 engineer;

25 (4) Any person who is a professional landscape architect, city planner or regional planner
 26 who performs work consisting only of consultations concerning and preparation of master plans
 27 for parks, land areas or communities, or the preparation of plans for and the supervision of the
 28 planting and grading or the construction of walks and paving for parks or land areas and such
 29 other minor structural features as fences, steps, walls, small decorative pools and other
 30 construction not involving structural design or stability and which is usually and customarily
 31 included within the area of work of a professional landscape architect or planner;

32 (5) Any person who renders architectural services in connection with the construction,
 33 remodeling, or repairing of any privately owned building described in ~~[paragraphs]~~ **paragraph**
 34 (a), (b), **or** (c) ~~[(d), and (e)]~~ which follow, and who indicates on any drawings, specifications,
 35 estimates, reports or other documents furnished in connection with such services that the person
 36 is not a licensed architect:

37 (a) A dwelling house; ~~[or]~~

38 (b) A multiple family dwelling house, flat, or apartment containing not more than two
 39 families; or

40 ~~(c) [A commercial or industrial building or structure which provides for the employment,~~
 41 ~~assembly, housing, sleeping or eating of not more than nine persons; or~~

42 ~~—— (d) Any one structure containing less than two thousand square feet, except as provided~~
 43 ~~in (b) and (c) above, and which is not a part or a portion of a project which contains more than~~
 44 ~~one structure; or~~

45 ~~—— (e) A building or structure used exclusively for farm purposes]~~ **Any one building or**
 46 **structure, except for those buildings or structures referenced under subdivision (8) of this**

47 **subsection, that provides for the employment, assembly, housing, sleeping, or dining of no**
 48 **more than nine persons, contains less than two thousand square feet, and is not part of**
 49 **another building or structure;**

50 (6) Any person who renders architectural services in connection with the remodeling or
 51 repairing of any privately owned multiple family dwelling house, flat or apartment containing
 52 three or four families, provided that the alteration, renovation, or remodeling does not affect
 53 architectural or engineering safety features of the building and who indicates on any drawings,
 54 specifications, estimates, reports or other documents furnished in connection with such services
 55 that the person is not a licensed architect;

56 (7) Any person or corporation who is offering, but not performing or rendering,
 57 architectural services if the person or corporation is licensed to practice architecture in the state
 58 or country of residence or principal place of business;

59 (8) **Any person who renders architectural services in connection with the**
 60 **construction, remodeling, or repairing of any building or structure used exclusively for**
 61 **agricultural purposes.**

327.131. Any person may apply to the board for licensure as an architect who is over the
 2 age of twenty-one, has acquired an accredited degree from an accredited degree program from
 3 a school of architecture, holds a certified Intern Development Program (IDP) **or Architectural**
 4 **Experience Program (AXP)** record with the National Council of Architectural Registration
 5 Boards, and has taken and passed all divisions of the Architect Registration Examination.

327.191. 1. No person shall practice as a professional engineer in Missouri, as ~~defined~~
 2 **described** in section 327.181 unless and until there is issued to such person a professional
 3 license or a certificate of authority certifying that such person has been duly licensed as a
 4 professional engineer or authorized to practice engineering in Missouri, and unless such license
 5 or certificate has been renewed as provided in section 327.261 ~~;~~ ~~provided that section 327.181~~
 6 ~~shall not be construed to prevent the practice of engineering by the following persons:~~ .

7 **2. Notwithstanding the provisions of subsection 1 of this section, the following**
 8 **persons may engage in actions described as the practice of professional engineering under**
 9 **section 327.181 so long as such persons do not use the title "professional engineer" or**
 10 **"consulting engineer" or the word "engineer" alone or preceded by any word indicating**
 11 **or implying that such persons are or hold themselves out to be professional engineers, or**
 12 **use any word or words, letters, figures, degrees, titles, or other description indicating or**
 13 **implying that such persons are professional engineers or are willing or able to practice**
 14 **engineering:**

15 (1) Any person who is an employee of a person holding a currently valid license as a
 16 professional engineer or who is an employee of a person holding a currently valid certificate of

17 authority pursuant to this chapter, and who performs professional engineering work under the
18 direction and continuing supervision of and is checked by one holding a currently valid license
19 as a professional engineer pursuant to this chapter;

20 (2) Any person who is a regular full-time employee of a person or any former employee
21 under contract to a person, who performs professional engineering work for such employer if and
22 only if all such work and service so performed is done solely in connection with a facility owned
23 or wholly operated by the employer and occupied or maintained by the employer of the employee
24 performing such work or service, and does not affect the health, safety, and welfare of the public;

25 (3) Any person engaged in engineering who is a full-time, regular employee of a person
26 engaged in manufacturing operations and which engineering so performed by such person relates
27 to the manufacture, sale or installation of the products of such person, and does not affect the
28 health, safety, and welfare of the public;

29 (4) Any holder of a currently valid license or certificate of authority as an architect,
30 professional land surveyor, or professional landscape architect who performs only such
31 engineering as incidental practice and necessary to the completion of professional services
32 lawfully being performed by such architect, professional land surveyor, or professional landscape
33 architect;

34 (5) **Any person who renders engineering services in connection with the**
35 **construction, remodeling, or repairing of any privately owned building described in**
36 **paragraph (a), (b), or (c) of this subdivision, and who indicates on any drawings,**
37 **specifications, estimates, reports, or other documents furnished in connection with such**
38 **services that the person is not a licensed professional engineer:**

39 (a) **A dwelling house;**

40 (b) **A multiple-family dwelling house, flat, or apartment containing no more than**
41 **two families; or**

42 (c) **Any one building or structure, except for those buildings or structures**
43 **referenced in subdivision (8) of this subsection, that provides for the employment,**
44 **assembly, housing, sleeping, or dining of no more than nine persons, contains less than two**
45 **thousand square feet, and is not part of another building or structure;**

46 (6) **Any person who renders engineering services in connection with the remodeling**
47 **or repairing of any privately owned multiple-family dwelling house, flat, or apartment**
48 **containing three or four families, provided that the alteration, renovation, or remodeling**
49 **does not affect architectural or engineering safety features of the building, and who**
50 **indicates on any drawings, specifications, estimates, reports, or other documents furnished**
51 **in connection with such services that the person is not a licensed professional engineer;**

52 (7) Any person or corporation who is offering, but not performing or rendering,
53 professional engineering services if the person or corporation is licensed to practice professional
54 engineering in the state or country of residence or principal place of business; **and**

55 (8) **Any person who renders engineering services in connection with the**
56 **construction, remodeling, or repairing of any building or structure used exclusively for**
57 **agricultural purposes.**

327.241. 1. After it has been determined that an applicant possesses the qualifications
2 entitling the applicant to be examined, each applicant for examination and licensure as a
3 professional engineer in Missouri shall appear before the board or its representatives for
4 examination at the time and place specified.

5 2. The examination or examinations shall be of such form, content and duration as shall
6 be determined by the board to thoroughly test the qualifications of each applicant to practice as
7 a professional engineer in Missouri.

8 3. Any applicant to be eligible for a license must make a grade on each examination of
9 at least seventy percent.

10 4. The engineering examination shall consist of two parts; the first part may be taken by
11 any person after such person has satisfied the educational requirements of section 327.221, or
12 who is in his or her final year of study in an accredited school of engineering; and upon passing
13 part one of the examination and providing proof that such person has satisfied the educational
14 requirements of section 327.221 and upon payment of the required fee, such person shall be an
15 engineer-intern, subject to the other provisions of this chapter.

16 5. Any engineer-intern, as ~~defined~~ **described** in subsection 4 of this section~~, who has~~
17 ~~acquired at least four years of satisfactory engineering experience,~~ may take part two of the
18 engineering examination and upon passing it **and having acquired at least four years of**
19 **satisfactory engineering experience** shall be entitled to receive a license~~;~~ **; however, the**
20 **license shall be** subject~~, however,~~ to the other provisions of this chapter.

21 6. Notwithstanding the provisions of subsections 4 and 5 of this section, the board may,
22 in its discretion, provide by rule that any person who has graduated from and holds an
23 engineering degree from an accredited school of engineering may thereupon be eligible to take
24 both parts of the engineering examination and that upon passing said examination and acquiring
25 four years of satisfactory engineering experience, after graduating and receiving a degree as
26 aforesaid, shall be entitled to receive a license to practice as a professional engineer, subject,
27 however, to the other provisions of this chapter.

28 7. Any person who has graduated from and has received a degree in engineering from
29 an accredited school of engineering may ~~then acquire four years of satisfactory engineering~~
30 ~~experience and thereafter~~ take both parts of the examination and upon passing **and having**

31 **acquired four years of satisfactory engineering experience** shall be entitled to receive a
 32 license to practice as a professional engineer, subject, however, to the other provisions of this
 33 chapter.

34 ~~[8. Any person entitled to be licensed as a professional engineer as provided in~~
 35 ~~subsection 5, 6, or 7 of this section must be so licensed within four years after the date on which~~
 36 ~~he or she was so entitled, and if one is not licensed within the time he or she is so entitled, the~~
 37 ~~engineering division of the board may require him to take and satisfactorily pass such further~~
 38 ~~examination as provided by rule before issuing to him a license.]~~

327.612. Any person who ~~[has attained the age of twenty-one years, and]~~ has a degree
 2 in landscape architecture from an accredited school of landscape architecture ~~[and]~~ **or possesses**
 3 **an education that in the opinion of the board equals or exceeds the education received by**
 4 **a graduate of an accredited school**, has acquired at least three years satisfactory landscape
 5 architectural experience after acquiring such a degree, **and who has taken and passed all**
 6 **sections of the landscape architectural registration examination administered by the**
 7 **Council of Landscape Architectural Registration Boards (CLARB)** may apply to the board
 8 for licensure as a professional landscape architect.

329.034. Notwithstanding any other provision of law, the division of professional
 2 **registration shall not require any person who engages solely in shampooing under the**
 3 **supervision of a licensed barber or cosmetologist to be licensed as a barber or**
 4 **cosmetologist. For purposes of this section, "shampooing" means the act of washing or**
 5 **cleansing hair with shampoo for compensation.**

332.071. A person or other entity "practices dentistry" within the meaning of this chapter
 2 who:

- 3 (1) Undertakes to do or perform dental work or dental services or dental operations or
 4 oral surgery, by any means or methods, including the use of lasers, gratuitously or for a salary
 5 or fee or other reward, paid directly or indirectly to the person or to any other person or entity;
- 6 (2) Diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats
 7 or professes to treat, any disease, pain, deformity, deficiency, injury or physical condition of
 8 human teeth or adjacent structures or treats or professes to treat any disease or disorder or lesions
 9 of the oral regions;
- 10 (3) Attempts to or does replace or restore a part or portion of a human tooth;
- 11 (4) Attempts to or does extract human teeth or attempts to or does correct malformations
 12 of human teeth or jaws;
- 13 (5) Attempts to or does adjust an appliance or appliances for use in or used in connection
 14 with malposed teeth in the human mouth;
- 15 (6) Interprets or professes to interpret or read dental radiographs;

16 (7) Administers an anesthetic in connection with dental services or dental operations or
17 dental surgery;

18 (8) Undertakes to or does remove hard and soft deposits from or polishes natural and
19 restored surfaces of teeth;

20 (9) Uses or permits to be used for the person's benefit or for the benefit of any other
21 person or other entity the following titles or words in connection with the person's name:
22 "Doctor", "Dentist", "Dr.", "D.D.S.", or "D.M.D.", or any other letters, titles, degrees or
23 descriptive matter which directly or indirectly indicate or imply that the person is willing or able
24 to perform any type of dental service for any person or persons, or uses or permits the use of for
25 the person's benefit or for the benefit of any other person or other entity any card, directory,
26 poster, sign or any other means by which the person indicates or implies or represents that the
27 person is willing or able to perform any type of dental services or operation for any person;

28 (10) Directly or indirectly owns, leases, operates, maintains, manages or conducts an
29 office or establishment of any kind in which dental services or dental operations of any kind are
30 performed for any purpose; but this section shall not be construed to prevent owners or lessees
31 of real estate from lawfully leasing premises to those who are qualified to practice dentistry
32 within the meaning of this chapter;

33 (11) Controls, influences, attempts to control or influence, or otherwise interferes with
34 the dentist's independent professional judgment regarding the diagnosis or treatment of a dental
35 disease, disorder, or physical condition except that any opinion rendered by any health care
36 professional licensed under this chapter or chapter 330, 331, 334, 335, 336, 337, or 338 regarding
37 the diagnosis, treatment, disorder, or physical condition of any patient shall not be construed to
38 control, influence, attempt to control or influence or otherwise interfere with a dentist's
39 independent professional judgment;

40 (12) Constructs, supplies, reproduces or repairs any prosthetic denture, bridge, artificial
41 restoration, appliance or other structure to be used or worn as a substitute for natural teeth,
42 except when one, not a registered and licensed dentist, does so pursuant to a written uniform
43 laboratory work order, in the form prescribed by the board, of a dentist registered and currently
44 licensed in Missouri and which the substitute in this subdivision described is constructed upon
45 or by use of casts or models made from an impression furnished by a dentist registered and
46 currently licensed in Missouri;

47 (13) Attempts to or does place any substitute described in subdivision (12) of this section
48 in a human mouth or attempts to or professes to adjust any substitute or delivers any substitute
49 to any person other than the dentist upon whose order the work in producing the substitute was
50 performed;

51 (14) Advertises, solicits, or offers to or does sell or deliver any substitute described in
52 subdivision (12) of this section or offers to or does sell the person's services in constructing,
53 reproducing, supplying or repairing the substitute to any person other than a registered and
54 licensed dentist in Missouri;

55 (15) Undertakes to do or perform any physical evaluation of a patient in the person's
56 office or in a hospital, clinic, or other medical or dental facility prior to or incident to the
57 performance of any dental services, dental operations, or dental surgery;

58 (16) Reviews examination findings, x-rays, or other patient data to make judgments or
59 decisions about the dental care rendered to a patient in this state;

60 (17) **Prescribes and administers vaccines for diseases related to care within the**
61 **practice of dentistry; or**

62 (18) **Prescribes and administers vaccines in accordance with section 332.368 when**
63 **deployed under section 44.045 to provide care as necessitated by an emergency.**

332.368. 1. A dentist may:

2 (1) **Prescribe and administer vaccines to a person with whom the dentist has**
3 **established a patient relationship; and**

4 (2) **Prescribe and administer vaccines to any person when the dentist is deployed**
5 **under section 44.045 to provide care as necessitated by an emergency.**

6 **2. A dentist shall not be required to prescribe or administer vaccines.**

7 **3. Before prescribing or administering any vaccine under this section, a dentist**
8 **shall complete a training course recognized by the board under subsection 4 of this section**
9 **and obtain a certificate of successful completion from the agency or organization that**
10 **offered the course. A dentist shall produce the certificate upon request of the board.**

11 **4. The board shall recognize for purposes of this section any training course that:**

12 (1) **Includes training on appropriate vaccine storage and proper vaccine**
13 **administration;**

14 (2) **Addresses contraindications and adverse reactions to vaccines; and**

15 (3) **Is offered by the Centers for Disease Control and Prevention, the American**
16 **Dental Association or its successor organization, or any other similar federal or state**
17 **agency or professional organization deemed qualified by the board.**

18 **5. A dentist who administers a vaccine under this section shall inform the patient**
19 **that the administration of the vaccine will be entered into the ShowMeVax system, as**
20 **administered by the department of health and senior services. The patient shall attest to**
21 **the inclusion of such information in the system by signing a form provided by the dentist.**
22 **If the patient indicates that he or she does not want such information entered into the**
23 **ShowMeVax system, the dentist shall provide a written report within fourteen days of**

24 administration of a vaccine to the patient's primary health care provider, if provided by
25 the patient, containing:

- 26 (1) The identity of the patient;
- 27 (2) The identity of the vaccine or vaccines administered;
- 28 (3) The route of administration;
- 29 (4) The anatomic site of the administration;
- 30 (5) The dose administered; and
- 31 (6) The date of administration.

32 6. Prior to administering a vaccine under this section, a dentist shall review the
33 patient's vaccination history in the ShowMeVax system.

34 7. A dentist shall not administer a vaccine under this section to a child under seven
35 years of age or under the minimum age recommended by the Centers for Disease Control
36 and Prevention.

37 8. A dentist who prescribes or administers a vaccine under this section shall comply
38 with any applicable patient of care record-keeping requirements.

39 9. A dentist shall not delegate the administration of a vaccine under this section.

40 10. The board shall promulgate rules for the purpose of recognizing entities
41 qualified to offer the training course required under this section. Any rule or portion of
42 a rule, as that term is defined in section 536.010, that is created under the authority
43 delegated in this section shall become effective only if it complies with and is subject to all
44 of the provisions of chapter 536 and, if applicable, section 536.028. This section and
45 chapter 536 are nonseverable, and if any of the powers vested with the general assembly
46 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
47 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
48 any rule proposed or adopted after August 28, 2021, shall be invalid and void.

332.600. 1. The Missouri dental board may collaborate with the department of
2 health and senior services and the office of dental health and may approve pilot projects
3 to examine new methods to extend care to underserved populations. Such pilot projects
4 may employ techniques or approaches to care that are inconsistent with or not authorized
5 by existing statutes and rules as long as the project plan:

6 (1) Has a clearly stated objective of serving a specific underserved population that
7 warrants, in the opinion of a majority of the board, approval for a pilot project;

8 (2) Has a finite start date and termination date;

9 (3) Clearly defines the new techniques or approaches the project intends to examine
10 to determine whether they improve access or quality of care;

11 (4) Identifies specific and limited locations and populations to participate in the
12 pilot project;

13 (5) Clearly establishes minimum guidelines and standards for the pilot project,
14 including provisions to protect the safety of participating patients;

15 (6) Clearly defines the measurement criteria the project will use to evaluate the
16 outcomes of the pilot project on access and quality of care; and

17 (7) Identifies reporting intervals to communicate interim and final outcomes to the
18 board.

19 2. The provisions of this section shall expire December 31, 2026.

2 333.041. 1. ~~[Each applicant for a license to practice funeral directing shall furnish~~
3 ~~evidence to establish to the satisfaction of the board that he or she is at least eighteen years of~~
4 ~~age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof;~~
5 ~~as determined, at its discretion, by the board:~~

6 ~~—————2. Every person desiring to enter the profession of embalming dead human bodies within~~
7 ~~the state of Missouri and who is enrolled in a program accredited by the American Board of~~
8 ~~Funeral Service Education, any successor organization, or other accrediting entity as approved~~
9 ~~by the board shall register with the board as a practicum student upon the form provided by the~~
10 ~~board. After such registration, a student may assist, under the direct supervision of Missouri~~
11 ~~licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while~~
12 ~~serving his or her practicum. The form for registration as a practicum student shall be~~
13 ~~accompanied by a fee in an amount established by the board:~~

14 ~~—————3.] Each applicant for a **student** license to practice embalming shall **submit an**~~
15 ~~**application to the state board of embalmers and funeral directors, pay all application fees,**~~
16 ~~**and** furnish evidence to establish to the satisfaction of the board that he or she:~~

17 (1) Is at least eighteen years of age, and possesses a high school diploma, a general
18 equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board; **and**

19 (2) **Is currently enrolled in a funeral service education program or** has completed
20 a funeral service education program accredited by the American Board of Funeral Service
21 Education, any successor organization, or other accrediting entity as approved by the board. ~~[If~~
22 ~~an applicant does not complete all requirements for licensure within five years from the date of~~
23 ~~his or her completion of an accredited program, his or her registration as an apprentice embalmer~~
24 ~~shall be automatically cancelled. The applicant shall be required to file a new application and~~
25 ~~pay applicable fees. No previous apprenticeship shall be considered for the new application;~~

26 ~~—————(3) Upon due examination administered by the board, is possessed of a knowledge of the~~
27 ~~subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry,~~
28 ~~restorative art, together with statutes, rules and regulations governing the care, custody, shelter~~

28 ~~and disposition of dead human bodies and the transportation thereof or has passed the national~~
29 ~~board examination of the Conference of Funeral Service Examining Boards. If any applicant~~
30 ~~fails to pass the state examination, he or she may retake the examination at the next regular~~
31 ~~examination meeting. The applicant shall notify the board office of his or her desire to retake~~
32 ~~the examination at least thirty days prior to the date of the examination. Each time the~~
33 ~~examination is retaken, the applicant shall pay a new examination fee in an amount established~~
34 ~~by the board;~~

35 ~~—— (4) Has been employed full time in funeral service in a licensed funeral establishment~~
36 ~~and has personally embalmed at least twenty-five dead human bodies under the personal~~
37 ~~supervision of an embalmer who holds a current and valid Missouri embalmer's license during~~
38 ~~an apprenticeship of not less than twelve consecutive months. "Personal supervision" means that~~
39 ~~the licensed embalmer shall be physically present during the entire embalming process in the first~~
40 ~~six months of the apprenticeship period and physically present at the beginning of the embalming~~
41 ~~process and available for consultation and personal inspection within a period of not more than~~
42 ~~one hour in the remaining six months of the apprenticeship period. All transcripts and other~~
43 ~~records filed with the board shall become a part of the board files.~~

44 ~~—— 4. If the applicant does not complete the application process within the five years after~~
45 ~~his or her completion of an approved program, then he or she must file a new application and no~~
46 ~~fees paid previously shall apply toward the license fee.~~

47 ~~—— 5. Examinations required by this section and section 333.042 shall be held at least twice~~
48 ~~a year at times and places fixed by the board. The board shall by rule and regulation prescribe~~
49 ~~the standard for successful completion of the examinations.]~~

50 **2. After a student's application has been approved by the board, student licensees**
51 **who are enrolled in a funeral service education program may assist, under the direct**
52 **supervision of an embalmer or funeral director licensed under this chapter, in an**
53 **establishment licensed for embalming under this chapter. Student licensees shall not assist**
54 **when not under such supervision.**

55 **3. In order to be eligible for full licensure under subsection 6 of this section, a**
56 **student licensee shall, after completing a funeral service education program accredited by**
57 **the American Board of Funeral Service Education, any successor organization, or other**
58 **accrediting entity as approved by the board, demonstrate that he or she has completed an**
59 **apprenticeship of no less than six months and has personally embalmed at least twenty-five**
60 **dead human bodies under the personal supervision of an embalmer who is licensed under**
61 **this chapter.**

62 **4. In order to be eligible for full licensure under subsection 6 of this section, a**
63 **student licensee shall pass the National Board or State Board Arts examination, National**
64 **Board Science examination, and the Missouri law examination.**

65 **5. A student licensee shall have five years to complete the requirements for full**
66 **licensure under subsection 6 of this section. If the student fails to complete the**
67 **requirements within such period, the student's application for licensure shall be cancelled.**
68 **If the application is cancelled, the student shall be required to file a new application and**
69 **pay applicable fees. No previous apprenticeship shall be considered for the new**
70 **application. If the student licensee completes the requirements of this section within five**
71 **years, the student licensee may apply for an embalmer license by completing the**
72 **appropriate application.**

73 **6. Upon establishment of his or her qualifications as specified by this section or section**
74 **333.042, the board shall issue to the applicant a license to practice funeral directing or**
75 **embalming, as the case may require, and shall register the applicant as a duly licensed funeral**
76 **director or a duly licensed embalmer. Any person having the qualifications required by this**
77 **section and section 333.042 may be granted both a license to practice funeral directing and to**
78 **practice embalming.**

79 **7. The board shall, upon request, waive any requirement of this chapter and issue a**
80 **temporary funeral director's license, valid for six months, to the surviving spouse or next of kin**
81 **or the personal representative of a licensed funeral director, or to the spouse, next of kin,**
82 **employee or conservator of a licensed funeral director disabled because of sickness, mental**
83 **incapacity or injury. No student licensee or embalmer licensed under this chapter shall be**
84 **required to sign a death certificate as the embalmer of the body for any body that they**
85 **have embalmed. This provision does not relieve a person who holds both an embalmer and**
86 **funeral director's license from signing the death certificate as the funeral director in charge**
87 **if otherwise required to do so.**

 333.042. 1. **Every person desiring to engage in the practice of funeral directing as**
2 **an apprentice in this state shall obtain a provisional funeral director license from the**
3 **board. To apply for a provisional license, the applicant shall make application with the**
4 **state board of embalmers and funeral directors and pay the current application fees and**
5 **furnish evidence to establish to the satisfaction of the board that he or she:**

6 **(1) Is at least eighteen years of age; and**

7 **(2) Is working as an apprentice funeral director under personal supervision of a**
8 **funeral director licensed under this chapter.**

9

10 The applicant shall provide to the board the name and license number of the funeral
11 director performing his or her supervision and the location where the applicant will
12 practice.

13 2. An applicant for a provisional funeral director license under subsection 1 of this
14 section shall have twenty-four months to complete the requirements for licensure under
15 this section. If the applicant fails to complete the requirements within such period, the
16 student's application for licensure shall be cancelled. If the application is cancelled, the
17 applicant shall be required to file a new application and pay applicable fees. No previous
18 apprenticeship shall be considered for the new application.

19 3. Every person desiring to enter the profession of funeral directing in this state shall
20 make application with the state board of embalmers and funeral directors, [and] pay the current
21 application [and examination] fees, [~~Except as otherwise provided in section 41.950, applicants~~
22 ~~not entitled to a license pursuant to section 333.051 or 324.009 shall serve an apprenticeship for~~
23 ~~at least twelve consecutive months in a funeral establishment licensed for the care and~~
24 ~~preparation for burial and transportation of the human dead in this state or in another state which~~
25 ~~has established standards for admission to practice funeral directing equal to, or more stringent~~
26 ~~than, the requirements for admission to practice funeral directing in this state. The applicant~~
27 ~~shall devote at least fifteen hours per week to his or her duties as an apprentice under the~~
28 ~~supervision of a Missouri licensed funeral director. Such applicant shall submit proof to the~~
29 ~~board, on forms provided by the board, that the applicant has arranged and conducted ten funeral~~
30 ~~services during the applicant's apprenticeship under the supervision of a Missouri licensed~~
31 ~~funeral director. Upon completion of the apprenticeship, the applicant shall appear before the~~
32 ~~board to be tested on the applicant's legal and practical knowledge of funeral directing, funeral~~
33 ~~home licensing, preneed funeral contracts and the care, custody, shelter, disposition and~~
34 ~~transportation of dead human bodies. Upon acceptance of the application and fees by the board,~~
35 ~~an applicant shall have twenty-four months to successfully complete the requirements for~~
36 ~~licensure found in this section or the application for licensure shall be cancelled.~~

37 ~~2. If a person applies for a limited license to work only in a funeral establishment which~~
38 ~~is licensed only for cremation, including transportation of dead human bodies to and from the~~
39 ~~funeral establishment, he or she shall make application, pay the current application and~~
40 ~~examination fee and successfully complete the Missouri law examination. He or she shall be~~
41 ~~exempt from the twelve-month apprenticeship required by subsection 1 of this section and the~~
42 ~~practical examination before the board. If a person has a limited license issued pursuant to this~~
43 ~~subsection, he or she may obtain a full funeral director's license if he or she fulfills the~~
44 ~~apprenticeship and successfully completes the funeral director practical examination.~~

45 ~~3. If an individual is a Missouri licensed embalmer or has completed a program~~
46 ~~accredited by the American Board of Funeral Service Education, any successor organization, or~~
47 ~~other accrediting entity as approved by the board or has successfully completed a course of study~~
48 ~~in funeral directing offered by an institution accredited by a recognized national, regional or state~~
49 ~~accrediting body and approved by the state board of embalmers and funeral directors, and desires~~
50 ~~to enter the profession of funeral directing in this state, the individual shall comply with all the~~
51 ~~requirements for licensure as a funeral director pursuant to subsection 1 of section 333.041 and~~
52 ~~subsection 1 of this section; however, the individual is exempt from the twelve-month~~
53 ~~apprenticeship required by subsection 1 of this section]~~ **and furnish evidence to establish to**
54 **the satisfaction of the board that he or she:**

55 **(1) Is at least eighteen years of age and possesses a high school diploma, a general**
56 **equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board;**

57 **(2) Has successfully completed:**

58 **(a) A program accredited by the American Board of Funeral Service Education,**
59 **any successor organization, or other accrediting entity as approved by the board;**

60 **(b) A course of study in funeral directing offered by an institution accredited by a**
61 **recognized national, regional, or state accrediting body and approved by the state board**
62 **of embalmers or funeral directors; or**

63 **(c) A qualifying apprenticeship for at least twelve months; and**

64 **(3) Has passed the National Board or State Board Arts examination and the**
65 **Missouri law examination.**

66

67 **For purposes of this subsection, a qualifying apprenticeship means one in which the**
68 **applicant devoted at least fifteen hours per week to his or her duties as an apprentice under**
69 **the personal supervision of a funeral director licensed under this chapter in a funeral**
70 **establishment licensed for the care and preparation for burial and transportation of the**
71 **human dead under this chapter. Personal supervision means that the licensed funeral**
72 **director shall be physically present during any arrangement conferences, but such person**
73 **shall not be required to be present in the building when the apprentice performs any other**
74 **functions relating to the practice of funeral directing. In order for an apprenticeship to**
75 **qualify under this subsection, applicants shall arrange and conduct at least ten funeral**
76 **services under the supervision of a funeral director licensed under this chapter and present**
77 **proof of such performance to the board on forms provided by the board.**

78 **4. Every person desiring to obtain a funeral director limited license in this state**
79 **shall make application with the state board of embalmers and funeral directors and pay**

80 the current application fees and furnish evidence to establish to the satisfaction of the
81 board that he or she:

82 (1) Is at least eighteen years of age; and

83 (2) Has successfully completed the Missouri law examination.

84 5. A person holding a funeral director limited license shall not be authorized to
85 practice funeral directing in the state, except as follows:

86 (1) He or she may work in a funeral establishment licensed only for cremation,
87 including transportation of dead human bodies to and from the funeral establishment; and

88 (2) He or she may perform cremations and duties relating to cremations.

89 6. If a person has a funeral director limited license issued under this section, he or
90 she may obtain a full funeral director's license by fulfilling the apprenticeship
91 requirements of subsection 3 of this section or by successfully completing a program
92 accredited by the American Board of Funeral Service Education, any successor
93 organization, or other accrediting entity as approved by the board and successfully
94 completing the National Board or State Board Arts examination.

333.061. 1. No funeral establishment shall be operated in this state unless the owner or
2 operator thereof has a **funeral establishment** license issued by the board.

3 2. A license for the operation of a funeral establishment shall be issued by the board, if
4 the board finds:

5 (1) That the establishment is under the general management and the supervision of a duly
6 licensed funeral director;

7 (2) That all embalming performed therein is performed by or under the direct supervision
8 of a duly licensed embalmer;

9 (3) That any place in the funeral establishment where embalming is conducted contains
10 a preparation room with a sanitary floor, walls and ceiling, and adequate sanitary drainage and
11 disposal facilities including running water, and complies with the sanitary standard prescribed
12 by the department of health and senior services for the prevention of the spread of contagious,
13 infectious or communicable diseases;

14 (4) Each funeral establishment shall have a register book or log which shall be available
15 at all times for the board's inspector and that shall contain:

16 (a) The name of each body that has been in the establishment;

17 (b) The date the body arrived at the establishment;

18 (c) If applicable, the place of embalming, if known; and

19 (d) If the body was embalmed at the establishment, the date and time that the embalming
20 took place, and the name, signature, and license number of the embalmer; and

21 (5) The establishment complies with all applicable state, county or municipal zoning
22 ordinances and regulations.

23 3. The board shall grant or deny each application for a license pursuant to this section
24 within thirty days after it is filed. The applicant may request in writing up to two thirty-day
25 extensions of the application, provided the request for an extension is received by the board prior
26 to the expiration of the thirty-day application or extension period.

27 4. Licenses shall be issued pursuant to this section upon application and the payment of
28 a funeral establishment fee and shall be renewed at the end of the licensing period on the
29 establishment's renewal date.

30 5. The board may refuse to renew or may suspend or revoke any license issued pursuant
31 to this section if it finds, after hearing, that the funeral establishment does not meet any of the
32 requirements set forth in this section as conditions for the issuance of a license, or for the
33 violation by the owner of the funeral establishment of any of the provisions of section 333.121.
34 No new license shall be issued to the owner of a funeral establishment or to any corporation
35 controlled by such owner for three years after the revocation of the license of the owner or of a
36 corporation controlled by the owner. Before any action is taken pursuant to this subsection the
37 procedure for notice and hearing as prescribed by section 333.121 shall be followed.

38 **6. Beginning November 1, 2021, each funeral establishment licensed by the board**
39 **under this section to make funeral arrangements shall also be a licensed provider for**
40 **preneed funeral contracts under section 333.315 unless a licensee provides written**
41 **notification to the board that the licensee does not want to be a provider for preneed**
42 **funeral contracts. No separate application or renewal of the preneed provider license shall**
43 **be necessary so long as the funeral establishment license is current and active and that, as**
44 **part of the application or renewal of the funeral establishment license, the licensee provides**
45 **the name and address of the custodian of records responsible for maintaining the books**
46 **and records of the licensee relating to preneed contracts and the names and addresses of**
47 **each seller authorized by the licensee to sell preneed contracts in which the licensee is**
48 **designated or obligated as the provider. A licensee that has notified the board that it does**
49 **not want to be a provider for preneed funeral contracts may rescind that notification in a**
50 **writing to the board that includes the custodian of records responsible for maintaining the**
51 **books and records of the licensee relating to preneed contracts and the names and**
52 **addresses of each seller authorized by the licensee to sell preneed contracts in which the**
53 **licensee is designated or obligated as the provider.**

333.081. 1. Each license issued to a funeral director, ~~or~~ embalmer, **or funeral**
2 **establishment** pursuant to this chapter shall expire unless renewed on or before the renewal date.
3 The board may, however, provide for the renewal of licenses held by individuals who are not

4 actively engaged in practice and who are over sixty-five years of age without fee. The board
5 shall renew any such license upon due application for renewal and upon the payment of the
6 renewal fee, except that no license shall expire during the period when the holder thereof is
7 actively engaged in the military service of the United States. Any licensee exempted from the
8 renewal of his or her license because of military service shall, before beginning practice in this
9 state after leaving military service, apply for and pay the renewal fee for the current licensing
10 period.

11 2. When renewing a funeral director's or embalmer's license the licensee shall specify
12 the address of the funeral establishment at which he or she is practicing or proposes to practice
13 and shall notify the board of any termination of his or her connection therewith. The licensee
14 shall notify the board of any new employment or connection with a funeral establishment of a
15 permanent nature. If the licensee is not employed at or connected with a funeral establishment
16 he shall notify the board of his or her permanent address.

17 3. The holder of an expired license shall be issued a new license by the board within two
18 years of the renewal date after he or she has paid delinquent renewal fees. Any license not
19 renewed within two years shall be void.

20 4. Failure of the licensee to receive the renewal notice shall not relieve the licensee of
21 the duty to pay the renewal fee and renew his or her license.

333.315. 1. No person shall be designated as a provider or agree to perform the
2 obligations of a provider under a preneed contract unless, at the time of such agreement or
3 designation, such person is licensed as a preneed provider by the board. Nothing in this section
4 shall exempt any person from meeting the licensure requirements for a funeral establishment as
5 provided in this chapter.

6 2. An applicant for a preneed provider license shall:

7 (1) File an application on a form established by the board and pay an application fee in
8 an amount established by the board by rule;

9 (2) Be authorized and registered with the Missouri secretary of state to conduct business
10 in Missouri;

11 (3) Identify the name and address of a custodian of records responsible for maintaining
12 the books and records of the provider relating to preneed contracts;

13 (4) Identify the name and address of each seller authorized by the provider to sell
14 preneed contracts in which the provider is designated or obligated as the provider;

15 (5) File with the state board a written consent authorizing the state board to inspect or
16 order an investigation, examination, or audit of the provider's books and records which contain
17 information concerning preneed contracts sold for or on behalf of a seller or in which the
18 applicant is named as a provider; and

19 (6) If the applicant is a corporation, each officer, director, manager, or controlling
20 shareholder shall be eligible for licensure if they were applying for licensure as an individual.

21

22 **Funeral establishments licensed under section 333.031 shall be exempt from the**
23 **requirements of this subsection.**

24 3. Each preneed provider shall apply to renew his or her license on or before October
25 thirty-first of each year or a date established by the division of professional registration pursuant
26 to section 324.001. A license which has not been renewed prior to the renewal date shall expire.

27 Applicants for renewal shall:

28 (1) File an application for renewal on a form established by the board by rule;

29 (2) Pay a renewal fee in an amount established by the board by rule, however no renewal
30 fee shall be required for any funeral establishment whose Missouri license is current and active;

31 (3) Be authorized and registered with the Missouri secretary of state to conduct business
32 in Missouri;

33 (4) File an annual report with the state board which shall contain:

34 (a) The name and address of a custodian of records responsible for maintaining the books
35 and records of the provider relating to preneed contracts;

36 (b) The business name or names used by the provider and all addresses from which it
37 engages in the practice of its business;

38 (c) The name and address of each seller with whom it has entered into a written
39 agreement since last filing an annual report with the board authorizing the seller to designate or
40 obligate the licensee as the provider in a preneed contract; and

41 (d) Any information required by any other applicable statute or regulation enacted
42 pursuant to state or federal law.

43 4. A license which has not been renewed as provided by this section shall expire. A
44 licensee who fails to apply for renewal may apply for reinstatement within two years of the
45 renewal date by satisfying the requirements of subsection 3 of this section and paying a
46 delinquent fee as established by the board by rule.

47 **5. A preneed provider license held by a licensed funeral establishment shall**
48 **automatically renew with the renewal of the funeral establishment license.**

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

2 (1) "Assistant physician", any **graduate of a Missouri** medical school [~~graduate~~] who:

3 (a) Is a resident and citizen of the United States or is a legal resident alien;

4 (b) Has successfully completed Step 2 of the United States Medical Licensing
5 Examination or the equivalent of such step of any other board-approved medical licensing
6 examination within the three-year period immediately preceding application for licensure as an

7 assistant physician, or within three years after graduation from a medical college or osteopathic
8 medical college, whichever is later;

9 (c) Has not completed an approved postgraduate residency and has successfully
10 completed Step 2 of the United States Medical Licensing Examination or the equivalent of such
11 step of any other board-approved medical licensing examination within the immediately
12 preceding three-year period unless when such three-year anniversary occurred he or she was
13 serving as a resident physician in an accredited residency in the United States and continued to
14 do so within thirty days prior to application for licensure as an assistant physician; and

15 (d) Has proficiency in the English language.

16

17 Any **graduate of a Missouri** medical school ~~[graduate]~~ who could have applied for licensure
18 and complied with the provisions of this subdivision at any time between August 28, 2014, and
19 August 28, 2017, may apply for licensure and shall be deemed in compliance with the provisions
20 of this subdivision;

21 (2) "Assistant physician collaborative practice arrangement", an agreement between a
22 physician and an assistant physician that meets the requirements of this section and section
23 334.037[;];

24 ~~—— (3) "Medical school graduate", any person who has graduated from a medical college or~~
25 ~~osteopathic medical college described in section 334.031].~~

26 2. (1) An assistant physician collaborative practice arrangement shall limit the assistant
27 physician to providing only primary care services and only in medically underserved rural or
28 urban areas of this state ~~[or in any pilot project areas established in which assistant physicians~~
29 ~~may practice].~~

30 (2) For a physician-assistant physician team working in a rural health clinic under the
31 federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

32 (a) An assistant physician shall be considered a physician assistant for purposes of
33 regulations of the Centers for Medicare and Medicaid Services (CMS); and

34 (b) No supervision requirements in addition to the minimum federal law shall be
35 required.

36 3. (1) For purposes of this section, the licensure of assistant physicians shall take place
37 within processes established by rules of the state board of registration for the healing arts. The
38 board of healing arts is authorized to establish rules under chapter 536 establishing licensure and
39 renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such
40 other matters as are necessary to protect the public and discipline the profession. No licensure
41 fee for an assistant physician shall exceed the amount of any licensure fee for a physician
42 assistant. An application for licensure may be denied or the licensure of an assistant physician

43 may be suspended or revoked by the board in the same manner and for violation of the standards
44 as set forth by section 334.100, or such other standards of conduct set by the board by rule. No
45 rule or regulation shall require an assistant physician to complete more hours of continuing
46 medical education than that of a licensed physician.

47 (2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created
48 under the authority delegated in this section shall become effective only if it complies with and
49 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
50 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
51 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
52 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
53 or adopted after August 28, 2014, shall be invalid and void.

54 (3) Any rules or regulations regarding assistant physicians in effect as of the effective
55 date of this section that conflict with the provisions of this section and section 334.037 shall be
56 null and void as of the effective date of this section.

57 4. An assistant physician shall clearly identify himself or herself as an assistant physician
58 and shall be permitted to use the terms "doctor", "Dr.", or "doc". No assistant physician shall
59 practice or attempt to practice without an assistant physician collaborative practice arrangement,
60 except as otherwise provided in this section and in an emergency situation.

61 5. The collaborating physician is responsible at all times for the oversight of the
62 activities of and accepts responsibility for primary care services rendered by the assistant
63 physician.

64 6. The provisions of section 334.037 shall apply to all assistant physician collaborative
65 practice arrangements. Any renewal of licensure under this section shall include verification of
66 actual practice under a collaborative practice arrangement in accordance with this subsection
67 during the immediately preceding licensure period.

68 7. Each health carrier or health benefit plan that offers or issues health benefit plans that
69 are delivered, issued for delivery, continued, or renewed in this state shall reimburse an assistant
70 physician for the diagnosis, consultation, or treatment of an insured or enrollee on the same basis
71 that the health carrier or health benefit plan covers the service when it is delivered by another
72 comparable mid-level health care provider including, but not limited to, a physician assistant.

73 **8. No individual shall hold an assistant physician license for more than three years.**
74 **However, all those currently licensed as assistant physicians in this state shall have three**
75 **years from the effective date of this statute before their current license expires.**

334.108. 1. Prior to prescribing any drug, controlled substance, or other treatment
2 through telemedicine, as defined in section 191.1145, or the internet, a physician shall establish

3 a valid physician-patient relationship as described in section 191.1146. This relationship shall
4 include:

5 (1) Obtaining a reliable medical history and performing a physical examination of the
6 patient, adequate to establish the diagnosis for which the drug is being prescribed and to identify
7 underlying conditions or contraindications to the treatment recommended or provided;

8 (2) Having sufficient dialogue with the patient regarding treatment options and the risks
9 and benefits of treatment or treatments;

10 (3) If appropriate, following up with the patient to assess the therapeutic outcome;

11 (4) Maintaining a contemporaneous medical record that is readily available to the patient
12 and, subject to the patient's consent, to the patient's other health care professionals; and

13 (5) Maintaining the electronic prescription information as part of the patient's medical
14 record.

15 2. The requirements of subsection 1 of this section may be satisfied by the prescribing
16 physician's designee when treatment is provided in:

17 (1) A hospital as defined in section 197.020;

18 (2) A hospice program as defined in section 197.250;

19 (3) Home health services provided by a home health agency as defined in section
20 197.400;

21 (4) Accordance with a collaborative practice agreement as [~~defined~~] **described** in section
22 334.104;

23 (5) Conjunction with a physician assistant licensed pursuant to section 334.738;

24 (6) Conjunction with an assistant physician licensed under section 334.036;

25 (7) Consultation with another physician who has an ongoing physician-patient
26 relationship with the patient, and who has agreed to supervise the patient's treatment, including
27 use of any prescribed medications; [~~or~~]

28 (8) On-call or cross-coverage situations; **or**

29 (9) **A digital format through an adaptive questionnaire based on professional
30 practice standards.**

31 3. No health care provider, as defined in section 376.1350, shall prescribe any drug,
32 controlled substance, or other treatment to a patient based solely on an evaluation over the
33 telephone; except that, a physician or such physician's on-call designee, or an advanced practice
34 registered nurse, a physician assistant, or an assistant physician in a collaborative practice
35 arrangement with such physician, may prescribe any drug, controlled substance, or other
36 treatment that is within his or her scope of practice to a patient based solely on a telephone
37 evaluation if a previously established and ongoing physician-patient relationship exists between
38 such physician and the patient being treated.

39 4. No health care provider shall prescribe any drug, controlled substance, or other
40 treatment to a patient based solely on an internet request or ~~an~~ **a static** internet questionnaire.

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

2 (1) "Approved health care provider" ~~means~~, a person holding a current and active
3 license as a physician and surgeon under this chapter, a chiropractor under chapter 331, a dentist
4 under chapter 332, a podiatrist under chapter 330, a physician assistant under this chapter, an
5 advanced practice registered nurse under chapter 335, or any licensed and registered physician,
6 chiropractor, dentist, or podiatrist practicing in another jurisdiction whose license is in good
7 standing;

8 (2) **"Consult" or "consultation", communication by telephone, by fax, in writing,**
9 **or in person with the patient's personally approved licensed health care provider or a**
10 **licensed health care provider of the patient's designation.**

11 2. A physical therapist ~~shall not~~ **may evaluate and** initiate treatment ~~[for a new injury~~
12 ~~or illness]~~ **on a patient** without a prescription **or referral** from an approved health care provider,
13 **provided that the physical therapist has a doctorate of physical therapy degree or has five**
14 **years of clinical practice as a physical therapist.**

15 3. A physical therapist may provide educational resources and training, develop fitness
16 or wellness programs ~~[for asymptomatic persons]~~, or provide screening or consultative services
17 within the scope of physical therapy practice without ~~[the]~~ **a prescription [and direction of] or**
18 **referral from** an approved health care provider.

19 4. ~~[A physical therapist may examine and treat without the prescription and direction of~~
20 ~~an approved health care provider any person with a recurring self-limited injury within one year~~
21 ~~of diagnosis by an approved health care provider or a chronic illness that has been previously~~
22 ~~diagnosed by an approved health care provider. The physical therapist shall:]~~

23 (1) ~~[Contact the patient's current approved health care provider within seven days of~~
24 ~~initiating physical therapy services under this subsection;]~~ **A physical therapist shall refer to**
25 **an approved health care provider any patient whose condition at the time of evaluation or**
26 **treatment is determined to be beyond the scope of practice of physical therapy.**

27 (2) ~~[Not change an existing physical therapy referral available to the physical therapist~~
28 ~~without approval of the patient's current approved health care provider;]~~ **A physical therapist**
29 **shall refer to an approved health care provider any patient who does not demonstrate**
30 **measurable or functional improvement after ten visits or twenty-one business days,**
31 **whichever occurs first.**

32 (3) ~~[Refer to an approved health care provider any patient whose medical condition at~~
33 ~~the time of examination or treatment is determined to be beyond the scope of practice of physical~~
34 ~~therapy;]~~

35 ~~———— (4) Refer to an approved health care provider any patient whose condition for which~~
36 ~~physical therapy services are rendered under this subsection has not been documented to be~~
37 ~~progressing toward documented treatment goals after six visits or fourteen days, whichever first~~
38 ~~occurs;~~

39 ~~———— (5) Notify the patient's current approved health care provider prior to the continuation~~
40 ~~of treatment if treatment rendered under this subsection is to continue beyond thirty days. The~~
41 ~~physical therapist shall provide such notification for each successive period of thirty days.] (a)~~

42 **A physical therapist shall consult with an approved health care provider if, after ten visits**
43 **or twenty-one business days, whichever occurs first, the patient has demonstrated**
44 **measurable or functional improvement from the course of physical therapy services or**
45 **treatment provided and the physical therapist believes that continuation of the course of**
46 **physical therapy services or treatment is reasonable and necessary based on the physical**
47 **therapist's evaluation of the patient. The physical therapist shall not provide further**
48 **physical therapy services or treatment until the consultation has occurred.**

49 **(b) The consultation with the approved health care provider shall include**
50 **information concerning:**

51 **a. The patient's condition for which physical therapy services or treatments were**
52 **provided;**

53 **b. The basis for the course of services or treatment indicated, as determined from**
54 **the physical therapy evaluation of the patient;**

55 **c. The physical therapy services or treatment provided before the date of the**
56 **consultation;**

57 **d. The patient's demonstrated measurable or functional improvement from the**
58 **services or treatment provided before the date of the consultation;**

59 **e. The continuing physical therapy services or treatment proposed to be provided**
60 **following the consultation; and**

61 **f. The professional physical therapy basis for the continued physical therapy**
62 **services or treatment to be provided.**

63 **(c) Continued physical therapy services or treatment following the consultation**
64 **with an approved health care provider shall proceed in accordance with any feedback,**
65 **advice, opinion, or direction of the approved health care provider. The physical therapist**
66 **shall notify the consulting approved health care provider of continuing physical therapy**
67 **services or treatment every thirty days after the initial consultation unless the consulting**
68 **approved health care provider directs otherwise.**

69 **5. The provision of physical therapy services of evaluation and screening pursuant to this**
70 **section shall be limited to a physical therapist, and any authority for evaluation and screening**

71 granted within this section may not be delegated. Upon each reinitiation of physical therapy
72 services, a physical therapist shall provide a full physical therapy evaluation prior to the
73 reinitiation of physical therapy treatment. ~~[Physical therapy treatment provided pursuant to the
74 provisions of subsection 4 of this section may be delegated by physical therapists to physical
75 therapist assistants only if the patient's current approved health care provider has been so
76 informed as part of the physical therapist's seven-day notification upon reinitiation of physical
77 therapy services as required in subsection 4 of this section.]~~ Nothing in this subsection shall be
78 construed as to limit the ability of physical therapists or physical therapist assistants to provide
79 physical therapy services in accordance with the provisions of this chapter, and upon the referral
80 of an approved health care provider. Nothing in this subsection shall prohibit an approved health
81 care provider from acting within the scope of their practice as defined by the applicable chapters
82 of RSMo.

83 6. No person licensed to practice, or applicant for licensure, as a physical therapist or
84 physical therapist assistant shall make a medical diagnosis.

85 7. A physical therapist shall only delegate physical therapy treatment to a physical
86 therapist assistant or to a person in an entry level of a professional education program approved
87 by the Commission on Accreditation in Physical Therapy Education (CAPTE) who satisfies
88 supervised clinical education requirements related to the person's physical therapist or physical
89 therapist assistant education. The entry-level person shall be under the supervision of a physical
90 therapist.

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

10 2. Persons desiring to practice as physical therapists in this state shall appear before the
11 board at such time and place as the board may direct and be examined as to their fitness to
12 engage in such practice. **Applicants shall meet the qualifying standards for such**
13 **examinations, including any requirements established by any entity contracted by the**
14 **board to administer the board approved examination.** Applications for examination shall
15 be in writing, on a form furnished by the board and shall include evidence satisfactory to the
16 board that the applicant possesses the qualifications set forth in subsection 1 of this section **and**

17 **meets the requirements established to qualify for examination.** Each application shall
18 contain a statement that it is made under oath or affirmation and that its representations are true
19 and correct to the best knowledge and belief of the applicant, subject to the penalties of making
20 a false affidavit or declaration.

21 3. The examination of qualified candidates for licenses to practice physical therapy shall
22 test entry-level competence as related to physical therapy theory, examination and evaluation,
23 physical therapy diagnosis, prognosis, treatment, intervention, prevention, and consultation.

24 4. The examination shall embrace, in relation to the human being, the subjects of
25 anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy
26 theory and procedures as related to medicine, surgery and psychiatry, and such other subjects,
27 including medical ethics, as the board deems useful to test the fitness of the candidate to practice
28 physical therapy.

29 5. **No person who has failed on six or more occasions to achieve a passing score on**
30 **the examination required by this section shall be eligible for licensure by examination**
31 **under this section.**

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

334.613. 1. The board may refuse to issue or renew a license to practice as a physical
2 therapist or physical therapist assistant for one or any combination of causes stated in subsection
3 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and
4 shall advise the applicant of the applicant's right to file a complaint with the administrative
5 hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew
6 a license to practice as a physical therapist or physical therapist assistant, the board may, at its
7 discretion, issue a license which is subject to probation, restriction, or limitation to an applicant
8 for licensure for any one or any combination of causes stated in subsection 2 of this section. The
9 board's order of probation, limitation, or restriction shall contain a statement of the discipline
10 imposed, the basis therefor, the date such action shall become effective, and a statement that the
11 applicant has thirty days to request in writing a hearing before the administrative hearing
12 commission. If the board issues a probationary, limited, or restricted license to an applicant for
13 licensure, either party may file a written petition with the administrative hearing commission
14 within thirty days of the effective date of the probationary, limited, or restricted license seeking
15 review of the board's determination. If no written request for a hearing is received by the
16 administrative hearing commission within the thirty-day period, the right to seek review of the
17 board's decision shall be considered as waived.

18 2. The board may cause a complaint to be filed with the administrative hearing
19 commission as provided by chapter 621 against any holder of a license to practice as a physical

20 therapist or physical therapist assistant who has failed to renew or has surrendered his or her
21 license for any one or any combination of the following causes:

22 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to
23 an extent that such use impairs a person's ability to perform the work of a physical therapist or
24 physical therapist assistant;

25 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
26 or nolo contendere, in a criminal prosecution under the laws of any state, of the United States,
27 or of any country, for any offense directly related to the duties and responsibilities of the
28 occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

29 (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of
30 registration or authority, permit, or license issued under this chapter or in obtaining permission
31 to take any examination given or required under this chapter;

32 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or
33 unprofessional conduct in the performance of the functions or duties of a physical therapist or
34 physical therapist assistant, including but not limited to the following:

35 (a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by
36 fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating
37 patients; or charging for sessions of physical therapy which did not occur unless the services
38 were contracted for in advance, or for services which were not rendered or documented in the
39 patient's records;

40 (b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to
41 obtain or retain a patient or discourage the use of a second opinion or consultation;

42 (c) Willfully and continually performing inappropriate or unnecessary treatment or
43 services;

44 (d) Delegating professional responsibilities to a person who is not qualified by training,
45 skill, competency, age, experience, or licensure to perform such responsibilities;

46 (e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method,
47 procedure, treatment, medicine, or device;

48 (f) Performing services which have been declared by board rule to be of no physical
49 therapy value;

50 (g) Final disciplinary action by any professional association, professional society,
51 licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other
52 state or territory, whether agreed to voluntarily or not, and including but not limited to any
53 removal, suspension, limitation, or restriction of the person's professional employment,
54 malpractice, or any other violation of any provision of this chapter;

- 55 (h) Administering treatment without sufficient examination, or for other than medically
56 accepted therapeutic or experimental or investigative purposes duly authorized by a state or
57 federal agency, or not in the course of professional physical therapy practice;
- 58 (i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual,
59 while a physical therapist or physical therapist assistant/patient relationship exists; making sexual
60 advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of
61 a sexual nature with patients or clients;
- 62 (j) Terminating the care of a patient without adequate notice or without making other
63 arrangements for the continued care of the patient;
- 64 (k) Failing to furnish details of a patient's physical therapy records to treating physicians,
65 other physical therapists, or hospitals upon proper request; or failing to comply with any other
66 law relating to physical therapy records;
- 67 (l) Failure of any applicant or licensee, other than the licensee subject to the
68 investigation, to cooperate with the board during any investigation;
- 69 (m) Failure to comply with any subpoena or subpoena duces tecum from the board or
70 an order of the board;
- 71 (n) Failure to timely pay license renewal fees specified in this chapter;
- 72 (o) Violating a probation agreement with this board or any other licensing agency;
- 73 (p) Failing to inform the board of the physical therapist's or physical therapist assistant's
74 current telephone number, residence, and business address;
- 75 (q) Advertising by an applicant or licensee which is false or misleading, or which
76 violates any rule of the board, or which claims without substantiation the positive cure of any
77 disease, or professional superiority to or greater skill than that possessed by any other physical
78 therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this
79 provision if the applicant or licensee has a financial interest in any organization, corporation, or
80 association which issues or conducts such advertising;
- 81 (5) Any conduct or practice which is or might be harmful or dangerous to the mental or
82 physical health of a patient or the public; or incompetency, gross negligence, or repeated
83 negligence in the performance of the functions or duties of a physical therapist or physical
84 therapist assistant. For the purposes of this subdivision, "repeated negligence" means the failure,
85 on more than one occasion, to use that degree of skill and learning ordinarily used under the
86 same or similar circumstances by the member of the applicant's or licensee's profession;
- 87 (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling
88 any person to violate, any provision of this chapter, or of any lawful rule adopted under this
89 chapter;

90 (7) Impersonation of any person licensed as a physical therapist or physical therapist
91 assistant or allowing any person to use his or her license or diploma from any school;

92 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,
93 censure, probation, or other final disciplinary action against a physical therapist or physical
94 therapist assistant for a license or other right to practice as a physical therapist or physical
95 therapist assistant by another state, territory, federal agency or country, whether or not voluntarily
96 agreed to by the licensee or applicant, including but not limited to the denial of licensure,
97 surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the
98 practice of physical therapy while subject to an investigation or while actually under
99 investigation by any licensing authority, medical facility, branch of the Armed Forces of the
100 United States of America, insurance company, court, agency of the state or federal government,
101 or employer;

102 (9) A person is finally adjudged incapacitated or disabled by a court of competent
103 jurisdiction;

104 (10) Assisting or enabling any person to practice or offer to practice who is not licensed
105 and currently eligible to practice under this chapter; or knowingly performing any act which in
106 any way aids, assists, procures, advises, or encourages any person to practice physical therapy
107 who is not licensed and currently eligible to practice under this chapter;

108 (11) Issuance of a license to practice as a physical therapist or physical therapist assistant
109 based upon a material mistake of fact;

110 (12) Failure to display a valid license pursuant to practice as a physical therapist or
111 physical therapist assistant;

112 (13) Knowingly making, or causing to be made, or aiding, or abetting in the making of,
113 a false statement in any document executed in connection with the practice of physical therapy;

114 (14) Soliciting patronage in person or by agents or representatives, or by any other means
115 or manner, under the person's own name or under the name of another person or concern, actual
116 or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or
117 necessity for or appropriateness of physical therapy services for all patients, or the qualifications
118 of an individual person or persons to render, or perform physical therapy services;

119 (15) Using, or permitting the use of, the person's name under the designation of "physical
120 therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.",
121 "M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any
122 similar designation with reference to the commercial exploitation of any goods, wares or
123 merchandise;

124 (16) Knowingly making or causing to be made a false statement or misrepresentation of
125 a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for
126 payment from Title XVIII or Title XIX of the Social Security Act;

127 (17) Failure or refusal to properly guard against contagious, infectious, or communicable
128 diseases or the spread thereof; maintaining an unsanitary facility or performing professional
129 services under unsanitary conditions; or failure to report the existence of an unsanitary condition
130 in any physical therapy facility to the board, in writing, within thirty days after the discovery
131 thereof;

132 (18) Any candidate for licensure or person licensed to practice as a physical therapist or
133 physical therapist assistant paying or offering to pay a referral fee or [~~notwithstanding section~~
134 ~~334.010 to the contrary, practicing or offering to practice professional physical therapy~~
135 ~~independent of the prescription and direction of a person licensed and registered as a physician~~
136 ~~and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor~~
137 ~~under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an~~
138 ~~advanced practice registered nurse under chapter 335, or any licensed and registered physician,~~
139 ~~chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another~~
140 ~~jurisdiction, whose license is in good standing] **evaluating or treating a patient in a manner**
141 **inconsistent with section 334.506;**~~

142 (19) Any candidate for licensure or person licensed to practice as a physical therapist or
143 physical therapist assistant treating or attempting to treat ailments or other health conditions of
144 human beings other than by professional physical therapy and as authorized by sections 334.500
145 to 334.685;

146 (20) A pattern of personal use or consumption of any controlled substance unless it is
147 prescribed, dispensed, or administered by a physician who is authorized by law to do so;

148 (21) Failing to maintain adequate patient records under section 334.602;

149 (22) Attempting to engage in conduct that subverts or undermines the integrity of the
150 licensing examination or the licensing examination process, including but not limited to utilizing
151 in any manner recalled or memorized licensing examination questions from or with any person
152 or entity, failing to comply with all test center security procedures, communicating or attempting
153 to communicate with any other examinees during the test, or copying or sharing licensing
154 examination questions or portions of questions;

155 (23) Any candidate for licensure or person licensed to practice as a physical therapist or
156 physical therapist assistant who requests, receives, participates or engages directly or indirectly
157 in the division, transferring, assigning, rebating or refunding of fees received for professional
158 services or profits by means of a credit or other valuable consideration such as wages, an

159 unearned commission, discount or gratuity with any person who referred a patient, or with any
160 relative or business associate of the referring person;

161 (24) Being unable to practice as a physical therapist or physical therapist assistant with
162 reasonable skill and safety to patients by reasons of incompetency, or because of illness,
163 drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical
164 condition. The following shall apply to this subdivision:

165 (a) In enforcing this subdivision the board shall, after a hearing by the board, upon a
166 finding of probable cause, require a physical therapist or physical therapist assistant to submit
167 to a reexamination for the purpose of establishing his or her competency to practice as a physical
168 therapist or physical therapist assistant conducted in accordance with rules adopted for this
169 purpose by the board, including rules to allow the examination of the pattern and practice of such
170 physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental
171 or physical examination or combination thereof by a facility or professional approved by the
172 board;

173 (b) For the purpose of this subdivision, every physical therapist and physical therapist
174 assistant licensed under this chapter is deemed to have consented to submit to a mental or
175 physical examination when directed in writing by the board;

176 (c) In addition to ordering a physical or mental examination to determine competency,
177 the board may, notwithstanding any other law limiting access to medical or other health data,
178 obtain medical data and health records relating to a physical therapist, physical therapist assistant
179 or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

180 (d) Written notice of the reexamination or the physical or mental examination shall be
181 sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the
182 physical therapist or physical therapist assistant at the physical therapist's or physical therapist
183 assistant's last known address. Failure of a physical therapist or physical therapist assistant to
184 submit to the examination when directed shall constitute an admission of the allegations against
185 the physical therapist or physical therapist assistant, in which case the board may enter a final
186 order without the presentation of evidence, unless the failure was due to circumstances beyond
187 the physical therapist's or physical therapist assistant's control. A physical therapist or physical
188 therapist assistant whose right to practice has been affected under this subdivision shall, at
189 reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or
190 physical therapist assistant can resume the competent practice as a physical therapist or physical
191 therapist assistant with reasonable skill and safety to patients;

192 (e) In any proceeding under this subdivision neither the record of proceedings nor the
193 orders entered by the board shall be used against a physical therapist or physical therapist

194 assistant in any other proceeding. Proceedings under this subdivision shall be conducted by the
195 board without the filing of a complaint with the administrative hearing commission;

196 (f) When the board finds any person unqualified because of any of the grounds set forth
197 in this subdivision, it may enter an order imposing one or more of the disciplinary measures set
198 forth in subsection 3 of this section.

199 3. After the filing of such complaint before the administrative hearing commission, the
200 proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding
201 by the administrative hearing commission that the grounds provided in subsection 2 of this
202 section for disciplinary action are met, the board may, singly or in combination:

203 (1) Warn, censure or place the physical therapist or physical therapist assistant named
204 in the complaint on probation on such terms and conditions as the board deems appropriate for
205 a period not to exceed ten years;

206 (2) Suspend the physical therapist's or physical therapist assistant's license for a period
207 not to exceed three years;

208 (3) Restrict or limit the physical therapist's or physical therapist assistant's license for an
209 indefinite period of time;

210 (4) Revoke the physical therapist's or physical therapist assistant's license;

211 (5) Administer a public or private reprimand;

212 (6) Deny the physical therapist's or physical therapist assistant's application for a license;

213 (7) Permanently withhold issuance of a license;

214 (8) Require the physical therapist or physical therapist assistant to submit to the care,
215 counseling or treatment of physicians designated by the board at the expense of the physical
216 therapist or physical therapist assistant to be examined;

217 (9) Require the physical therapist or physical therapist assistant to attend such continuing
218 educational courses and pass such examinations as the board may direct.

219 4. In any order of revocation, the board may provide that the physical therapist or
220 physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical
221 therapist assistant's license for a period of time ranging from two to seven years following the
222 date of the order of revocation. All stay orders shall toll this time period.

223 5. Before restoring to good standing a license issued under this chapter which has been
224 in a revoked, suspended, or inactive state for any cause for more than two years, the board may
225 require the applicant to attend such continuing medical education courses and pass such
226 examinations as the board may direct.

227 6. In any investigation, hearing or other proceeding to determine a physical therapist's,
228 physical therapist assistant's or applicant's fitness to practice, any record relating to any patient
229 of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the

230 board and admissible into evidence, regardless of any statutory or common law privilege which
231 such physical therapist, physical therapist assistant, applicant, record custodian, or patient might
232 otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant,
233 or record custodian may withhold records or testimony bearing upon a physical therapist's,
234 physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between
235 such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.

334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall
2 furnish evidence of the person's educational qualifications. The educational requirements for
3 licensure as a physical therapist assistant are:

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

5 (2) Satisfactory evidence of completion of an associate degree program of physical
6 therapy education accredited by the commission on accreditation of physical therapy education
7 **or eligibility to graduate from such a program within ninety days.**

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

19 3. The examination of qualified candidates for licensure to practice as physical therapist
20 assistants shall embrace an examination which shall cover the curriculum taught in accredited
21 associate degree programs of physical therapy assistant education. Such examination shall be
22 sufficient to test the qualification of the candidates as practitioners.

23 4. The examination shall include, as related to the human body, the subjects of anatomy,
24 kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as
25 related to medicine and such other subjects, including medical ethics, as the board deems useful
26 to test the fitness of the candidate to practice as a physical therapist assistant.

27 5. **No person who has failed on six or more occasions to achieve a passing score on**
28 **the examination required by this section shall be eligible for licensure by examination**
29 **under this section.**

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

32 ~~6.~~ 7. The board shall license without examination any legally qualified person who is
33 a resident of this state and who was actively engaged in practice as a physical therapist assistant
34 on August 28, 1993. The board may license such person pursuant to this subsection until ninety
35 days after the effective date of this section.

36 ~~7.~~ 8. A candidate to practice as a physical therapist assistant who does not meet the
37 educational qualifications may submit to the board an application for examination if such person
38 can furnish written evidence to the board that the person has been employed in this state for at
39 least three of the last five years under the supervision of a licensed physical therapist and such
40 person possesses the knowledge and training equivalent to that obtained in an accredited school.
41 The board may license such persons pursuant to this subsection until ninety days after rules
42 developed by the state board of healing arts regarding physical therapist assistant licensing
43 become effective.

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

12 2. Upon written request of the psychologist subject to a complaint, prior to August 28,
13 1999, by an individual incarcerated or under the care and control of the department of corrections
14 or prior to August 28, 2008, by an individual who has been ordered to be taken into custody,
15 detained, or held under sections 632.480 to 632.513, **or prior to August 28, 2021, by an**
16 **individual who has been ordered to be evaluated under chapter 552**, that did not result in
17 the ~~[board]~~ **committee** filing an action pursuant to subsection 2 of section 337.035, the ~~[board]~~
18 **committee** and the division of professional registration, shall in a timely fashion:

19 (1) Destroy all documentation regarding the complaint;

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

22 (3) Send a letter to the licensee that clearly states that the ~~[board]~~ **committee** found the
23 complaint to be unsubstantiated, that the ~~[board]~~ **committee** has taken the requested action, and
24 notify the licensee of the provisions of subsection 3 of this section.

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

339.100. 1. The commission may, upon its own motion, and shall upon receipt of a
2 written complaint filed by any person, investigate any real estate-related activity of a licensee
3 licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or
4 entity acting as or representing themselves as a real estate licensee. In conducting such
5 investigation, if the questioned activity or written complaint involves an affiliated licensee, the
6 commission may forward a copy of the information received to the affiliated licensee's
7 designated broker. The commission shall have the power to hold an investigatory hearing to
8 determine whether there is a probability of a violation of sections 339.010 to 339.180 and
9 sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to
10 compel the production of records and papers bearing on the complaint. The commission shall
11 have the power to issue a subpoena and to compel any person in this state to come before the
12 commission to offer testimony or any material specified in the subpoena. Subpoenas and
13 subpoenas duces tecum issued pursuant to this section shall be served in the same manner as
14 subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that
15 allowed in the circuit court in civil cases.

16 2. The commission may cause a complaint to be filed with the administrative hearing
17 commission as provided by the provisions of chapter 621 against any person or entity licensed
18 under this chapter or any licensee who has failed to renew or has surrendered his or her
19 individual or entity license for any one or any combination of the following acts:

20 (1) Failure to maintain and deposit in a special account, separate and apart from his or
21 her personal or other business accounts, all moneys belonging to others entrusted to him or her
22 while acting as a real estate broker or as the temporary custodian of the funds of others, until the
23 transaction involved is consummated or terminated, unless all parties having an interest in the
24 funds have agreed otherwise in writing;

25 (2) Making substantial misrepresentations or false promises or suppression, concealment
26 or omission of material facts in the conduct of his or her business or pursuing a flagrant and
27 continued course of misrepresentation through agents, salespersons, advertising or otherwise in
28 any transaction;

29 (3) Failing within a reasonable time to account for or to remit any moneys, valuable
30 documents or other property, coming into his or her possession, which belongs to others;

31 (4) Representing to any lender, guaranteeing agency, or any other interested party, either
32 verbally or through the preparation of false documents, an amount in excess of the true and
33 actual sale price of the real estate or terms differing from those actually agreed upon;

34 (5) Failure to timely deliver a duplicate original of any and all instruments to any party
35 or parties executing the same where the instruments have been prepared by the licensee or under
36 his or her supervision or are within his or her control, including, but not limited to, the
37 instruments relating to the employment of the licensee or to any matter pertaining to the
38 consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property,
39 or any type of real estate transaction in which he or she may participate as a licensee;

40 (6) Acting for more than one party in a transaction without the knowledge of all parties
41 for whom he or she acts, or accepting a commission or valuable consideration for services from
42 more than one party in a real estate transaction without the knowledge of all parties to the
43 transaction;

44 (7) Paying a commission or valuable consideration to any person for acts or services
45 performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

46 (8) Guaranteeing or having authorized or permitted any licensee to guarantee future
47 profits which may result from the resale of real property;

48 (9) Having been finally adjudicated and been found guilty of the violation of any state
49 or federal statute which governs the sale or rental of real property or the conduct of the real estate
50 business as defined in subsection 1 of section 339.010;

51 (10) Obtaining a certificate or registration of authority, permit or license for himself or
52 herself or anyone else by false or fraudulent representation, fraud or deceit;

53 (11) Representing a real estate broker other than the broker with whom associated
54 without the express written consent of the broker with whom associated;

55 (12) Accepting a commission or valuable consideration for the performance of any of
56 the acts referred to in section 339.010 from any person except the broker with whom associated
57 at the time the commission or valuable consideration was earned;

58 (13) Using prizes, money, gifts or other valuable consideration as inducement to secure
59 customers or clients to purchase, lease, sell or list property when the awarding of such prizes,
60 money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or
61 listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting
62 lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective
63 purchaser of real property;

64 (14) Placing a sign on or advertising any property offering it for sale or rent without the
65 written consent of the owner or his or her duly authorized agent;

66 (15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling
67 any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to
68 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections
69 339.710 to 339.860;

70 (16) Committing any act which would otherwise be grounds for the commission to
71 refuse to issue a license under section 339.040;

72 (17) Failure to timely inform seller of all written offers unless otherwise instructed in
73 writing by the seller;

74 (18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo
75 contendere, in a criminal prosecution under the laws of this state or any other state or of the
76 United States, for any offense reasonably related to the qualifications, functions or duties of any
77 profession licensed or regulated under this chapter, or for any offense an essential element of
78 which is fraud, dishonesty or an act of violence, whether or not sentence is imposed;

79 (19) Any other conduct which constitutes untrustworthy, improper or fraudulent business
80 dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

81 (20) Disciplinary action against the holder of a license or other right to practice any
82 profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted
83 by another state, territory, federal agency, or country upon grounds for which revocation,
84 suspension, or probation is authorized in this state;

85 (21) Been found by a court of competent jurisdiction of having used any controlled
86 substance, as defined in chapter 195, to the extent that such use impairs a person's ability to
87 perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and
88 sections 339.710 to 339.860;

89 (22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

90 (23) Assisting or enabling any person to practice or offer to practice any profession
91 licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who
92 is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections
93 339.710 to 339.860;

94 (24) Use of any advertisement or solicitation which:

95 (a) Is knowingly false, misleading, or deceptive to the general public or persons to whom
96 the advertisement or solicitation is primarily directed; **or**

97 (b) **Includes a name or team name that uses the term "realty", "brokerage",**
98 **"company", or any other term that could be construed as a real estate company separate**
99 **from the associated broker's company. The context of an advertisement may be considered**
100 **by the commission when determining whether the licensee committed a violation under the**
101 **provisions of this paragraph;**

102 (25) Making any material misstatement, misrepresentation, or omission with regard to
103 any application for licensure or license renewal. As used in this section, "material" means
104 important information about which the commission should be informed and which may influence
105 a licensing decision;

106 (26) Engaging in, committing, or assisting any person in engaging in or committing
107 mortgage fraud, as defined in section 443.930.

108 3. After the filing of such complaint, the proceedings will be conducted in accordance
109 with the provisions of law relating to the administrative hearing commission. A finding of the
110 administrative hearing commissioner that the licensee has performed or attempted to perform one
111 or more of the foregoing acts shall be grounds for the suspension or revocation of his license by
112 the commission, or the placing of the licensee on probation on such terms and conditions as the
113 real estate commission shall deem appropriate, or the imposition of a civil penalty by the
114 commission not to exceed two thousand five hundred dollars for each offense. Each day of a
115 continued violation shall constitute a separate offense.

116 4. The commission may prepare a digest of the decisions of the administrative hearing
117 commission which concern complaints against licensed brokers or salespersons and cause such
118 digests to be mailed to all licensees periodically. Such digests may also contain reports as to new
119 or changed rules adopted by the commission and other information of significance to licensees.

120 5. Notwithstanding other provisions of this section, a broker or salesperson's license shall
121 be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has
122 pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the
123 following offenses or offenses of a similar nature established under the laws of this, any other
124 state, the United States, or any other country, notwithstanding whether sentence is imposed:

125 (1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

126 (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,
127 statutory rape in the first degree, statutory rape in the second degree, rape in the second degree,
128 sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree,
129 statutory sodomy in the second degree, child molestation in the first degree, child molestation
130 in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct
131 involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior
132 to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013,
133 sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

134 (3) Any of the following offenses against the family and related offenses: incest,
135 abandonment of a child in the first degree, abandonment of a child in the second degree,
136 endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual
137 performance, promoting sexual performance by a child, or trafficking in children;

138 (4) Any of the following offenses involving child pornography and related offenses:
139 promoting obscenity in the first degree, promoting obscenity in the second degree when the
140 penalty is enhanced to a class E felony, promoting child pornography in the first degree,
141 promoting child pornography in the second degree, possession of child pornography in the first
142 degree, possession of child pornography in the second degree, furnishing child pornography to
143 a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene
144 material; and

145 (5) Mortgage fraud as defined in section 570.310.

146 6. A person whose license was revoked under subsection 5 of this section may appeal
147 such revocation to the administrative hearing commission. Notice of such appeal must be
148 received by the administrative hearing commission within ninety days of mailing, by certified
149 mail, the notice of revocation. Failure of a person whose license was revoked to notify the
150 administrative hearing commission of his or her intent to appeal waives all rights to appeal the
151 revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the
152 administrative hearing commission.

339.150. 1. No real estate broker shall knowingly employ or engage any person to
2 perform any service to the broker for which licensure as a real estate broker or a real estate
3 salesperson is required pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860,
4 unless such a person is:

5 (1) A licensed real estate salesperson or a licensed real estate broker as required by
6 section 339.020; or

7 (2) For a transaction involving commercial real estate as defined in section 339.710, a
8 person regularly engaged in the real estate brokerage business outside the state of Missouri who
9 has, in such forms as the commission may adopt by rule:

10 (a) Executed a brokerage agreement with the Missouri real estate broker;

11 (b) Consented to the jurisdiction of Missouri and the commission;

12 (c) Consented to disciplinary procedures under section 339.100; and

13 (d) Appointed the commission as his or her agent for service of process regarding any
14 administrative or legal actions relating to the conduct in Missouri; or

15 (3) For any other transaction, a person regularly engaged in the real estate brokerage
16 business outside of the state of Missouri.

17

18 Any such action shall be unlawful as provided by section 339.100 and shall be grounds for
19 investigation, complaint, proceedings and discipline as provided by section 339.100.

20 2. No real estate licensee shall pay any part of a fee, commission or other compensation
21 received by the licensee to any person for any service rendered by such person to the licensee in

22 buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate, unless
23 such a person is a licensed real estate salesperson regularly associated with such a broker, or a
24 licensed real estate broker, or a person regularly engaged in the real estate brokerage business
25 outside of the state of Missouri.

26 3. Notwithstanding the provisions of subsections 1 and 2 of this section, any real estate
27 broker who shall refuse to pay any person for services rendered by such person to the broker,
28 with the consent, knowledge and acquiescence of the broker that such person was not licensed
29 as required by section 339.020, in buying, selling, exchanging, leasing, renting or negotiating a
30 loan upon any real estate for which services a license is required, and who is employed or
31 engaged by such broker to perform such services, shall be liable to such person for the reasonable
32 value of the same or similar services rendered to the broker, regardless of whether or not the
33 person possesses or holds any particular license, permit or certification at the time the service
34 was performed. Any such person may bring a civil action for the reasonable value of his services
35 rendered to a broker notwithstanding the provisions of section 339.160.

36 **4. Notwithstanding any provision of law to the contrary, a real estate broker may**
37 **pay compensation directly to a business entity owned by a licensee that has been formed**
38 **for the purpose of receiving compensation earned by such licensee. A business entity that**
39 **receives compensation from a real estate broker as provided for in this subsection shall not**
40 **be required to be licensed under this chapter and shall be owned:**

41 **(1) Solely by the licensee;**

42 **(2) By the licensee together with the licensee's spouse, but only if the spouse and**
43 **licensee are both licensed and associated with the same real estate broker, or the spouse is**
44 **not also licensed; or**

45 **(3) By the licensee and one or more other licensees, but only if all such owners are**
46 **licensees which are associated with the same real estate broker.**

47

48 **For purposes of this subsection, the term "licensee" shall mean any real estate broker-**
49 **salesperson or real estate salesperson, as such terms are defined under section 339.010, and**
50 **the term "business entity", shall mean any corporation, partnership, limited partnership,**
51 **limited liability company, professional corporation, or association.**

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

2 **(1) "Director", the director of the department of commerce and insurance;**

3 **(2) "Insurance producer", a person required to be licensed under the laws of this**
4 **state to sell, solicit, or negotiate insurance.**

5 **2. (1) Subject to approval by the director, an insurance producer's active**
6 **participation as an individual member or employee of a business entity producer member**

7 of a local, regional, state, or national professional insurance association may be approved
8 for up to four hours of continuing education credit per each biennial reporting period.

9 (2) An insurance producer shall not use continuing education credit granted under
10 this section to satisfy continuing education hours required to be completed in a classroom
11 or classroom-equivalent setting or to satisfy any continuing education ethics requirements.

12 (3) The continuing education hours referenced in subdivision (1) of this subsection
13 shall be credited upon the timely filing with the director by the insurance producer of an
14 appropriate written statement in a form acceptable to the director or by a certification
15 from the local, regional, state, or national professional insurance association through
16 written form or electronic filing acceptable to the director.

17 3. The director may promulgate all necessary rules and regulations for the
18 administration of this section. Any rule or portion of a rule, as that term is defined in
19 section 536.010, that is created under the authority delegated in this section shall become
20 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
21 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any
22 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay
23 the effective date, or to disapprove and annul a rule are subsequently held
24 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
25 after August 28, 2021, shall be invalid and void.

376.1900. 1. As used in this section, the following terms shall mean:

2 (1) "Electronic visit", or "e-visit", an online electronic medical evaluation and
3 management service completed using a secured web-based or similar electronic-based
4 communications network for a single patient encounter. **Any use of technology through an**
5 **adaptive questionnaire shall not constitute an electronic visit.** An electronic visit shall be
6 initiated by a patient or by the guardian of a patient with the health care provider, be completed
7 using a federal Health Insurance Portability and Accountability Act (HIPAA)-compliant online
8 connection, and include a permanent record of the electronic visit;

9 (2) "Health benefit plan" shall have the same meaning ascribed to it in section 376.1350;

10 (3) "Health care provider" shall have the same meaning ascribed to it in section
11 376.1350;

12 (4) "Health care service", a service for the diagnosis, prevention, treatment, cure or relief
13 of a physical or mental health condition, illness, injury or disease;

14 (5) "Health carrier" shall have the same meaning ascribed to it in section 376.1350;

15 (6) "Telehealth" shall have the same meaning ascribed to it in section 208.670.

16 2. Each health carrier or health benefit plan that offers or issues health benefit plans
17 which are delivered, issued for delivery, continued, or renewed in this state on or after January

18 1, 2014, shall not deny coverage for a health care service on the basis that the health care service
19 is provided through telehealth if the same service would be covered if provided through face-to-
20 face diagnosis, consultation, or treatment.

21 3. A health carrier may not exclude an otherwise covered health care service from
22 coverage solely because the service is provided through telehealth rather than face-to-face
23 consultation or contact between a health care provider and a patient.

24 4. A health carrier shall not be required to reimburse a telehealth provider or a consulting
25 provider for site origination fees or costs for the provision of telehealth services; however,
26 subject to correct coding, a health carrier shall reimburse a health care provider for the diagnosis,
27 consultation, or treatment of an insured or enrollee when the health care service is delivered
28 through telehealth on the same basis that the health carrier covers the service when it is delivered
29 in person.

30 5. A health care service provided through telehealth shall not be subject to any greater
31 deductible, co-payment, or coinsurance amount than would be applicable if the same health care
32 service was provided through face-to-face diagnosis, consultation, or treatment.

33 6. A health carrier shall not impose upon any person receiving benefits under this section
34 any co-payment, coinsurance, or deductible amount, or any policy year, calendar year, lifetime,
35 or other durational benefit limitation or maximum for benefits or services that is not equally
36 imposed upon all terms and services covered under the policy, contract, or health benefit plan.

37 7. Nothing in this section shall preclude a health carrier from undertaking utilization
38 review to determine the appropriateness of telehealth as a means of delivering a health care
39 service, provided that the determinations shall be made in the same manner as those regarding
40 the same service when it is delivered in person.

41 8. A health carrier or health benefit plan may limit coverage for health care services that
42 are provided through telehealth to health care providers that are in a network approved by the
43 plan or the health carrier.

44 9. Nothing in this section shall be construed to require a health care provider to be
45 physically present with a patient where the patient is located unless the health care provider who
46 is providing health care services by means of telehealth determines that the presence of a health
47 care provider is necessary.

48 10. The provisions of this section shall not apply to a supplemental insurance policy,
49 including a life care contract, accident-only policy, specified disease policy, hospital policy
50 providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-
51 term major medical policies of six months' or less duration, or any other supplemental policy as
52 determined by the director of the department of commerce and insurance.

436.218. As used in sections 436.215 to 436.272, the following terms mean:

2 (1) "Agency contract", an agreement in which a student athlete authorizes a person to
3 negotiate or solicit on behalf of the student athlete a professional sports services contract or an
4 endorsement contract;

5 (2) "Athlete agent"~~], an individual who enters into an agency contract with a student~~
6 ~~athlete or directly or indirectly recruits or solicits a student athlete to enter into an agency~~
7 ~~contract. The term does not include a spouse, parent, sibling, grandparent, or guardian of the~~
8 ~~student athlete or an individual acting solely on behalf of a professional sports team or~~
9 ~~professional sports organization. The term includes an individual who represents to the public~~
10 ~~that the individual is an athlete agent] :~~

11 (a) **An individual, registered or unregistered under sections 436.215 to 436.272,**
12 **who:**

13 a. **Directly or indirectly recruits or solicits a student athlete to enter into an agency**
14 **contract or, for compensation, procures employment or offers, promises, attempts, or**
15 **negotiates to obtain employment for a student athlete as a professional athlete or member**
16 **of a professional sports team or organization;**

17 b. **For compensation or in anticipation of compensation related to a student**
18 **athlete's participation in athletics:**

19 (i) **Serves the student athlete in an advisory capacity on a matter related to finances,**
20 **business pursuits, or career management decisions, unless the individual is an employee**
21 **of an educational institution acting exclusively as an employee of the institution for the**
22 **benefit of the institution; or**

23 (ii) **Manages the business affairs of the student athlete by providing assistance with**
24 **bills, payments, contracts, or taxes; or**

25 c. **In anticipation of representing a student athlete for a purpose related to the**
26 **student athlete's participation in athletics:**

27 (i) **Gives consideration to the student athlete or another person;**

28 (ii) **Serves the student athlete in an advisory capacity on a matter related to**
29 **finances, business pursuits, or career management decisions; or**

30 (iii) **Manages the business affairs of the student athlete by providing assistance with**
31 **bills, payments, contracts, or taxes;**

32 (b) **"Athlete agent" does not include an individual who:**

33 a. **Acts solely on behalf of a professional sports team or organization; or**

34 b. **Is a licensed, registered, or certified professional and offers or provides services**
35 **to a student athlete customarily provided by members of the profession, unless the**
36 **individual:**

37 (i) **Recruits or solicits the student athlete to enter into an agency contract;**

38 (ii) **For compensation, procures employment or offers, promises, attempts, or**
39 **negotiates to obtain employment for the student athlete as a professional athlete or member**
40 **of a professional sports team or organization; or**

41 (iii) **Receives consideration for providing the services calculated using a different**
42 **method than for an individual who is not a student athlete;**

43 (3) "Athletic director", an individual responsible for administering the overall athletic
44 program of an educational institution or if an educational institution has separately administered
45 athletic programs for male students and female students, the athletic program for males or the
46 athletic program for females, as appropriate;

47 (4) [~~"Contact", a direct or indirect communication between an athlete agent and a student~~
48 ~~athlete to recruit or solicit the student athlete to enter into an agency contract;~~

49 ~~—(5)]~~ "Director", the director of the division of professional registration;

50 ~~[(6)]~~ (5) "Division", the division of professional registration;

51 (6) **"Educational institution", a public or private elementary school, secondary**
52 **school, technical or vocational school, community college, college, or university;**

53 (7) "Endorsement contract", an agreement under which a student athlete is employed or
54 receives consideration to use on behalf of the other party any value that the student athlete may
55 have because of publicity, reputation, following, or fame obtained because of athletic ability or
56 performance;

57 (8) **"Enrolled" or "enrolls", the act of registering, or having already registered, for**
58 **courses at an educational institution and attending or planning to attend athletic practice**
59 **or class;**

60 ~~[(8)]~~ (9) "Intercollegiate sport", a sport played at the collegiate level for which eligibility
61 requirements for participation by a student athlete are established by a national association for
62 the promotion or regulation of collegiate athletics;

63 (10) **"Interscholastic sport", a sport played between educational institutions that**
64 **are not community colleges, colleges, or universities;**

65 (11) **"Licensed, registered, or certified professional", an individual licensed,**
66 **registered, or certified as an attorney, dealer in securities, financial planner, insurance**
67 **agent, real estate broker or sales agent, tax consultant, accountant, or member of a**
68 **profession, other than that of athlete agent, who is licensed, registered, or certified by the**
69 **state or a nationally recognized organization that licenses, registers, or certifies members**
70 **of the profession on the basis of experience, education, or testing;**

71 ~~[(9)]~~ (12) "Person", an individual, corporation, business trust, estate, trust, partnership,
72 limited liability company, association, joint venture, government, governmental subdivision,
73 agency, or instrumentality, public corporation, or any other legal or commercial entity;

74 ~~[(10)]~~ **(13)** "Professional sports services contract", an agreement under which an
 75 individual is employed ~~[or]~~ **as a professional athlete and** agrees to render services as a player
 76 on a professional sports team~~;~~ **or** with a professional sports organization~~[-or-as-a-professional~~
 77 ~~athlete];~~

78 ~~[(11)]~~ **(14)** "Record", information that is inscribed on a tangible medium or that is stored
 79 in an electronic or other medium and is retrievable in perceivable form;

80 **(15) "Recruit or solicit", an attempt to influence the choice of an athlete agent by**
 81 **a student athlete or, if the student athlete is a minor, a parent or guardian of the student**
 82 **athlete. "Recruit or solicit" does not include giving advice on the selection of a particular**
 83 **agent in a family, coaching, or social situation unless the individual giving the advice does**
 84 **so because of the receipt or anticipated receipt of an economic benefit, directly or**
 85 **indirectly, from the agent;**

86 ~~[(12)]~~ **(16)** "Registration", registration as an athlete agent under sections 436.215 to
 87 436.272;

88 **(17) "Sign", the intent to authenticate or adopt a record:**

89 **(a) To execute or adopt a tangible symbol; or**

90 **(b) To attach to or logically associate with the record an electronic symbol, sound,**
 91 **or process;**

92 ~~[(13)]~~ **(18)** "State", a state of the United States, the District of Columbia, Puerto Rico,
 93 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
 94 of the United States;

95 ~~[(14)]~~ **(19)** "Student athlete", ~~[a-current-student-who-engages-in,-has-engaged-in,-is~~
 96 ~~eligible-to-engage-in,-or-may-be-eligible-in-the-future-to-engage-in,-any]~~ **an individual who is**
 97 **eligible to attend an educational institution and engages in, is eligible to engage in, or may**
 98 **be eligible in the future to engage in any interscholastic or intercollegiate sport. "Student**
 99 **athlete" does not include an individual permanently ineligible to participate in a particular**
 100 **interscholastic or intercollegiate sport.**

436.224. 1. Except as otherwise provided in subsection 2 of this section, an individual
 2 may not act as an athlete agent in this state ~~[before]~~ **without** being issued a certificate of
 3 registration under section 436.230 or 436.236.

4 2. ~~[An individual with a temporary license]~~ **Before being issued a certificate of**
 5 **registration** under section 436.236, **an individual** may act as an athlete agent ~~[before being~~
 6 ~~issued a certificate of registration]~~ for all purposes except signing an agency contract if:

7 (1) A student athlete or another acting on behalf of the student athlete initiates
 8 communication with the individual; and

9 (2) Within seven days after an initial act ~~[as an athlete agent]~~ **that requires the**
 10 **individual to register as an athlete agent**, the individual submits an application to register as
 11 an athlete agent in this state.

12 3. An agency contract resulting from conduct in violation of this section is void. The
 13 athlete agent shall return any consideration received under the contract.

436.227. 1. An applicant for registration shall submit an application for registration to
 2 the director in a form prescribed by the director. The application ~~[must]~~ **shall** be in the name of
 3 an individual and signed by the applicant under penalty of perjury and ~~[must]~~ **shall** state or
 4 contain **at least the following**:

5 (1) The name, **date of birth, and place of birth** of the applicant ~~[and]~~ ;

6 (2) The address **and telephone numbers** of the applicant's principal place of business;

7 (3) **The applicant's mobile telephone numbers and any means of communicating**
 8 **electronically, including a facsimile number, email address, and personal, business, or**
 9 **employer websites, as applicable;**

10 ~~[(2)]~~ (4) The name of the applicant's business or employer, if applicable, **including for**
 11 **each business or employer, the mailing address, telephone number, organization form, and**
 12 **the nature of the business;**

13 (5) **Each social media account with which the applicant or the applicant's business**
 14 **or employer is affiliated;**

15 ~~[(3)]~~ (6) Any business or occupation engaged in by the applicant for the five years ~~[next]~~
 16 preceding the date of submission of the application, **including self-employment and**
 17 **employment by others, and any professional or occupational license, registration, or**
 18 **certification held by the applicant during that time;**

19 ~~[(4)]~~ (7) A description of the applicant's:

20 (a) Formal training as an athlete agent;

21 (b) Practical experience as an athlete agent; and

22 (c) Educational background relating to the applicant's activities as an athlete agent;

23 ~~[(5)]~~ ~~The names and addresses of three individuals not related to the applicant who are~~
 24 ~~willing to serve as references;~~

25 ~~[(6)]~~ (8) The name~~], sport, and last known team for each individual]~~ **of each student**
 26 **athlete** for whom the applicant ~~[provided services]~~ **acted** as an athlete agent during the five years
 27 ~~[next]~~ preceding the date of submission of the application **or, if the student athlete is a minor,**
 28 **the name of the parent or guardian of the minor, together with the student athlete's sport**
 29 **and last known team;**

30 ~~[(7)]~~ (9) The names and addresses of all persons who are:

31 (a) With respect to the athlete agent's business if it is not a corporation, the partners,
32 officers, **managers**, associates, or profit-sharers, **or persons who directly or indirectly hold**
33 **an equity interest of five percent or greater**; and

34 (b) With respect to a corporation employing the ~~[athlete-agent]~~ **applicant**, the officers,
35 directors, and any shareholder of the corporation with a five percent or greater interest;

36 **(10) A description of the status of any application by the applicant, or any person**
37 **named under subdivision (9) of this subsection, for a state or federal business, professional,**
38 **or occupational license, other than as an athlete agent, from a state or federal agency,**
39 **including any denial, refusal to renew, suspension, withdrawal, or termination of the**
40 **license and any reprimand or censure related to the license;**

41 ~~[(8)]~~ **(11) Whether the applicant or any other person named under subdivision [(7)] (9)**
42 **of this [section] subsection has [been convicted] pled guilty to or been found guilty of a crime**
43 **that if committed in this state would be a felony or other crime involving moral turpitude, and**
44 **[a description of the crime] information regarding the crime, including the crime, the law**
45 **enforcement agency involved, and, if applicable, the date of the verdict and the penalty**
46 **imposed;**

47 **(12) Whether, within fifteen years before the date of application, the applicant or**
48 **any person named under subdivision (9) of this subsection has been a defendant or**
49 **respondent in a civil proceeding, including a proceeding seeking an adjudication of legal**
50 **incompetence and, if so, the date and a full explanation of each proceeding;**

51 **(13) Whether the applicant or any person named under subdivision (9) of this**
52 **subsection has an unsatisfied judgment or a judgment of continuing effect, including**
53 **alimony or a domestic order in the nature of child support, that is not current on the date**
54 **of the application;**

55 **(14) Whether, within ten years before the date of application, the applicant or any**
56 **person named under subdivision (9) of this subsection was adjudicated bankrupt or was**
57 **an owner of a business that was adjudicated bankrupt;**

58 ~~[(9)]~~ **(15) Whether there has been any administrative or judicial determination that the**
59 **applicant or any other person named under subdivision [(7)] (9) of this [section] subsection has**
60 **made a false, misleading, deceptive, or fraudulent representation;**

61 ~~[(10)]~~ **(16) Any instance in which the prior conduct of the applicant or any other person**
62 **named under subdivision [(7)] (9) of this [section] subsection resulted in the imposition of a**
63 **sanction, suspension, or declaration of ineligibility to participate in an interscholastic or**
64 **intercollegiate athletic event on a student athlete or educational institution;**

65 ~~[(11)]~~ **(17)** Any sanction, suspension, or disciplinary action taken against the applicant
66 or any other person named under subdivision ~~[(7)]~~ **(9)** of this ~~[section]~~ **subsection** arising out of
67 occupational or professional conduct; and

68 ~~[(12)]~~ **(18)** Whether there has been any denial of an application for, suspension or
69 revocation of, or refusal to renew the registration or licensure of the applicant or any other person
70 named under subdivision ~~[(7)]~~ **(9)** of this ~~[section]~~ **subsection** as an athlete agent in any state.

71 **(19) Each state in which the applicant is currently registered as an athlete agent or**
72 **has applied to be registered as an athlete agent;**

73 **(20) If the applicant is certified or registered by a professional league or players**
74 **association:**

75 **(a) The name of the league or association;**

76 **(b) The date of certification or registration, and the date of expiration of the**
77 **certification or registration, if any; and**

78 **(c) If applicable, the date of any denial of an application for, suspension or**
79 **revocation of, refusal to renew, withdrawal of, or termination of the certification or**
80 **registration or any reprimand or censure related to the certification or registration; and**

81 **(21) Any additional information as required by the director.**

82 **2. In lieu of submitting the application and information required under subsection**
83 **1 of this section, an applicant who is registered as an athlete agent in another state may**
84 **apply for registration as an athlete agent by submitting the following:**

85 **(1) A copy of the application for registration in the other state;**

86 **(2) A statement that identifies any material change in the information on the**
87 **application or verifies there is no material change in the information, signed under penalty**
88 **of perjury; and**

89 **(3) A copy of the certificate of registration from the other state.**

90 **3. The director shall issue a certificate of registration to an applicant who applies**
91 **for registration under subsection 2 of this section if the director determines:**

92 **(1) The application and registration requirements of the other state are**
93 **substantially similar to or more restrictive than the requirements provided under sections**
94 **436.215 to 436.272; and**

95 **(2) The registration has not been revoked or suspended and no action involving the**
96 **applicant's conduct as an athlete agent is pending against the applicant or the applicant's**
97 **registration in any state.**

98 **4. For purposes of implementing subsection 3 of this section, the director shall:**

99 **(1) Cooperate with national organizations concerned with athlete agent issues and**
100 **agencies in other states that register athlete agents to develop a common registration form**

101 **and determine which states have laws that are substantially similar to or more restrictive**
102 **than sections 436.215 to 436.272; and**

103 **(2) Exchange information, including information related to actions taken against**
104 **registered athlete agents or their registrations, with those organizations and agencies.**

436.230. 1. Except as otherwise provided in subsection 2 of this section, the director
2 shall issue a certificate of registration to an individual who complies with section 436.227.

3 2. The director may refuse to issue a certificate of registration if the director determines
4 that the applicant has engaged in conduct that has a significant adverse effect on the applicant's
5 fitness to serve as an athlete agent. In making the determination, the director may consider
6 whether the applicant has:

7 (1) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo
8 contendere, in a criminal prosecution under the laws of any state, of the United States, or of any
9 country, for any offense directly related to the duties and responsibilities of the occupation, as
10 set forth in section 324.012, regardless of whether or not sentence is imposed;

11 (2) Made a materially false, misleading, deceptive, or fraudulent representation as an
12 athlete agent or in the application;

13 (3) Engaged in conduct that would disqualify the applicant from serving in a fiduciary
14 capacity;

15 (4) Engaged in conduct prohibited by section 436.254;

16 (5) Had a registration or licensure as an athlete agent suspended, revoked, or denied or
17 been refused renewal of registration or licensure in any state;

18 (6) Engaged in conduct or failed to engage in conduct the consequence of which was that
19 a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or
20 intercollegiate athletic event was imposed on a student athlete or educational institution; or

21 (7) Engaged in conduct that significantly adversely reflects on the applicant's credibility,
22 honesty, or integrity.

23 3. In making a determination under subsection 2 of this section, the director shall
24 consider:

25 (1) How recently the conduct occurred;

26 (2) The nature of the conduct and the context in which it occurred; and

27 (3) Any other relevant conduct of the applicant.

28 4. An athlete agent may apply to renew a registration by submitting an application for
29 renewal in a form prescribed by the director. The application for renewal ~~must~~ **shall** be signed
30 by the applicant under penalty of perjury under section 575.040 and shall contain current
31 information on all matters required in an original registration.

32 5. **An athlete agent registered under subsection 3 of section 436.227 may renew the**
 33 **registration by proceeding under subsection 4 of this section or, if the registration in the**
 34 **other state has been renewed, by submitting to the director copies of the application for**
 35 **renewal in the other state and the renewed registration from the other state. The director**
 36 **shall renew the registration if the director determines:**

37 (1) **The registration requirements of the other state are substantially similar to or**
 38 **more restrictive than the requirements provided under sections 436.215 to 436.272; and**

39 (2) **The renewed registration has not been suspended or revoked and no action**
 40 **involving the individual's conduct as an athlete agent is pending against the individual or**
 41 **the individual's registration in any state.**

42 6. A certificate of registration or a renewal of a registration is valid for two years.

43 436.236. The director may issue a temporary certificate of registration [~~valid for sixty~~
 2 ~~days~~] while an application for registration or renewal is pending.

44 436.242. 1. An agency contract [~~must~~] **shall** be in a record signed by the parties.

2 2. An agency contract [~~must~~] **shall** state or contain:

3 (1) **A statement that the athlete agent is registered as an athlete agent in this state**
 4 **and a list of any other states in which the agent is registered as an athlete agent;**

5 (2) **The amount and method of calculating the consideration to be paid by the student**
 6 **athlete for services to be provided by the athlete agent under the contract and any other**
 7 **consideration the athlete agent has received or will receive from any other source for entering**
 8 **into the contract or for providing the services;**

9 ~~[(2)]~~ (3) **The name of any person not listed in the application for registration or renewal**
 10 **who will be compensated because the student athlete signed the agency contract;**

11 ~~[(3)]~~ (4) **A description of any expenses that the student athlete agrees to reimburse;**

12 ~~[(4)]~~ (5) **A description of the services to be provided to the student athlete;**

13 ~~[(5)]~~ (6) **The duration of the contract; and**

14 ~~[(6)]~~ (7) **The date of execution.**

15 3. An agency contract shall contain in close proximity to the signature of the student
 16 athlete a conspicuous notice in boldface type in capital letters stating:

17 "WARNING TO STUDENT ATHLETE IF YOU SIGN THIS CONTRACT:

18 (1) **YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT**
 19 **ATHLETE IN YOUR SPORT;**

20 (2) **BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL YOUR**
 21 **ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS**
 22 **AFTER ENTERING INTO AN AGENCY CONTRACT OR BEFORE THE NEXT**
 23 **ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST,**

24 **AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE**
25 **AGENT; AND**

26 (3) **YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING**
27 **IT. CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR**
28 **ELIGIBILITY."**

29 **4. An agency contract shall be accompanied by a separate record signed by the**
30 **student athlete or, if the student athlete is a minor, the parent or guardian of the student**
31 **athlete acknowledging that signing the contract may result in the loss of the student**
32 **athlete's eligibility to participate in the student athlete's sport.**

33 **5. An agency contract that does not conform to this section is voidable by the student**
34 **athlete or, if the student athlete is a minor, by the parent or guardian of the student athlete.**
35 **If the contract is voided, any consideration received by the student athlete from the athlete**
36 **agent under the contract to induce entering into the contract is not required to be returned.**

37 ~~5.]~~ **6. The athlete agent shall give a copy of the signed agency contract to the student**
38 **athlete or, if the student athlete is a minor, to the parent or guardian of the student athlete**
39 **[at the time of signing].**

40 **7. If a student athlete is a minor, an agency contract shall be signed by the parent**
41 **or guardian of the minor, and the notice required by subsection 3 of this section shall be**
42 **revised accordingly.**

436.245. **1. As used in this section, "communicating or attempting to**
2 **communicate" shall mean contacting or attempting to contact by an in-person meeting, a**
3 **record, or any other method that conveys or attempts to convey a message.**

4 **2. Within seventy-two hours after entering into an agency contract or before the next**
5 **scheduled athletic event in which the student athlete may participate, whichever occurs first, the**
6 **athlete agent shall give notice in [writing] a record of the existence of the contract to the athletic**
7 **director of the educational institution at which the student athlete is enrolled or the athlete agent**
8 **has reasonable grounds to believe the student athlete intends to enroll.**

9 **3. If an athlete agent enters into an agency contract with a student athlete and the**
10 **student athlete subsequently enrolls at an educational institution, the athlete agent shall**
11 **notify the athletic director of the educational institution of the existence of the contract**
12 **within seventy-two hours after the agent knows or should have known the student athlete**
13 **enrolled.**

14 **4. If an athlete agent has a relationship with a student athlete before the student**
15 **athlete enrolls in an educational institution and receives an athletic scholarship from the**
16 **educational institution, the athlete agent shall notify the athletic director of the educational**

17 institution of the relationship no later than ten days after the enrollment if the athlete agent
18 knows or should have known of the enrollment and:

19 (1) The relationship was motivated in whole or in part by the intention of the
20 athlete agent to recruit or solicit the student athlete to enter an agency contract in the
21 future; or

22 (2) The athlete agent directly or indirectly recruited or solicited the student athlete
23 to enter an agency contract before the enrollment.

24 5. An athlete agent shall give notice in a record to the athletic director of any
25 educational institution at which a student athlete is enrolled before the agent communicates
26 or attempts to communicate with:

27 (1) The student athlete or, if the student athlete is a minor, a parent or guardian
28 of the student athlete to influence the student athlete or parent or guardian to enter into
29 an agency contract; or

30 (2) Another individual to have that individual influence the student athlete or, if
31 the student athlete is a minor, the parent or guardian of the student athlete to enter into
32 an agency contract.

33 6. If a communication or attempted communication with an athlete agent is
34 initiated by a student athlete or another individual on behalf of the student athlete, the
35 athlete agent shall give notice in a record to the athletic director of any educational
36 institution at which the student athlete is enrolled. The notification shall be made no later
37 than ten days after the communication or attempted communication.

38 7. An educational institution that becomes aware of a violation of sections 436.215
39 to 436.272 by an athlete agent shall notify the director of the violation and any professional
40 league or players' association with which the educational institution is aware the agent is
41 licensed or registered.

42 ~~[2-]~~ 8. Within seventy-two hours after entering into an agency contract or before the next
43 athletic event in which the student athlete may participate, whichever occurs first, the student
44 athlete shall in ~~[writing]~~ a record inform the athletic director of the educational institution at
45 which the student athlete is enrolled that he or she has entered into an agency contract **and the**
46 **name and contact information of the athlete agent.**

436.248. 1. A student athlete **or, if the student athlete is a minor, the parent or**
2 **guardian of the student athlete** may cancel an agency contract by giving notice in writing to
3 the athlete agent of the cancellation within fourteen days after the contract is signed.

4 2. A student athlete **or, if the student athlete is a minor, the parent or guardian of**
5 **the student athlete** may not waive the right to cancel an agency contract.

6 3. If a student athlete, **parent, or guardian** cancels an agency contract within fourteen
 7 days of signing the contract, the student athlete, **parent, or guardian** is not required to pay any
 8 consideration under the contract or to return any consideration received from the agent to induce
 9 the student athlete to enter into the contract.

436.254. [~~1-~~] An athlete agent [~~may~~] **shall not intentionally** [~~do any of the following~~
 2 ~~with the intent to induce a student athlete to enter into an agency contract~~]:

3 (1) Give [~~any~~] **a student athlete or, if the student athlete is a minor, a parent or**
 4 **guardian of the student athlete** materially false or misleading information or make a materially
 5 false promise or representation **with the intent to influence the student athlete, parent, or**
 6 **guardian to enter into an agency contract**;

7 (2) Furnish anything of value to a student athlete [~~before the student athlete enters into~~
 8 ~~the agency contract~~]; **or another individual, if to do so may result in loss of the student**
 9 **athlete's eligibility to participate in the student athlete's sport, unless:**

10 (a) **The athlete agent notifies the athletic director of the educational institution at**
 11 **which the student athlete is enrolled or at which the athlete agent has reasonable grounds**
 12 **to believe the student athlete intends to enroll, no later than seventy-two hours after giving**
 13 **the thing of value; and**

14 (b) **The student athlete or, if the student athlete is a minor, a parent or guardian**
 15 **of the student athlete acknowledges to the athlete agent in a record that receipt of the thing**
 16 **of value may result in loss of the student athlete's eligibility to participate in the student**
 17 **athlete's sport;**

18 (3) [~~Furnish anything of value to any individual other than the student athlete or another~~
 19 ~~registered athlete agent.~~

20 ~~2. An athlete agent may not intentionally:~~

21 ~~(1)~~ Initiate contact, **directly or indirectly**, with a student athlete **or, if the student**
 22 **athlete is a minor, a parent or guardian of the student athlete to recruit or solicit the**
 23 **student athlete, parent, or guardian to enter into an agency contract** unless registered under
 24 sections 436.215 to 436.272;

25 [~~(2) Refuse or willfully~~] (4) Fail to **create**, retain, or permit inspection of the records
 26 required by section 436.251;

27 [~~(3) Violate section 436.224 by failing~~] (5) **Fail to register if required under section**
 28 **436.224;**

29 [(4)] (6) Provide materially false or misleading information in an application for
 30 registration or renewal of registration;

31 [(5)] (7) Predate or postdate an agency contract; [~~or~~

32 ~~——(6)]~~ **(8) Fail to notify a student athlete or, if the student athlete is a minor, a parent**
 33 **or guardian of the student athlete [prior to] before** the student [athlete's] athlete, parent, or
 34 **guardian [signing] signs** an agency contract for a particular sport that the signing [by the student
 35 athlete] may [~~make the student athlete ineligible~~] **result in loss of the student athlete's**
 36 **eligibility** to participate [~~as a student athlete in that~~] **in the student athlete's sport;**

37 **(9) Encourage another individual to do any of the acts described in subdivisions (1)**
 38 **to (8) of this section on behalf of the athlete agent; or**

39 **(10) Encourage another individual to assist any other individual in doing any of the**
 40 **acts described in subdivisions (1) to (8) of this section on behalf of the athlete agent.**

436.260. 1. An educational institution [~~has a right of~~] **or a student athlete may bring**
 2 **an action for damages** against an athlete agent [~~or a former student athlete for damages caused~~
 3 ~~by a]~~ **if the institution or student athlete is adversely affected by an act or omission of the**
 4 **athlete agent in violation of sections 436.215 to 436.272.** [~~In an action under this section, the~~
 5 ~~court may award to the prevailing party costs and reasonable attorney's fees.]~~

6 **(1) In order for a student athlete to qualify as "adversely affected by an act or**
 7 **omission of the athlete agent" under this section, the student athlete shall demonstrate that**
 8 **he or she was a student athlete and enrolled at the institution at the time the act or**
 9 **omission of the athlete agent occurred and that he or she:**

10 **(a) Was suspended or disqualified from participation in an interscholastic or**
 11 **intercollegiate sports event by a state or national federation or association that promotes**
 12 **or regulates interscholastic or intercollegiate sports; or**

13 **(b) Suffered financial damage.**

14 **(2) In order for an educational institution to qualify as "adversely affected by an**
 15 **act or omission of the athlete agent" under this section, the institution shall demonstrate**
 16 **that the institution:**

17 **(a) Was disqualified from participation in an interscholastic or intercollegiate**
 18 **sports event by a state or national federation or association that promotes or regulates**
 19 **interscholastic or intercollegiate sports; or**

20 **(b) Suffered financial damage.**

21 2. [~~Damages of an educational institution under subsection 1 of this section include~~
 22 ~~losses and expenses incurred because as a result of the activities of an athlete agent or former~~
 23 ~~student athlete the educational institution was injured by a violation of sections 436.215 to~~
 24 ~~436.272 or was penalized, disqualified, or suspended from participation in athletics by a national~~
 25 ~~association for the promotion and regulation of athletics, by an athletic conference, or by~~
 26 ~~reasonable self-imposed disciplinary action taken to mitigate sanctions.] **A plaintiff who**
 27 **prevails in an action under this section may recover actual damages, costs, and reasonable**~~

28 **attorney's fees. An athlete agent found liable under this section forfeits any right of**
29 **payment for anything of benefit or value provided to the student athlete and shall refund**
30 **any consideration paid to the athlete agent by or on behalf of the student athlete.**

31 ~~3. [A right of action under this section does not accrue until the educational institution~~
32 ~~discovers or by the exercise of reasonable diligence would have discovered the violation by the~~
33 ~~athlete agent or former student athlete.]~~

34 ~~4. Any liability of the athlete agent or the former student athlete under this section is~~
35 ~~several and not joint.~~

36 ~~5. Sections 436.215 to 436.272 do not restrict rights, remedies, or defenses of any person~~
37 ~~under law or equity.]~~ **A violation of any provision of sections 436.215 to 436.272 is an unfair**
38 **trade practice for purposes of sections 375.930 to 375.948.**

436.263. **1. Any [person] individual who violates any [provisions] provision of**
2 **sections 436.215 to [436.269] 436.272 is guilty of a class A misdemeanor and liable for a civil**
3 **penalty not to exceed one hundred thousand dollars.**

4 **2. Any individual who knowingly violates any provision of sections 436.215 to**
5 **436.272 is guilty of a class E felony and liable for a civil penalty not to exceed one hundred**
6 **dollars.**

436.266. In applying and construing sections 436.215 to 436.272, consideration [~~must~~]
2 **shall** be given to the need to promote uniformity of the law with respect to the subject matter of
3 sections 436.215 to 436.272 among states that enact it.

2 [~~436.257. The commission of any act prohibited by section 436.254 by~~
3 ~~an athlete agent is a class B misdemeanor.]~~

Section B. Section 324.520 of Section A of this act shall become effective on August 28,
2 2022.