

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
**SENATE BILL NO. 61**  
**103RD GENERAL ASSEMBLY**

0441H.11C

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

To repeal sections 324.009, 332.211, 332.281, 333.041, 333.042, 334.031, 338.010, 338.333, 338.710, 339.150, 339.780, 345.050, 361.909, 701.040, and 701.046, RSMo, and to enact in lieu thereof twenty-nine new sections relating to professional licensing.

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

Section A. Sections 324.009, 332.211, 332.281, 333.041, 333.042, 334.031, 338.010, 338.333, 338.710, 339.150, 339.780, 345.050, 361.909, 701.040, and 701.046, RSMo, are repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 324.004, 324.009, 332.211, 332.281, 332.700, 332.705, 332.710, 332.715, 332.720, 332.725, 332.730, 332.735, 332.740, 332.745, 332.750, 332.755, 332.760, 333.041, 333.042, 334.031, 338.010, 338.333, 338.710, 339.150, 339.780, 345.050, 361.909, 701.040, and 701.046, to read as follows:

**324.004. 1. Any person who has at least three years of work experience in an occupation or profession in another state, the District of Columbia, or any combination of such jurisdictions, and whose work experience involved the practice of an occupation or profession for which a license is not required in the jurisdiction or jurisdictions in which the person worked but is required in this state, may submit an application for a one-time nonrenewable two-year temporary license in this state in the occupation or profession, along with proof of at least three years of work experience in the occupation or profession and a fee as set by regulation of the oversight body, to the relevant oversight body in this state. The oversight body shall make a determination of qualification within forty-five days of receiving a completed application.**

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.

11           **2. The oversight body shall require an applicant under this section to take and**  
12 **pass the examination specific to the occupation or profession that is required for**  
13 **licensure by those individuals applying pursuant to the provisions of the oversight**  
14 **body's statutory and regulatory authority. An oversight body that administers an**  
15 **examination on the laws of this state as part of its licensing application requirements**  
16 **may require an applicant under this section to take and pass an examination specific to**  
17 **the laws of this state.**

18           **3. The oversight body shall not issue a one-time nonrenewable temporary license**  
19 **to any applicant described in subsection 1 of this section who has had any license in the**  
20 **relevant occupation or profession revoked by an oversight body outside of this state,**  
21 **who is currently under investigation, who has a complaint pending, or who is currently**  
22 **under disciplinary action.**

23           **4. Applicants for the one-time nonrenewable temporary license shall be citizens**  
24 **of the United States and shall submit legal proof of citizenship as part of the application.**

25           **5. If an applicant is not currently residing in this state, the oversight body shall**  
26 **conditionally approve the application contingent upon receipt of proof of domicile in**  
27 **this state within ninety days of the applicant receiving the temporary license. If the**  
28 **applicant fails to provide proof within ninety days of receiving the temporary license,**  
29 **the oversight body may terminate the temporary license and the applicant may reapply**  
30 **for a temporary license.**

31           **6. The provisions of this section shall not apply to the following:**

32           **(1) Any occupation whose oversight body has entered into a licensing compact**  
33 **with another state for the regulation of practice under the oversight body's jurisdiction.**  
34 **The provisions of this section shall not be construed to alter the authority granted by, or**  
35 **any requirements promulgated pursuant to, any interjurisdictional or interstate**  
36 **compacts adopted by this state or any reciprocity agreements with other states, and**  
37 **whenever possible the provisions of this section shall be interpreted so as to imply no**  
38 **conflict between it and any compact or any reciprocity agreement with other states;**

39           **(2) Any occupation set forth in subsection 6 of section 290.257 or any electrical**  
40 **contractor licensed under sections 324.900 to 324.945;**

41           **(3) Any occupation whose regulators or licensees are required to comply with**  
42 **specific federal statutory, regulatory, and administrative requirements in order to**  
43 **practice in this state; or**

44           **(4) Assistant physicians licensed under chapter 334.**

45           **7. The one-time nonrenewable temporary license shall expire after two years.**  
46 **Upon expiration, the individual shall be required to apply for a permanent license in**

47 accordance with the license requirements for the occupation for which he or she held the  
48 temporary license.

49 **8. Notwithstanding any other provision of law to the contrary, a license issued**  
50 **under this section shall be valid only in this state and shall not make a licensee eligible to**  
51 **be part of an interstate compact. An applicant who is licensed in another state pursuant**  
52 **to an interstate compact shall not be eligible for licensure by an oversight body under**  
53 **the provisions of this section.**

54 **9. Notwithstanding any other provision of law to the contrary, a license issued**  
55 **under this section shall be valid only in this state and shall not make a licensee eligible to**  
56 **obtain a license by reciprocity in another state.**

57 **10. As used in this section, the term "oversight body" means any board,**  
58 **department, agency, or office of a jurisdiction that issues occupational or professional**  
59 **licenses.**

60 **11. The division of professional registration may promulgate rules to implement**  
61 **the provisions of this section. Any rule or portion of a rule, as that term is defined in**  
62 **section 536.010, that is created under the authority delegated in this section shall**  
63 **become effective only if it complies with and is subject to all of the provisions of chapter**  
64 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**  
65 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**  
66 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
67 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
68 **adopted after August 28, 2025, shall be invalid and void.**

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

2 (1) "License", a license, certificate, registration, permit, accreditation, or military  
3 occupational speciality 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, Army,  
6 Coast Guard, Marine Corps, Navy, Space Force, National Guard and any other military  
7 branch that is designated by Congress as part of the Armed Forces of the United States, and  
8 all reserve components and auxiliaries. Such term also includes the military reserves and  
9 militia of any United States territory or state;

10 (3) "Missouri law enforcement officer", any person employed by or otherwise  
11 serving in a position for the state or a local governmental entity in the state of Missouri  
12 as a police officer, peace officer certified under chapter 590, auxiliary police officer,  
13 sheriff, sheriff's deputy, member of the patrol as that term is defined in section 43.010,  
14 or in some like position involving the enforcement of the law and protection of the public

15 **interest at the risk of that person's life and who is a permanent resident of the state of**  
16 **Missouri or who is domiciled in the state of Missouri;**

17 **(4) "Nonresident military or law enforcement spouse"[]:**

18 **(a)** A nonresident spouse of an active duty member of the Armed Forces of the  
19 United States who has been transferred or is scheduled to be transferred to the state of  
20 Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state  
21 and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a  
22 permanent change-of-station basis; **or**

23 **(b) A nonresident spouse of a person residing outside the state of Missouri who**  
24 **has accepted an offer of employment with the state or a local governmental entity in the**  
25 **state of Missouri and who will become a Missouri law enforcement officer upon the**  
26 **commencement of such employment;**

27 ~~[(4)]~~ **(5)** "Oversight body", any board, department, agency, or office of a jurisdiction  
28 that issues licenses;

29 ~~[(5)]~~ **(6)** "Resident military or law enforcement spouse", a spouse of an active duty  
30 member of the Armed Forces of the United States who has been transferred or is scheduled to  
31 be transferred to the state of Missouri or an adjacent state and who is a permanent resident of  
32 the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or  
33 her home of record, **or a spouse of a Missouri law enforcement officer.**

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

41 3. The oversight body in this state shall:

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

50 (2) Within thirty days of receiving an application described in subsection 2 of this  
51 section from a nonresident military **or law enforcement** spouse or a resident military **or law**

52 **enforcement** spouse, waive any examination, educational, or experience requirements for  
53 licensure in this state for the applicant and issue such applicant a license under this section if  
54 such applicant otherwise meets the requirements of this section.

55 4. (1) The oversight body shall not waive any examination, educational, or  
56 experience requirements for any applicant who has had his or her license revoked by an  
57 oversight body outside the state; who is currently under investigation, who has a complaint  
58 pending, or who is currently under disciplinary action, except as provided in subdivision (2)  
59 of this subsection, with an oversight body outside the state; who does not hold a license in  
60 good standing with an oversight body outside the state; who has a criminal record that would  
61 disqualify him or her for licensure in Missouri; or who does not hold a valid current license in  
62 the other jurisdiction on the date the oversight body receives his or her application under this  
63 section.

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

68 **(3) The Missouri board for architects, professional engineers, professional land**  
69 **surveyors and professional landscape architects may deny an application for licensure,**  
70 **registration, or certification, or decline to grant a temporary or probationary license, if**  
71 **the board determines the applicant's qualifications are not substantially equivalent to**  
72 **those established by the board. The board shall not otherwise be exempt from the**  
73 **provisions of this section.**

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

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

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

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

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

87 10. ~~[The provisions of this section shall not apply to an oversight body that has~~  
88 ~~entered into a licensing compact with another state for the regulation of practice under the~~

89 ~~oversight body's jurisdiction.]~~ The provisions of this section shall not be construed to alter  
90 the authority granted by, or any requirements promulgated pursuant to, any interjurisdictional  
91 or interstate compacts adopted by Missouri statute or any reciprocity agreements with other  
92 states in effect ~~[on August 28, 2018]~~, and whenever possible this section shall be interpreted  
93 so as to imply no conflict between it and any compact, or any reciprocity agreements with  
94 other states in effect ~~[on August 28, 2018]~~.

95 11. Notwithstanding any other provision of law, a license issued under this section  
96 shall be valid only in this state and shall not make a licensee eligible to be part of an interstate  
97 compact. An applicant who is licensed in another state pursuant to an interstate compact shall  
98 not be eligible for licensure by an oversight body under the provisions of this section.

99 12. The provisions of this section shall not apply to any occupation set forth in  
100 subsection 6 of section 290.257, or any electrical contractor licensed under sections 324.900  
101 to 324.945.

332.211. ~~[The board shall grant without examination a certificate of registration and a  
2 license to a dentist who has been licensed in another state for at least five consecutive years  
3 immediately preceding his applying, if the board is satisfied by proof adduced by the  
4 applicant that his qualifications are at least equivalent to the requirements for initial  
5 registration as a dentist in Missouri under the provisions of this chapter, that he is at least  
6 twenty-one years of age and is of good moral character and reputation; provided that the  
7 board may by rule require an applicant under this section to take any examination over  
8 Missouri laws given to dentists initially seeking licensure under section 332.151 and to take a  
9 practical examination if his licensure in any state was ever denied, revoked or suspended for  
10 incompetency or inability to practice in a safe manner, or if he has failed any practical  
11 examination given as a prerequisite to licensure as a dentist in any state. Any such dentist  
12 applying to be so registered and licensed shall accompany his application with a fee not  
13 greater than the dental examination and license fees and if registered and licensed shall renew  
14 his license as provided in section 332.181.]~~ 1. For purposes of this section, the following  
15 terms mean:

16 (1) "License", a license, certificate, registration, permit, accreditation, or  
17 military occupational specialty that enables a person to legally practice an occupation or  
18 profession in a particular jurisdiction;

19 (2) "Military", the Armed Forces of the United States, including the Air Force,  
20 Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other  
21 military branch that is designated by Congress as part of the Armed Forces of the  
22 United States, and all reserve components and auxiliaries. The term "military" also  
23 includes the military reserves and militia of any United States territory or state;

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

29           (4) "Oversight body", any board, department, agency, or office of a jurisdiction  
30 that issues licenses;

31           (5) "Resident military spouse", a spouse of an active duty member of the Armed  
32 Forces of the United States who has been transferred or is scheduled to be transferred to  
33 the state of Missouri or an adjacent state and who is a permanent resident of the state of  
34 Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her  
35 home of record.

36           2. Any person who holds a valid current dentist license issued by another state, a  
37 branch or unit of the military, a territory of the United States, or the District of  
38 Columbia, and who has been licensed for at least one year in such other jurisdiction,  
39 may submit to the board an application for a dentist license in Missouri along with proof  
40 of current licensure and proof of licensure for at least one year in the other jurisdiction.

41           3. The board shall:

42           (1) Within six months of receiving an application described in subsection 2 of  
43 this section, waive any examination, educational, or experience requirements for  
44 licensure in this state for the applicant if it determines that there were minimum  
45 education requirements and, if applicable, work experience and clinical supervision  
46 requirements in effect and the other jurisdiction verifies that the person met those  
47 requirements in order to be licensed or certified in that jurisdiction. The board may  
48 require an applicant to take and pass an examination specific to the laws of this state; or

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

54           4. (1) The board shall not waive any examination, educational, or experience  
55 requirements for any applicant who has had his or her license revoked by an oversight  
56 body outside the state; who is currently under investigation, who has a complaint  
57 pending, or who is currently under disciplinary action, except as provided in subdivision  
58 (2) of this subsection, with an oversight body outside the state; who does not hold a  
59 license in good standing with an oversight body outside the state; who has a criminal  
60 record that would disqualify him or her for licensure in Missouri; or who does not hold

61 a valid current license in the other jurisdiction on the date the board receives his or her  
62 application under this section.

63 (2) If another jurisdiction has taken disciplinary action against an applicant, the  
64 board shall determine if the cause for the action was corrected and the matter resolved.  
65 If the matter has not been resolved by that jurisdiction, the board may deny a license  
66 until the matter is resolved.

67 5. Nothing in this section shall prohibit the board from denying a license to an  
68 applicant under this section for any reason described in section 332.321.

69 6. Any person who is licensed under the provisions of this section shall be subject  
70 to the board's jurisdiction and all rules and regulations pertaining to the practice as a  
71 dentist in this state.

72 7. This section shall not be construed to waive any requirement for an applicant  
73 to pay any fees.

332.281. ~~[The board shall grant without examination a certificate of registration and  
2 license to a dental hygienist who has been licensed in another state for at least two  
3 consecutive years immediately preceding his application to practice in Missouri if the board is  
4 satisfied by proof adduced by the applicant that his qualifications are at least equivalent to the  
5 requirements for initial registration as a dental hygienist in Missouri under the provisions of  
6 this chapter; provided that the board may by rule require an applicant under this section to  
7 take any examination over Missouri laws given to dental hygienist initially seeking licensure  
8 under section 332.251 and to take a practical examination if his licensure in any state was  
9 ever denied, revoked or suspended for incompetency or inability to practice in a safe manner,  
10 or if he has failed any practical examination given as a prerequisite to licensure as a dental  
11 hygienist in any state. Any such dental hygienist applying to be so registered and licensed  
12 shall accompany his application with a fee not greater than the dental hygienist examination  
13 and license fees and if registered and licensed shall renew his license as provided in section  
14 332.261.]~~ 1. For purposes of this section, the following terms mean:

15 (1) "License", a license, certificate, registration, permit, accreditation, or  
16 military occupational specialty that enables a person to legally practice an occupation or  
17 profession in a particular jurisdiction;

18 (2) "Military", the Armed Forces of the United States, including the Air Force,  
19 Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other  
20 military branch that is designated by Congress as part of the Armed Forces of the  
21 United States, and all reserve components and auxiliaries. The term "military" also  
22 includes the military reserves and militia of any United States territory or state;

23 (3) "Nonresident military spouse", a nonresident spouse of an active duty  
24 member of the Armed Forces of the United States who has been transferred or is



25 scheduled to be transferred to the state of Missouri, or who has been transferred or is  
26 scheduled to be transferred to an adjacent state and is or will be domiciled in the state of  
27 Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

28 (4) "Oversight body", any board, department, agency, or office of a jurisdiction  
29 that issues licenses;

30 (5) "Resident military spouse", a spouse of an active duty member of the Armed  
31 Forces of the United States who has been transferred or is scheduled to be transferred to  
32 the state of Missouri or an adjacent state and who is a permanent resident of the state of  
33 Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her  
34 home of record.

35 2. Any person who holds a valid current dental hygienist license issued by  
36 another state, a branch or unit of the military, a territory of the United States, or the  
37 District of Columbia, and who has been licensed for at least one year in such other  
38 jurisdiction, may submit to the board an application for a dental hygienist license in  
39 Missouri along with proof of current licensure and proof of licensure for at least one  
40 year in the other jurisdiction.

41 3. The board shall:

42 (1) Within six months of receiving an application described in subsection 2 of  
43 this section, waive any examination, educational, or experience requirements for  
44 licensure in this state for the applicant if it determines that there were minimum  
45 education requirements and, if applicable, work experience and clinical supervision  
46 requirements in effect and the other jurisdiction verifies that the person met those  
47 requirements in order to be licensed or certified in that jurisdiction. The board may  
48 require an applicant to take and pass an examination specific to the laws of this state; or

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

54 4. (1) The board shall not waive any examination, educational, or experience  
55 requirements for any applicant who has had his or her license revoked by an oversight  
56 body outside the state; who is currently under investigation, who has a complaint  
57 pending, or who is currently under disciplinary action, except as provided in subdivision  
58 (2) of this subsection, with an oversight body outside the state; who does not hold a  
59 license in good standing with an oversight body outside the state; who has a criminal  
60 record that would disqualify him or her for licensure in Missouri; or who does not hold

61 a valid current license in the other jurisdiction on the date the board receives his or her  
62 application under this section.

63 (2) If another jurisdiction has taken disciplinary action against an applicant, the  
64 board shall determine if the cause for the action was corrected and the matter resolved.  
65 If the matter has not been resolved by that jurisdiction, the board may deny a license  
66 until the matter is resolved.

67 5. Nothing in this section shall prohibit the board from denying a license to an  
68 applicant under this section for any reason described in section 332.321.

69 6. Any person who is licensed under the provisions of this section shall be subject  
70 to the board's jurisdiction and all rules and regulations pertaining to the practice as a  
71 dental hygienist in this state.

72 7. This section shall not be construed to waive any requirement for an applicant  
73 to pay any fees.

332.700. Sections 332.700 to 332.760 shall be known and cited as the Dentist and  
2 Dental Hygienist Compact. The purposes of this Compact are to facilitate the interstate  
3 practice of dentistry and dental hygiene and improve public access to dentistry and  
4 dental hygiene services by providing Dentists and Dental Hygienists licensed in a  
5 Participating State the ability to practice in Participating States in which they are not  
6 licensed. The Compact does this by establishing a pathway for Dentists and Dental  
7 Hygienists licensed in a Participating State to obtain a Compact Privilege that  
8 authorizes them to practice in another Participating State in which they are not licensed.  
9 The Compact enables Participating States to protect the public health and safety with  
10 respect to the practice of such Dentists and Dental Hygienists, through the State's  
11 authority to regulate the practice of dentistry and dental hygiene in the State. The  
12 Compact:

13 (1) Enables Dentists and Dental Hygienists who qualify for a Compact Privilege  
14 to practice in other Participating States without satisfying burdensome and duplicative  
15 requirements associated with securing a License to practice in those States;

16 (2) Promotes mobility and addresses workforce shortages through each  
17 Participating State's acceptance of a Compact Privilege to practice in that State;

18 (3) Increases public access to qualified, licensed Dentists and Dental Hygienists  
19 by creating a responsible, streamlined pathway for Licensees to practice in Participating  
20 States;

21 (4) Enhances the ability of Participating States to protect the public's health and  
22 safety;

23 (5) Does not interfere with licensure requirements established by a Participating  
24 State;

25           **(6) Facilitates the sharing of licensure and disciplinary information among**  
26 **Participating States;**

27           **(7) Requires Dentists and Dental Hygienists who practice in a Participating State**  
28 **pursuant to a Compact Privilege to practice within the Scope of Practice authorized in**  
29 **that State;**

30           **(8) Extends the authority of a Participating State to regulate the practice of**  
31 **dentistry and dental hygiene within its borders to Dentists and Dental Hygienists who**  
32 **practice in the State through a Compact Privilege;**

33           **(9) Promotes the cooperation of Participating States in regulating the practice of**  
34 **dentistry and dental hygiene within those States;**

35           **(10) Facilitates the relocation of military members and their spouses who are**  
36 **licensed to practice dentistry or dental hygiene.**

**332.705. As used in this Compact, unless the context requires otherwise, the**  
2 **following definitions shall apply:**

3           **(1) "Active Military Member" means any person with full-time duty status in**  
4 **the armed forces of the United States, including members of the National Guard and**  
5 **Reserve.**

6           **(2) "Adverse Action" means disciplinary action or encumbrance imposed on a**  
7 **License or Compact Privilege by a State Licensing Authority.**

8           **(3) "Alternative Program" means a non-disciplinary monitoring or practice**  
9 **remediation process applicable to a Dentist or Dental Hygienist approved by a State**  
10 **Licensing Authority of a Participating State in which the Dentist or Dental Hygienist is**  
11 **licensed. This includes, but is not limited to, programs to which Licensees with**  
12 **substance abuse or addiction issues are referred in lieu of Adverse Action.**

13           **(4) "Clinical Assessment" means examination or process, required for licensure**  
14 **as a Dentist or Dental Hygienist as applicable, that provides evidence of clinical**  
15 **competence in dentistry or dental hygiene.**

16           **(5) "Commissioner" means the individual appointed by a Participating State to**  
17 **serve as the member of the Commission for that Participating State.**

18           **(6) "Compact" means this Dentist and Dental Hygienist Compact.**

19           **(7) "Compact Privilege" means the authorization granted by a Remote State to**  
20 **allow a Licensee from a Participating State to practice as a Dentist or Dental Hygienist**  
21 **in a Remote State.**

22           **(8) "Continuing Professional Development" means a requirement, as a condition**  
23 **of License renewal to provide evidence of successful participation in educational or**  
24 **professional activities relevant to practice or area of work.**

25           (9) **"Criminal Background Check"** means the submission of fingerprints or  
26 other biometric-based information for a License applicant for the purpose of obtaining  
27 that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d)  
28 from the Federal Bureau of Investigation and the State's criminal history record  
29 repository as defined in 28 C.F.R. § 20.3(f).

30           (10) **"Data System"** means the Commission's repository of information about  
31 Licensees, including but not limited to examination, licensure, investigative, Compact  
32 Privilege, Adverse Action, and Alternative Program.

33           (11) **"Dental Hygienist"** means an individual who is licensed by a State Licensing  
34 Authority to practice dental hygiene.

35           (12) **"Dentist"** means an individual who is licensed by a State Licensing  
36 Authority to practice dentistry.

37           (13) **"Dentist and Dental Hygienist Compact Commission"** or **"Commission"**  
38 means a joint government agency established by this Compact comprised of each State  
39 that has enacted the Compact and a national administrative body comprised of a  
40 Commissioner from each State that has enacted the Compact.

41           (14) **"Encumbered License"** means a License that a State Licensing Authority  
42 has limited in any way other than through an Alternative Program.

43           (15) **"Executive Board"** means the Chair, Vice Chair, Secretary and Treasurer  
44 and any other Commissioners as may be determined by Commission Rule or bylaw.

45           (16) **"Jurisprudence Requirement"** means the assessment of an individual's  
46 knowledge of the laws and Rules governing the practice of dentistry or dental hygiene,  
47 as applicable, in a State.

48           (17) **"License"** means current authorization by a State, other than authorization  
49 pursuant to a Compact Privilege, or other privilege, for an individual to practice as a  
50 Dentist or Dental Hygienist in that State.

51           (18) **"Licensee"** means an individual who holds an unrestricted License from a  
52 Participating State to practice as a Dentist or Dental Hygienist in that State.

53           (19) **"Model Compact"** means the model for the Dentist and Dental Hygienist  
54 Compact on file with the Council of State Governments or other entity as designated by  
55 the Commission.

56           (20) **"Participating State"** means a State that has enacted the Compact and been  
57 admitted to the Commission in accordance with the provisions herein and Commission  
58 Rules.

59           (21) **"Qualifying License"** means a License that is not an Encumbered License  
60 issued by a Participating State to practice dentistry or dental hygiene.

61           (22) "Remote State" means a Participating State where a Licensee who is not  
62 licensed as a Dentist or Dental Hygienist is exercising or seeking to exercise the Compact  
63 Privilege.

64           (23) "Rule" means a regulation promulgated by an entity that has the force of  
65 law.

66           (24) "Scope of Practice" means the procedures, actions, and processes a Dentist  
67 or Dental Hygienist licensed in a State is permitted to undertake in that State and the  
68 circumstances under which the Licensee is permitted to undertake those procedures,  
69 actions and processes. Such procedures, actions and processes and the circumstances  
70 under which they may be undertaken may be established through means, including, but  
71 not limited to, statute, regulations, case law, and other processes available to the State  
72 Licensing Authority or other government agency.

73           (25) "Significant Investigative Information" means information, records, and  
74 documents received or generated by a State Licensing Authority pursuant to an  
75 investigation for which a determination has been made that there is probable cause to  
76 believe that the Licensee has violated a statute or regulation that is considered more  
77 than a minor infraction for which the State Licensing Authority could pursue Adverse  
78 Action against the Licensee.

79           (26) "State" means any state, commonwealth, district, or territory of the United  
80 States of America that regulates the practices of dentistry and dental hygiene.

81           (27) "State Licensing Authority" means an agency or other entity of a State that  
82 is responsible for the licensing and regulation of Dentists or Dental Hygienists.

332.710. 1. In order to join the Compact and thereafter continue as a  
2 Participating State, a State must:

3           (1) Enact a compact that is not materially different from the Model Compact as  
4 determined in accordance with Commission Rules;

5           (2) Participate fully in the Commission's Data System;

6           (3) Have a mechanism in place for receiving and investigating complaints about  
7 its Licensees and License applicants;

8           (4) Notify the Commission, in compliance with the terms of the Compact and  
9 Commission Rules, of any Adverse Action or the availability of Significant Investigative  
10 Information regarding a Licensee and License applicant;

11           (5) Fully implement a Criminal Background Check requirement, within a time  
12 frame established by Commission Rule, by receiving the results of a qualifying Criminal  
13 Background Check;

14           (6) Comply with the Commission Rules applicable to a Participating State;

15           (7) Accept the National Board Examinations of the Joint Commission on  
16 National Dental Examinations or another examination accepted by Commission Rule as  
17 a licensure examination;

18           (8) Accept for licensure that applicants for a Dentist License graduate from a  
19 predoctoral dental education program accredited by the Commission on Dental  
20 Accreditation, or another accrediting agency recognized by the United States  
21 Department of Education for the accreditation of dentistry and dental hygiene  
22 education programs, leading to the Doctor of Dental Surgery (D.D.S.) or Doctor of  
23 Dental Medicine (D.M.D.) degree;

24           (9) Accept for licensure that applicants for a Dental Hygienist License graduate  
25 from a dental hygiene education program accredited by the Commission on Dental  
26 Accreditation or another accrediting agency recognized by the United States  
27 Department of Education for the accreditation of dentistry and dental hygiene  
28 education programs;

29           (10) Require for licensure that applicants successfully complete a Clinical  
30 Assessment;

31           (11) Have Continuing Professional Development requirements as a condition for  
32 License renewal; and

33           (12) Pay a participation fee to the Commission as established by Commission  
34 Rule.

35           2. Providing alternative pathways for an individual to obtain an unrestricted  
36 License does not disqualify a State from participating in the Compact.

37           3. When conducting a Criminal Background Check the State Licensing  
38 Authority shall:

39           (1) Consider that information in making a licensure decision;

40           (2) Maintain documentation of completion of the Criminal Background Check  
41 and background check information to the extent allowed by State and federal law; and

42           (3) Report to the Commission whether it has completed the Criminal  
43 Background Check and whether the individual was granted or denied a License.

44           4. A Licensee of a Participating State who has a Qualifying License in that State  
45 and does not hold an Encumbered License in any other Participating State, shall be  
46 issued a Compact Privilege in a Remote State in accordance with the terms of the  
47 Compact and Commission Rules. If a Remote State has a Jurisprudence Requirement a  
48 Compact Privilege will not be issued to the Licensee unless the Licensee has satisfied the  
49 Jurisprudence Requirement.

          332.715. 1. To obtain and exercise the Compact Privilege under the terms and  
2 provisions of the Compact, the Licensee shall:

- 3           **(1) Have a Qualifying License as a Dentist or Dental Hygienist in a Participating**  
4 **State;**
- 5           **(2) Be eligible for a Compact Privilege in any Remote State in accordance with**  
6 **subsections 4, 7, and 8 of this section;**
- 7           **(3) Submit to an application process whenever the Licensee is seeking a Compact**  
8 **Privilege;**
- 9           **(4) Pay any applicable Commission and Remote State fees for a Compact**  
10 **Privilege in the Remote State;**
- 11           **(5) Meet any Jurisprudence Requirement established by a Remote State in**  
12 **which the Licensee is seeking a Compact Privilege;**
- 13           **(6) Have passed a National Board Examination of the Joint Commission on**  
14 **National Dental Examinations or another examination accepted by Commission Rule;**
- 15           **(7) For a Dentist, have graduated from a predoctoral dental education program**  
16 **accredited by the Commission on Dental Accreditation, or another accrediting agency**  
17 **recognized by the United States Department of Education for the accreditation of**  
18 **dentistry and dental hygiene education programs, leading to the Doctor of Dental**  
19 **Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;**
- 20           **(8) For a Dental Hygienist, have graduated from a dental hygiene education**  
21 **program accredited by the Commission on Dental Accreditation or another accrediting**  
22 **agency recognized by the United States Department of Education for the accreditation**  
23 **of dentistry and dental hygiene education programs;**
- 24           **(9) Have successfully completed a Clinical Assessment for licensure;**
- 25           **(10) Report to the Commission Adverse Action taken by any non-Participating**  
26 **State when applying for a Compact Privilege and, otherwise, within thirty (30) days**  
27 **from the date the Adverse Action is taken;**
- 28           **(11) Report to the Commission when applying for a Compact Privilege the**  
29 **address of the Licensee's primary residence and thereafter immediately report to the**  
30 **Commission any change in the address of the Licensee's primary residence; and**
- 31           **(12) Consent to accept service of process by mail at the Licensee's primary**  
32 **residence on record with the Commission with respect to any action brought against the**  
33 **Licensee by the Commission or a Participating State, and consent to accept service of a**  
34 **subpoena by mail at the Licensee's primary residence on record with the Commission**  
35 **with respect to any action brought or investigation conducted by the Commission or a**  
36 **Participating State.**
- 37           **2. The Licensee must comply with the requirements of subsection 1 of this**  
38 **section to maintain the Compact Privilege in the Remote State. If those requirements**  
39 **are met, the Compact Privilege will continue as long as the Licensee maintains a**

40 **Qualifying License in the State through which the Licensee applied for the Compact**  
41 **Privilege and pays any applicable Compact Privilege renewal fees.**

42 **3. A Licensee providing dentistry or dental hygiene in a Remote State under the**  
43 **Compact Privilege shall function within the Scope of Practice authorized by the Remote**  
44 **State for a Dentist or Dental Hygienist licensed in that State.**

45 **4. A Licensee providing dentistry or dental hygiene pursuant to a Compact**  
46 **Privilege in a Remote State is subject to that State's regulatory authority. A Remote**  
47 **State may, in accordance with due process and that State's laws, by Adverse Action**  
48 **revoke or remove a Licensee's Compact Privilege in the Remote State for a specific**  
49 **period of time and impose fines or take any other necessary actions to protect the health**  
50 **and safety of its citizens. If a Remote State imposes an Adverse Action against a**  
51 **Compact Privilege that limits the Compact Privilege, that Adverse Action applies to all**  
52 **Compact Privileges in all Remote States. A Licensee whose Compact Privilege in a**  
53 **Remote State is removed for a specified period of time is not eligible for a Compact**  
54 **Privilege in any other Remote State until the specific time for removal of the Compact**  
55 **Privilege has passed and all encumbrance requirements are satisfied.**

56 **5. If a License in a Participating State is an Encumbered License, the Licensee**  
57 **shall lose the Compact Privilege in a Remote State and shall not be eligible for a**  
58 **Compact Privilege in any Remote State until the License is no longer encumbered.**

59 **6. Once an Encumbered License in a Participating State is restored to good**  
60 **standing, the Licensee must meet the requirements of subsection 1 of this section to**  
61 **obtain a Compact Privilege in a Remote State.**

62 **7. If a Licensee's Compact Privilege in a Remote State is removed by the Remote**  
63 **State, the individual shall lose or be ineligible for the Compact Privilege in any Remote**  
64 **State until the following occur:**

65 **(1) The specific period of time for which the Compact Privilege was removed has**  
66 **ended; and**

67 **(2) All conditions for removal of the Compact Privilege have been satisfied.**

68 **8. Once the requirements of subsection 7 of this section have been met, the**  
69 **Licensee must meet the requirements in subsection 1 of this section to obtain a Compact**  
70 **Privilege in a Remote State.**

**332.720. An Active Military Member and their spouse shall not be required to**  
2 **pay to the Commission for a Compact Privilege the fee otherwise charged by the**  
3 **Commission. If a Remote State chooses to charge a fee for a Compact Privilege, it may**  
4 **choose to charge a reduced fee or no fee to an Active Military Member and their spouse**  
5 **for a Compact Privilege.**



332.725. 1. A Participating State in which a Licensee is licensed shall have  
2 exclusive authority to impose Adverse Action against the Qualifying License issued by  
3 that Participating State.

4 2. A Participating State may take Adverse Action based on the Significant  
5 Investigative Information of a Remote State, so long as the Participating State follows its  
6 own procedures for imposing Adverse Action.

7 3. Nothing in this Compact shall override a Participating State's decision that  
8 participation in an Alternative Program may be used in lieu of Adverse Action and that  
9 such participation shall remain non-public if required by the Participating State's laws.  
10 Participating States must require Licensees who enter any Alternative Program in lieu  
11 of discipline to agree not to practice pursuant to a Compact Privilege in any other  
12 Participating State during the term of the Alternative Program without prior  
13 authorization from such other Participating State.

14 4. Any Participating State in which a Licensee is applying to practice or is  
15 practicing pursuant to a Compact Privilege may investigate actual or alleged violations  
16 of the statutes and regulations authorizing the practice of dentistry or dental hygiene in  
17 any other Participating State in which the Dentist or Dental Hygienist holds a License or  
18 Compact Privilege.

19 5. A Remote State shall have the authority to:

20 (1) Take Adverse Actions as set forth in subsection 4 of section 332.715 against a  
21 Licensee's Compact Privilege in the State;

22 (2) In furtherance of its rights and responsibilities under the Compact and the  
23 Commission's Rules issue subpoenas for both hearings and investigations that require  
24 the attendance and testimony of witnesses, and the production of evidence. Subpoenas  
25 issued by a State Licensing Authority in a Participating State for the attendance and  
26 testimony of witnesses, or the production of evidence from another Participating State,  
27 shall be enforced in the latter State by any court of competent jurisdiction, according to  
28 the practice and procedure of that court applicable to subpoenas issued in proceedings  
29 pending before it. The issuing authority shall pay any witness fees, travel expenses,  
30 mileage, and other fees required by the service statutes of the State where the witnesses  
31 or evidence are located; and

32 (3) If otherwise permitted by State law, recover from the Licensee the costs of  
33 investigations and disposition of cases resulting from any Adverse Action taken against  
34 that Licensee.

35 6. (1) In addition to the authority granted to a Participating State by its Dentist  
36 or Dental Hygienist licensure act or other applicable State law, a Participating State  
37 may jointly investigate Licensees with other Participating States.

38           (2) Participating States shall share any Significant Investigative Information,  
39 litigation, or compliance materials in furtherance of any joint or individual investigation  
40 initiated under the Compact.

41           7. (1) After a Licensee's Compact Privilege in a Remote State is terminated, the  
42 Remote State may continue an investigation of the Licensee that began when the  
43 Licensee had a Compact Privilege in that Remote State.

44           (2) If the investigation yields what would be Significant Investigative  
45 Information had the Licensee continued to have a Compact Privilege in that Remote  
46 State, the Remote State shall report the presence of such information to the Data System  
47 as required by subdivision (6) of subsection 2 of section 332.735 as if it was Significant  
48 Investigative Information.

          332.730. 1. The Compact Participating States hereby create and establish a joint  
2 government agency whose membership consists of all Participating States that have  
3 enacted the Compact. The Commission is an instrumentality of the Participating States  
4 acting jointly and not an instrumentality of any one State. The Commission shall come  
5 into existence on or after the effective date of the Compact as set forth in subsection 1 of  
6 section 332.750.

7           2. (1) Each Participating State shall have and be limited to one (1)  
8 Commissioner selected by that Participating State's State Licensing Authority or, if  
9 the State has more than one State Licensing Authority, selected collectively by the State  
10 Licensing Authorities.

11           (2) The Commissioner shall be a member or designee of such Authority or  
12 Authorities.

13           (3) The Commission may by Rule or bylaw establish a term of office for  
14 Commissioners and may by Rule or bylaw establish term limits.

15           (4) The Commission may recommend to a State Licensing Authority or  
16 Authorities, as applicable, removal or suspension of an individual as the State's  
17 Commissioner.

18           (5) A Participating State's State Licensing Authority, or Authorities, as  
19 applicable, shall fill any vacancy of its Commissioner on the Commission within sixty  
20 (60) days of the vacancy.

21           (6) Each Commissioner shall be entitled to one vote on all matters that are voted  
22 upon by the Commission.

23           (7) The Commission shall meet at least once during each calendar year.  
24 Additional meetings may be held as set forth in the bylaws. The Commission may meet  
25 by telecommunication, video conference or other similar electronic means.

26           3. The Commission shall have the following powers:

- 27           **(1) Establish the fiscal year of the Commission;**  
28           **(2) Establish a code of conduct and conflict of interest policies;**  
29           **(3) Adopt Rules and bylaws;**  
30           **(4) Maintain its financial records in accordance with the bylaws;**  
31           **(5) Meet and take such actions as are consistent with the provisions of this**  
32 **Compact, the Commission's Rules, and the bylaws;**  
33           **(6) Initiate and conclude legal proceedings or actions in the name of the**  
34 **Commission, provided that the standing of any State Licensing Authority to sue or be**  
35 **sued under applicable law shall not be affected;**  
36           **(7) Maintain and certify records and information provided to a Participating**  
37 **State as the authenticated business records of the Commission, and designate a person**  
38 **to do so on the Commission's behalf;**  
39           **(8) Purchase and maintain insurance and bonds;**  
40           **(9) Borrow, accept, or contract for services of personnel, including, but not**  
41 **limited to, employees of a Participating State;**  
42           **(10) Conduct an annual financial review;**  
43           **(11) Hire employees, elect or appoint officers, fix compensation, define duties,**  
44 **grant such individuals appropriate authority to carry out the purposes of the Compact,**  
45 **and establish the Commission's personnel policies and programs relating to conflicts of**  
46 **interest, qualifications of personnel, and other related personnel matters;**  
47           **(12) As set forth in the Commission Rules, charge a fee to a Licensee for the**  
48 **grant of a Compact Privilege in a Remote State and thereafter, as may be established by**  
49 **Commission Rule, charge the Licensee a Compact Privilege renewal fee for each**  
50 **renewal period in which that Licensee exercises or intends to exercise the Compact**  
51 **Privilege in that Remote State. Nothing herein shall be construed to prevent a Remote**  
52 **State from charging a Licensee a fee for a Compact Privilege or renewals of a Compact**  
53 **Privilege, or a fee for the Jurisprudence Requirement if the Remote State imposes such**  
54 **a requirement for the grant of a Compact Privilege;**  
55           **(13) Accept any and all appropriate gifts, donations, grants of money, other**  
56 **sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and**  
57 **dispose of the same; provided that at all times the Commission shall avoid any**  
58 **appearance of impropriety and/or conflict of interest;**  
59           **(14) Lease, purchase, retain, own, hold, improve, or use any property, real,**  
60 **personal, or mixed, or any undivided interest therein;**  
61           **(15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise**  
62 **dispose of any property real, personal, or mixed;**  
63           **(16) Establish a budget and make expenditures;**

64           (17) Borrow money;

65           (18) Appoint committees, including standing committees, which may be  
66 composed of members, State regulators, State legislators or their representatives, and  
67 consumer representatives, and such other interested persons as may be designated in  
68 this Compact and the bylaws;

69           (19) Provide and receive information from, and cooperate with, law enforcement  
70 agencies;

71           (20) Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers  
72 of the Commission as provided in the Commission's bylaws;

73           (21) Establish and elect an Executive Board;

74           (22) Adopt and provide to the Participating States an annual report;

75           (23) Determine whether a State's enacted compact is materially different from  
76 the Model Compact language such that the State would not qualify for participation in  
77 the Compact; and

78           (24) Perform such other functions as may be necessary or appropriate to achieve  
79 the purposes of this Compact.

80           4. (1) All meetings of the Commission that are not closed pursuant to this  
81 subsection shall be open to the public. Notice of public meetings shall be posted on the  
82 Commission's website at least thirty (30) days prior to the public meeting.

83           (2) Notwithstanding subdivision (1) of this subsection, the Commission may  
84 convene an emergency public meeting by providing at least twenty-four (24) hours prior  
85 notice on the Commission's website, and any other means as provided in the  
86 Commission's Rules, for any of the reasons it may dispense with notice of proposed  
87 rulemaking under subsection 12 of section 332.740. The Commission's legal counsel  
88 shall certify that one of the reasons justifying an emergency public meeting has been  
89 met.

90           (3) Notice of all Commission meetings shall provide the time, date, and location  
91 of the meeting, and if the meeting is to be held or accessible via telecommunication,  
92 video conference, or other electronic means, the notice shall include the mechanism for  
93 access to the meeting through such means.

94           (4) The Commission may convene in a closed, non-public meeting for the  
95 Commission to receive legal advice or to discuss:

96           (a) Non-compliance of a Participating State with its obligations under the  
97 Compact;

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

101 (c) Current or threatened discipline of a Licensee or Compact Privilege holder  
102 by the Commission or by a Participating State's Licensing Authority;

103 (d) Current, threatened, or reasonably anticipated litigation;

104 (e) Negotiation of contracts for the purchase, lease, or sale of goods, services, or  
105 real estate;

106 (f) Accusing any person of a crime or formally censuring any person;

107 (g) Trade secrets or commercial or financial information that is privileged or  
108 confidential;

109 (h) Information of a personal nature where disclosure would constitute a clearly  
110 unwarranted invasion of personal privacy;

111 (i) Investigative records compiled for law enforcement purposes;

112 (j) Information related to any investigative reports prepared by or on behalf of  
113 or for use of the Commission or other committee charged with responsibility of  
114 investigation or determination of compliance issues pursuant to the Compact;

115 (k) Legal advice;

116 (l) Matters specifically exempted from disclosure to the public by federal or  
117 Participating State law; and

118 (m) Other matters as promulgated by the Commission by Rule.

119 (5) If a meeting, or portion of a meeting, is closed, the presiding officer shall state  
120 that the meeting will be closed and reference each relevant exempting provision, and  
121 such reference shall be recorded in the minutes.

122 (6) The Commission shall keep minutes that fully and clearly describe all  
123 matters discussed in a meeting and shall provide a full and accurate summary of actions  
124 taken, and the reasons therefor, including a description of the views expressed. All  
125 documents considered in connection with an action shall be identified in such minutes.  
126 All minutes and documents of a closed meeting shall remain under seal, subject to  
127 release only by a majority vote of the Commission or order of a court of competent  
128 jurisdiction.

129 5. (1) The Commission shall pay, or provide for the payment of, the reasonable  
130 expenses of its establishment, organization, and ongoing activities.

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

133 (3) The Commission may levy on and collect an annual assessment from each  
134 Participating State and impose fees on Licensees of Participating States when a  
135 Compact Privilege is granted, to cover the cost of the operations and activities of the  
136 Commission and its staff, which must be in a total amount sufficient to cover its annual  
137 budget as approved each fiscal year for which sufficient revenue is not provided by

other sources. The aggregate annual assessment amount for Participating States shall be allocated based upon a formula that the Commission shall promulgate by Rule.

(4) The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any Participating State, except by and with the authority of the Participating State.

(5) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

6. (1) The Executive Board shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Board shall include:

(a) Overseeing the day-to-day activities of the administration of the Compact including compliance with the provisions of the Compact, the Commission's Rules and bylaws;

(b) Recommending to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Participating States, fees charged to Licensees, and other fees;

(c) Ensuring Compact administration services are appropriately provided, including by contract;

(d) Preparing and recommending the budget;

(e) Maintaining financial records on behalf of the Commission;

(f) Monitoring Compact compliance of Participating States and providing compliance reports to the Commission;

(g) Establishing additional committees as necessary;

(h) Exercising the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and

(i) Other duties as provided in the Rules or bylaws of the Commission.

(2) The Executive Board shall be composed of up to seven (7) members:

(a) The Chair, Vice Chair, Secretary and Treasurer of the Commission and any other members of the Commission who serve on the Executive Board shall be voting members of the Executive Board; and

175           (b) Other than the Chair, Vice Chair, Secretary, and Treasurer, the Commission  
176 may elect up to three (3) voting members from the current membership of the  
177 Commission.

178           (3) The Commission may remove any member of the Executive Board as  
179 provided in the Commission's bylaws.

180           (4) The Executive Board shall meet at least annually.

181           (a) An Executive Board meeting at which it takes or intends to take formal  
182 action on a matter shall be open to the public, except that the Executive Board may meet  
183 in a closed, non-public session of a public meeting when dealing with any of the matters  
184 covered under subdivision (4) of subsection 4 of this section.

185           (b) The Executive Board shall give five (5) business days' notice of its public  
186 meetings, posted on its website and as it may otherwise determine to provide notice to  
187 persons with an interest in the public matters the Executive Board intends to address at  
188 those meetings.

189           (5) The Executive Board may hold an emergency meeting when acting for the  
190 Commission to:

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

192           (b) Prevent a loss of Commission or Participating State funds; or

193           (c) Protect public health and safety.

194           7. (1) The members, officers, executive director, employees and representatives  
195 of the Commission shall be immune from suit and liability, both personally and in their  
196 official capacity, for any claim for damage to or loss of property or personal injury or  
197 other civil liability caused by or arising out of any actual or alleged act, error, or  
198 omission that occurred, or that the person against whom the claim is made had a  
199 reasonable basis for believing occurred within the scope of Commission employment,  
200 duties or responsibilities; provided that nothing in this subdivision shall be construed to  
201 protect any such person from suit or liability for any damage, loss, injury, or liability  
202 caused by the intentional or willful or wanton misconduct of that person. The  
203 procurement of insurance of any type by the Commission shall not in any way  
204 compromise or limit the immunity granted hereunder.

205           (2) The Commission shall defend any member, officer, executive director,  
206 employee, and representative of the Commission in any civil action seeking to impose  
207 liability arising out of any actual or alleged act, error, or omission that occurred within  
208 the scope of Commission employment, duties, or responsibilities, or as determined by  
209 the Commission that the person against whom the claim is made had a reasonable basis  
210 for believing occurred within the scope of Commission employment, duties, or  
211 responsibilities; provided that nothing herein shall be construed to prohibit that

212 person from retaining their own counsel at their own expense; and provided further,  
213 that the actual or alleged act, error, or omission did not result from that person's  
214 intentional or willful or wanton misconduct.

215 (3) Notwithstanding subdivision (1) of this subsection, should any member,  
216 officer, executive director, employee, or representative of the Commission be held liable  
217 for the amount of any settlement or judgment arising out of any actual or alleged act,  
218 error, or omission that occurred within the scope of that individual's employment,  
219 duties, or responsibilities for the Commission, or that the person to whom that  
220 individual is liable had a reasonable basis for believing occurred within the scope of the  
221 individual's employment, duties, or responsibilities for the Commission, the  
222 Commission shall indemnify and hold harmless such individual, provided that the  
223 actual or alleged act, error, or omission did not result from the intentional or willful or  
224 wanton misconduct of the individual.

225 (4) Nothing herein shall be construed as a limitation on the liability of any  
226 Licensee for professional malpractice or misconduct, which shall be governed solely by  
227 any other applicable State laws.

228 (5) Nothing in this Compact shall be interpreted to waive or otherwise abrogate  
229 a Participating State's state action immunity or state action affirmative defense with  
230 respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or  
231 federal antitrust or anticompetitive law or regulation.

232 (6) Nothing in this Compact shall be construed to be a waiver of sovereign  
233 immunity by the Participating States or by the Commission.

332.735. 1. The Commission shall provide for the development, maintenance,  
2 operation, and utilization of a coordinated database and reporting system containing  
3 licensure, Adverse Action, and the presence of Significant Investigative Information on  
4 all Licensees and applicants for a License in Participating States.

5 2. Notwithstanding any other provision of State law to the contrary, a  
6 Participating State shall submit a uniform data set to the Data System on all individuals  
7 to whom this Compact is applicable as required by the Rules of the Commission,  
8 including:

9 (1) Identifying information;

10 (2) Licensure data;

11 (3) Adverse Actions against a Licensee, License applicant or Compact Privilege  
12 and information related thereto;

13 (4) Non-confidential information related to Alternative Program participation,  
14 the beginning and ending dates of such participation, and other information related to  
15 such participation;



16           **(5) Any denial of an application for licensure, and the reason or reasons for such**  
17 **denial, (excluding the reporting of any criminal history record information where**  
18 **prohibited by law);**

19           **(6) The presence of Significant Investigative Information; and**

20           **(7) Other information that may facilitate the administration of this Compact or**  
21 **the protection of the public, as determined by the Rules of the Commission.**

22           **3. The records and information provided to a Participating State pursuant to**  
23 **this Compact or through the Data System, when certified by the Commission or an**  
24 **agent thereof, shall constitute the authenticated business records of the Commission,**  
25 **and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-**  
26 **judicial or administrative proceedings in a Participating State.**

27           **4. Significant Investigative Information pertaining to a Licensee in any**  
28 **Participating State will only be available to other Participating States.**

29           **5. It is the responsibility of the Participating States to monitor the database to**  
30 **determine whether Adverse Action has been taken against a Licensee or License**  
31 **applicant. Adverse Action information pertaining to a Licensee or License applicant in**  
32 **any Participating State will be available to any other Participating State.**

33           **6. Participating States contributing information to the Data System may**  
34 **designate information that may not be shared with the public without the express**  
35 **permission of the contributing State.**

36           **7. Any information submitted to the Data System that is subsequently expunged**  
37 **pursuant to federal law or the laws of the Participating State contributing the**  
38 **information shall be removed from the Data System.**

**332.740. 1. The Commission shall promulgate reasonable Rules in order to**  
2 **effectively and efficiently implement and administer the purposes and provisions of the**  
3 **Compact. A Commission Rule shall be invalid and have no force or effect only if a court**  
4 **of competent jurisdiction holds that the Rule is invalid because the Commission**  
5 **exercised its rulemaking authority in a manner that is beyond the scope and purposes of**  
6 **the Compact, or the powers granted hereunder, or based upon another applicable**  
7 **standard of review.**

8           **2. The Rules of the Commission shall have the force of law in each Participating**  
9 **State, provided however that where the Rules of the Commission conflict with the laws**  
10 **of the Participating State that establish the Participating State's Scope of Practice as**  
11 **held by a court of competent jurisdiction, the Rules of the Commission shall be**  
12 **ineffective in that State to the extent of the conflict.**

13           **3. The Commission shall exercise its Rulemaking powers pursuant to the criteria**  
14 **set forth in this section and the Rules adopted thereunder. Rules shall become binding**  
15 **as of the date specified by the Commission for each Rule.**

16           **4. If a majority of the legislatures of the Participating States rejects a**  
17 **Commission Rule or portion of a Commission Rule, by enactment of a statute or**  
18 **resolution in the same manner used to adopt the Compact, within four (4) years of the**  
19 **date of adoption of the Rule, then such Rule shall have no further force and effect in any**  
20 **Participating State or to any State applying to participate in the Compact.**

21           **5. Rules shall be adopted at a regular or special meeting of the Commission.**

22           **6. Prior to adoption of a proposed Rule, the Commission shall hold a public**  
23 **hearing and allow persons to provide oral and written comments, data, facts, opinions,**  
24 **and arguments.**

25           **7. Prior to adoption of a proposed Rule by the Commission, and at least thirty**  
26 **(30) days in advance of the meeting at which the Commission will hold a public hearing**  
27 **on the proposed Rule, the Commission shall provide a Notice of Proposed Rulemaking:**

28           **(1) On the website of the Commission or other publicly accessible platform;**

29           **(2) To persons who have requested notice of the Commission's notices of**  
30 **proposed rulemaking; and**

31           **(3) In such other way or ways as the Commission may by Rule specify.**

32           **8. The Notice of Proposed Rulemaking shall include:**

33           **(1) The time, date, and location of the public hearing at which the Commission**  
34 **will hear public comments on the proposed Rule and, if different, the time, date, and**  
35 **location of the meeting where the Commission will consider and vote on the proposed**  
36 **Rule;**

37           **(2) If the hearing is held via telecommunication, video conference, or other**  
38 **electronic means, the Commission shall include the mechanism for access to the hearing**  
39 **in the Notice of Proposed Rulemaking;**

40           **(3) The text of the proposed Rule and the reason therefor;**

41           **(4) A request for comments on the proposed Rule from any interested person;**  
42 **and**

43           **(5) The manner in which interested persons may submit written comments.**

44           **9. All hearings will be recorded. A copy of the recording and all written**  
45 **comments and documents received by the Commission in response to the proposed Rule**  
46 **shall be available to the public.**

47           **10. Nothing in this section shall be construed as requiring a separate hearing on**  
48 **each Commission Rule. Rules may be grouped for the convenience of the Commission**  
49 **at hearings required by this section.**

50           11. The Commission shall, by majority vote of all Commissioners, take final  
51 action on the proposed Rule based on the rulemaking record.

52           (1) The Commission may adopt changes to the proposed Rule provided the  
53 changes do not enlarge the original purpose of the proposed Rule.

54           (2) The Commission shall provide an explanation of the reasons for substantive  
55 changes made to the proposed Rule as well as reasons for substantive changes not made  
56 that were recommended by commenters.

57           (3) The Commission shall determine a reasonable effective date for the Rule.  
58 Except for an emergency as provided in subsection 12 of this section, the effective date  
59 of the Rule shall be no sooner than thirty (30) days after the Commission issuing the  
60 notice that it adopted or amended the Rule.

61           12. Upon determination that an emergency exists, the Commission may consider  
62 and adopt an emergency Rule with 24 hours' notice, with opportunity to comment,  
63 provided that the usual rulemaking procedures provided in the Compact and in this  
64 section shall be retroactively applied to the Rule as soon as reasonably possible, in no  
65 event later than ninety (90) days after the effective date of the Rule. For the purposes of  
66 this provision, an emergency Rule is one that must be adopted immediately in order to:

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

68           (2) Prevent a loss of Commission or Participating State funds;

69           (3) Meet a deadline for the promulgation of a Rule that is established by federal  
70 law or rule; or

71           (4) Protect public health and safety.

72           13. The Commission or an authorized committee of the Commission may direct  
73 revisions to a previously adopted Rule for purposes of correcting typographical errors,  
74 errors in format, errors in consistency, or grammatical errors. Public notice of any  
75 revisions shall be posted on the website of the Commission. The revision shall be subject  
76 to challenge by any person for a period of thirty (30) days after posting. The revision  
77 may be challenged only on grounds that the revision results in a material change to a  
78 Rule. A challenge shall be made in writing and delivered to the Commission prior to the  
79 end of the notice period. If no challenge is made, the revision will take effect without  
80 further action. If the revision is challenged, the revision may not take effect without the  
81 approval of the Commission.

82           14. No Participating State's rulemaking requirements shall apply under this  
83 Compact.

332.745. 1. (1) The executive and judicial branches of State government in each  
2 Participating State shall enforce this Compact and take all actions necessary and  
3 appropriate to implement the Compact.

4           **(2) Venue is proper and judicial proceedings by or against the Commission shall**  
5 **be brought solely and exclusively in a court of competent jurisdiction where the**  
6 **principal office of the Commission is located. The Commission may waive venue and**  
7 **jurisdictional defenses to the extent it adopts or consents to participate in alternative**  
8 **dispute resolution proceedings. Nothing herein shall affect or limit the selection or**  
9 **propriety of venue in any action against a Licensee for professional malpractice,**  
10 **misconduct or any such similar matter.**

11           **(3) The Commission shall be entitled to receive service of process in any**  
12 **proceeding regarding the enforcement or interpretation of the Compact or Commission**  
13 **Rule and shall have standing to intervene in such a proceeding for all purposes. Failure**  
14 **to provide the Commission service of process shall render a judgment or order void as**  
15 **to the Commission, this Compact, or promulgated Rules.**

16           **2. (1) If the Commission determines that a Participating State has defaulted in**  
17 **the performance of its obligations or responsibilities under this Compact or the**  
18 **promulgated Rules, the Commission shall provide written notice to the defaulting State.**  
19 **The notice of default shall describe the default, the proposed means of curing the**  
20 **default, and any other action that the Commission may take, and shall offer training**  
21 **and specific technical assistance regarding the default.**

22           **(2) The Commission shall provide a copy of the notice of default to the other**  
23 **Participating States.**

24           **3. If a State in default fails to cure the default, the defaulting State may be**  
25 **terminated from the Compact upon an affirmative vote of a majority of the**  
26 **Commissioners, and all rights, privileges and benefits conferred on that State by this**  
27 **Compact may be terminated on the effective date of termination. A cure of the default**  
28 **does not relieve the offending State of obligations or liabilities incurred during the**  
29 **period of default.**

30           **4. Termination of participation in the Compact shall be imposed only after all**  
31 **other means of securing compliance have been exhausted. Notice of intent to suspend or**  
32 **terminate shall be given by the Commission to the governor, the majority and minority**  
33 **leaders of the defaulting State's legislature, the defaulting State's State Licensing**  
34 **Authority or Authorities, as applicable, and each of the Participating States' State**  
35 **Licensing Authority or Authorities, as applicable.**

36           **5. A State that has been terminated is responsible for all assessments,**  
37 **obligations, and liabilities incurred through the effective date of termination, including**  
38 **obligations that extend beyond the effective date of termination.**

39           **6. Upon the termination of a State's participation in this Compact, that State**  
40 **shall immediately provide notice to all Licensees of the State, including Licensees of**

41 other Participating States issued a Compact Privilege to practice within that State, of  
42 such termination. The terminated State shall continue to recognize all Compact  
43 Privileges then in effect in that State for a minimum of one hundred eighty (180) days  
44 after the date of said notice of termination.

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

48 8. The defaulting State may appeal the action of the Commission by petitioning  
49 the U.S. District Court for the District of Columbia or the federal district where the  
50 Commission has its principal offices. The prevailing party shall be awarded all costs of  
51 such litigation, including reasonable attorney's fees.

52 9. (1) Upon request by a Participating State, the Commission shall attempt to  
53 resolve disputes related to the Compact that arise among Participating States and  
54 between Participating States and non-Participating States.

55 (2) The Commission shall promulgate a Rule providing for both mediation and  
56 binding dispute resolution for disputes as appropriate.

57 10. (1) The Commission, in the reasonable exercise of its discretion, shall enforce  
58 the provisions of this Compact and the Commission's Rules.

59 (2) By majority vote, the Commission may initiate legal action against a  
60 Participating State in default in the United States District Court for the District of  
61 Columbia or the federal district where the Commission has its principal offices to  
62 enforce compliance with the provisions of the Compact and its promulgated Rules. The  
63 relief sought may include both injunctive relief and damages. In the event judicial  
64 enforcement is necessary, the prevailing party shall be awarded all costs of such  
65 litigation, including reasonable attorney's fees. The remedies herein shall not be the  
66 exclusive remedies of the Commission. The Commission may pursue any other  
67 remedies available under federal or the defaulting Participating State's law.

68 (3) A Participating State may initiate legal action against the Commission in the  
69 U.S. District Court for the District of Columbia or the federal district where the  
70 Commission has its principal offices to enforce compliance with the provisions of the  
71 Compact and its promulgated Rules. The relief sought may include both injunctive  
72 relief and damages. In the event judicial enforcement is necessary, the prevailing party  
73 shall be awarded all costs of such litigation, including reasonable attorney's fees.

74 (4) No individual or entity other than a Participating State may enforce this  
75 Compact against the Commission.

332.750. 1. The Compact shall come into effect on the date on which the  
2 Compact statute is enacted into law in the seventh Participating State.

3           **(1) On or after the effective date of the Compact, the Commission shall convene**  
4 **and review the enactment of each of the States that enacted the Compact prior to the**  
5 **Commission convening ("Charter Participating States") to determine if the statute**  
6 **enacted by each such Charter Participating State is materially different than the Model**  
7 **Compact.**

8           **(a) A Charter Participating State whose enactment is found to be materially**  
9 **different from the Model Compact shall be entitled to the default process set forth in**  
10 **section 332.745.**

11           **(b) If any Participating State is later found to be in default, or is terminated or**  
12 **withdraws from the Compact, the Commission shall remain in existence and the**  
13 **Compact shall remain in effect even if the number of Participating States should be less**  
14 **than seven (7).**

15           **(2) Participating States enacting the Compact subsequent to the Charter**  
16 **Participating States shall be subject to the process set forth in subdivision (23) of**  
17 **subsection 3 of section 332.730 to determine if their enactments are materially different**  
18 **from the Model Compact and whether they qualify for participation in the Compact.**

19           **(3) All actions taken for the benefit of the Commission or in furtherance of the**  
20 **purposes of the administration of the Compact prior to the effective date of the Compact**  
21 **or the Commission coming into existence shall be considered to be actions of the**  
22 **Commission unless specifically repudiated by the Commission.**

23           **(4) Any State that joins the Compact subsequent to the Commission's initial**  
24 **adoption of the Rules and bylaws shall be subject to the Commission's Rules and bylaws**  
25 **as they exist on the date on which the Compact becomes law in that State. Any Rule**  
26 **that has been previously adopted by the Commission shall have the full force and effect**  
27 **of law on the day the Compact becomes law in that State.**

28           **2. Any Participating State may withdraw from this Compact by enacting a**  
29 **statute repealing that State's enactment of the Compact.**

30           **(1) A Participating State's withdrawal shall not take effect until one hundred**  
31 **eighty (180) days after enactment of the repealing statute.**

32           **(2) Withdrawal shall not affect the continuing requirement of the withdrawing**  
33 **State's Licensing Authority or Authorities to comply with the investigative and Adverse**  
34 **Action reporting requirements of this Compact prior to the effective date of withdrawal.**

35           **(3) Upon the enactment of a statute withdrawing from this Compact, the State**  
36 **shall immediately provide notice of such withdrawal to all Licensees within that State.**  
37 **Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing**  
38 **State shall continue to recognize all Compact Privileges to practice within that State**

39 granted pursuant to this Compact for a minimum of one hundred eighty (180) days after  
40 the date of such notice of withdrawal.

41 3. Nothing contained in this Compact shall be construed to invalidate or prevent  
42 any licensure agreement or other cooperative arrangement between a Participating  
43 State and a non-Participating State that does not conflict with the provisions of this  
44 Compact.

45 4. This Compact may be amended by the Participating States. No amendment to  
46 this Compact shall become effective and binding upon any Participating State until it is  
47 enacted into the laws of all Participating States.

332.755. 1. This Compact and the Commission's rulemaking authority shall be  
2 liberally construed so as to effectuate the purposes, and the implementation and  
3 administration of the Compact. Provisions of the Compact expressly authorizing or  
4 requiring the promulgation of Rules shall not be construed to limit the Commission's  
5 rulemaking authority solely for those purposes.

6 2. The provisions of this Compact shall be severable and if any phrase, clause,  
7 sentence or provision of this Compact is held by a court of competent jurisdiction to be  
8 contrary to the constitution of any Participating State, a State seeking participation in  
9 the Compact, or of the United States, or the applicability thereof to any government,  
10 agency, person or circumstance is held to be unconstitutional by a court of competent  
11 jurisdiction, the validity of the remainder of this Compact and the applicability thereof  
12 to any other government, agency, person or circumstance shall not be affected thereby.

13 3. Notwithstanding subsection 2 of this section, the Commission may deny a  
14 State's participation in the Compact or, in accordance with the requirements of  
15 subsection 2 of section 332.745, terminate a Participating State's participation in the  
16 Compact, if it determines that a constitutional requirement of a Participating State is a  
17 material departure from the Compact. Otherwise, if this Compact shall be held to be  
18 contrary to the constitution of any Participating State, the Compact shall remain in full  
19 force and effect as to the remaining Participating States and in full force and effect as to  
20 the Participating State affected as to all severable matters.

332.760. 1. Nothing herein shall prevent or inhibit the enforcement of any other  
2 law of a Participating State that is not inconsistent with the Compact.

3 2. Any laws, statutes, regulations, or other legal requirements in a Participating  
4 State in conflict with the Compact are superseded to the extent of the conflict.

5 3. All permissible agreements between the Commission and the Participating  
6 States are binding in accordance with their terms.

333.041. 1. ~~[Each applicant for a license to practice funeral directing shall furnish  
2 evidence to establish to the satisfaction of the board that he or she is at least eighteen years of~~

3 age, and possesses a high school diploma, a general equivalency diploma, or equivalent  
4 thereof, as determined, at its discretion, by the board.

5       2.] Every person desiring to enter the profession of embalming dead human bodies  
6 within the state of Missouri and who is enrolled in a program **of education** accredited by the  
7 American Board of Funeral Service Education, any successor organization, or other  
8 accrediting entity as approved by the board shall register with the board as a practicum  
9 student upon the form ~~[provided]~~ **approved** by the board. ~~[After such registration, a student~~  
10 ~~may assist, under the direct supervision of Missouri licensed embalmers and funeral directors,~~  
11 ~~in Missouri licensed funeral establishments, while serving his or her practicum.]~~ The form  
12 for registration as a practicum student shall be accompanied by a fee in an amount established  
13 by the board. **After a student's registration has been approved by the board, a practicum**  
14 **student registrant may assist, under the direct supervision of an embalmer licensed**  
15 **under this chapter, in an establishment licensed under this chapter. Practicum student**  
16 **registrants shall not assist when not under such supervision. Each practicum student**  
17 **registrant is authorized to work only at the location or locations registered with the**  
18 **board and under only those supervisors registered with the board.**

19       ~~[3. Each applicant for a license to practice embalming shall furnish evidence to~~  
20 ~~establish to the satisfaction of the board that he or she:~~

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

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

30       ~~(3) Upon due examination administered by the board, is possessed of a knowledge of~~  
31 ~~the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration,~~  
32 ~~chemistry, restorative art, together with statutes, rules and regulations governing the care,~~  
33 ~~custody, shelter and disposition of dead human bodies and the transportation thereof or has~~  
34 ~~passed the national board examination of the Conference of Funeral Service Examining~~  
35 ~~Boards. If any applicant fails to pass the state examination, he or she may retake the~~  
36 ~~examination at the next regular examination meeting. The applicant shall notify the board~~  
37 ~~office of his or her desire to retake the examination at least thirty days prior to the date of the~~  
38 ~~examination. Each time the examination is retaken, the applicant shall pay a new~~  
39 ~~examination fee in an amount established by the board;~~



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

50       **4.] 2. Except as otherwise provided in this section, an applicant not entitled to an**  
51 **embalmer's license under section 333.051 or 324.009 shall make application for such**  
52 **license. Each applicant for an initial license to practice embalming shall furnish**  
53 **evidence to establish to the satisfaction of the board that he or she:**

54       **(1) Is eighteen years of age or older;**

55       **(2) Possesses a high school diploma, a general equivalency diploma, or**  
56 **equivalent thereof, as determined, at its discretion, by the board;**

57       **(3) Has completed a funeral service education program accredited by the**  
58 **American Board of Funeral Service Education, any successor organization, or other**  
59 **accrediting entity as approved by the board;**

60       **(4) Received passing scores on the National Board Examination-Sciences and the**  
61 **Missouri law examination administered by the International Conference of Funeral**  
62 **Service Examining Boards, any successor organization, or other organization approved**  
63 **by the board; and**

64       **(5) Has been employed in a qualifying embalmer's apprentice program as**  
65 **defined by the board for no less than six months and has personally embalmed at least**  
66 **twenty-five dead human bodies under the supervision of an embalmer who is licensed**  
67 **under this chapter. The first twelve of the embalmings shall be conducted under the**  
68 **direct supervision of the licensed embalmer. For purposes of this subdivision, a**  
69 **"qualifying embalmer's apprentice program" is a program in which the apprentice**  
70 **completed the minimum number of hours required by the board and, as attested to by**  
71 **the supervising licensed embalmer, obtained the minimal required skills to practice**  
72 **embalming. For purposes of this subdivision, "direct supervision" shall mean**  
73 **supervision in which the licensed embalmer is physically present with the apprentice**  
74 **embalmer and the dead human body at the beginning of the embalming process and**  
75 **available for consultation within one hour for the remainder of the embalming process.**  
76 **The licensed embalmer shall inspect all bodies embalmed by the apprentice embalmer.**

77           **3. Upon written request to the board, any person licensed under this section**  
78 **may, at his or her election, at any time, sit for the National Board Examination-Arts**  
79 **administered by the International Conference of Funeral Service Examining Boards,**  
80 **any successor organization, or other organization approved by the board if such person**  
81 **has not previously passed such examination.**

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

85           ~~5. [Examinations required by this section and section 333.042 shall be held at least~~  
86 ~~twice a year at times and places fixed by the board. The board shall by rule and regulation~~  
87 ~~prescribe the standard for successful completion of the examinations.~~

88           ~~6. Upon establishment of his or her qualifications as specified by this section or~~  
89 ~~section 333.042, the board shall issue to the applicant a license to practice funeral directing or~~  
90 ~~embalming, as the case may require, and shall register the applicant as a duly licensed funeral~~  
91 ~~director or a duly licensed embalmer.] Any person having the qualifications required by this~~  
92 ~~section and section 333.042 may be granted both a license to practice funeral directing and to~~  
93 ~~practice embalming.~~

94           ~~[7. The board shall, upon request, waive any requirement of this chapter and issue a~~  
95 ~~temporary funeral director's license, valid for six months, to the surviving spouse or next of~~  
96 ~~kin or the personal representative of a licensed funeral director, or to the spouse, next of kin,~~  
97 ~~employee or conservator of a licensed funeral director disabled because of sickness, mental~~  
98 ~~incapacity or injury.]~~

~~333.042. 1. [Every person desiring to enter the profession of funeral directing in this~~  
2 ~~state shall make application with the state board of embalmers and funeral directors and pay~~  
3 ~~the current application and examination fees. Except as otherwise provided in section 41.950,~~  
4 ~~applicants not entitled to a license pursuant to section 333.051 or 324.009 shall serve an~~  
5 ~~apprenticeship for at least twelve consecutive months in a funeral establishment licensed for~~  
6 ~~the care and preparation for burial and transportation of the human dead in this state or in~~  
7 ~~another state which has established standards for admission to practice funeral directing equal~~  
8 ~~to, or more stringent than, the requirements for admission to practice funeral directing in this~~  
9 ~~state. The applicant shall devote at least fifteen hours per week to his or her duties as an~~  
10 ~~apprentice under the supervision of a Missouri licensed funeral director. Such applicant shall~~  
11 ~~submit proof to the board, on forms provided by the board, that the applicant has arranged and~~  
12 ~~conducted ten funeral services during the applicant's apprenticeship under the supervision of a~~  
13 ~~Missouri licensed funeral director. Upon completion of the apprenticeship, the applicant shall~~  
14 ~~appear before the board to be tested on the applicant's legal and practical knowledge of~~  
15 ~~funeral directing, funeral home licensing, preneed funeral contracts and the care, custody,~~

16 ~~shelter, disposition and transportation of dead human bodies. Upon acceptance of the~~  
17 ~~application and fees by the board, an applicant shall have twenty-four months to successfully~~  
18 ~~complete the requirements for licensure found in this section or the application for licensure~~  
19 ~~shall be cancelled.~~

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

29 ~~3. If an individual is a Missouri licensed embalmer or has completed a program~~  
30 ~~accredited by the American Board of Funeral Service Education, any successor organization,~~  
31 ~~or other accrediting entity as approved by the board or has successfully completed a course of~~  
32 ~~study in funeral directing offered by an institution accredited by a recognized national,~~  
33 ~~regional or state accrediting body and approved by the state board of embalmers and funeral~~  
34 ~~directors, and desires to enter the profession of funeral directing in this state, the individual~~  
35 ~~shall comply with all the requirements for licensure as a funeral director pursuant to~~  
36 ~~subsection 1 of section 333.041 and subsection 1 of this section; however, the individual is~~  
37 ~~exempt from the twelve-month apprenticeship required by subsection 1 of this section.]~~  
38 **Except as otherwise provided in this section, an applicant for a funeral director license**  
39 **not entitled to a license under section 333.051 or 324.009 shall make application for an**  
40 **initial license to practice funeral directing and shall furnish evidence to establish to the**  
41 **satisfaction of the board that he or she:**

42 **(1) Is eighteen years of age or older;**

43 **(2) Possesses a high school diploma, a general equivalency diploma, or**  
44 **equivalent thereof, as determined, at its discretion, by the board; and**

45 **(3) Has either:**

46 **(a) Completed a funeral service education program accredited by the American**  
47 **Board of Funeral Service Education, any successor organization, or other accrediting**  
48 **entity as approved by the board and received passing scores on the National Board**  
49 **Examination-Arts and the Missouri law examination. The board may accept, in lieu of a**  
50 **passing score on the National Board Examination-Arts, a passing score on an**  
51 **administration of the Missouri arts examination that occurred before the**

52 **International Conference of Funeral Service Examining Boards ended all**  
53 **administrations of the Missouri arts examination on January 1, 2023; or**

54 **(b) Made application for a funeral director provisional license and successfully**  
55 **either:**

56 **a. Within twenty-four months of receipt of the provisional license:**

57 **(i) Completed a twelve-month qualifying funeral director apprentice program as**  
58 **determined by the board during which the applicant arranged and conducted ten**  
59 **funeral services. Such program shall be under the personal supervision of a funeral**  
60 **director licensed under this chapter and in a Missouri funeral establishment licensed for**  
61 **the care and preparation for burial and transportation of the human dead in this state;**  
62 **and**

63 **(ii) Received passing scores on the National Board Examination-Arts and the**  
64 **Missouri law examination. The board may accept, in lieu of a passing score on the**  
65 **National Board Examination-Arts, a passing score on an administration of the Missouri**  
66 **arts examination that occurred before the International Conference of Funeral Service**  
67 **Examining Boards ended all administrations of the Missouri arts examination on**  
68 **January 1, 2023; or**

69 **b. Within thirty-six months of receipt of the provisional license:**

70 **(i) Completed an eighteen-month qualifying funeral director apprentice**  
71 **program as determined by the board during which the applicant arranged and**  
72 **conducted twenty-five funeral services. Such program shall be under the personal**  
73 **supervision of a funeral director licensed under this chapter and in a Missouri funeral**  
74 **establishment licensed for the care and preparation for burial and transportation of the**  
75 **human dead in this state; and**

76 **(ii) Received a passing score on the Missouri law examination.**

77 **2. Any person holding a provisional license shall be eligible, upon written**  
78 **request to the board, to sit for the National Board Examination-Arts and the Missouri**  
79 **law examination at any time during the period in which his or her provisional license is**  
80 **effective.**

81 **3. Any licensed funeral director who has not previously sat for the National**  
82 **Board Examination-Arts may, at his or her election and upon written request to the**  
83 **board, sit for the examination.**

84 **4. A person may apply for a limited license to work only in a funeral**  
85 **establishment licensed for cremation. A person holding a limited funeral director**  
86 **license may perform duties related to cremation. To qualify for a limited funeral**  
87 **director license, an applicant shall be eighteen years of age or older and shall make**  
88 **application with the board, pay applicable fees, and successfully complete the Missouri**

89 law examination. Completion of a qualifying funeral director apprentice program shall  
90 not be required to obtain a limited funeral director license.

91       5. The board shall, at its discretion and upon written request, waive individual  
92 funeral director licensure requirements for up to six months if there is an absence of a  
93 funeral director in charge due to the death or disability of the licensed funeral director  
94 and there is no other licensed funeral director available to discharge the director's  
95 duties. A waiver under this subsection shall allow the spouse, next of kin, personal  
96 representative, or conservator of the absent director to conduct business until a licensed  
97 funeral director can be obtained or business arrangements are made to close or sell the  
98 establishment. The waiver shall not allow for any services to be provided for which  
99 formal funeral service education is required.

100       6. As used in this section, the following terms mean:

101       (1) "Personal supervision", supervision in which the licensed funeral director  
102 shall be physically present during any arrangement conferences and present for the first  
103 five funeral services conducted by the apprentice. The supervising licensed funeral  
104 director shall not be required to be present when the apprentice performs any other  
105 functions relating to the practice of funeral directing but shall be available within one  
106 hour for consultation;

107       (2) "Qualifying funeral director apprentice program", a program that meets the  
108 minimum hour requirements for funeral directing tasks as set by the board and in  
109 which the supervising funeral director has attested that the apprentice has obtained the  
110 minimal required skills to practice funeral directing.

334.031. 1. Candidates for licenses as physicians and surgeons shall furnish  
2 ~~[satisfactory evidence of their good moral character, and their preliminary qualifications, to~~  
3 ~~wit: a certificate of graduation from an accredited high school or its equivalent, and~~  
4 ~~satisfactory evidence of completion of preprofessional education consisting of a minimum of~~  
5 ~~sixty semester hours of college credits in acceptable subjects leading towards the degree of~~  
6 ~~bachelor of arts or bachelor of science from an accredited college or university. They shall~~  
7 ~~also furnish satisfactory evidence of having attended throughout at least four terms of thirty-~~  
8 ~~two weeks of actual instructions in each term and of having received a diploma from some~~  
9 ~~reputable medical college or osteopathic college that enforces requirements of four terms of~~  
10 ~~thirty-two weeks for actual instruction in each term, including, in addition to class work, such~~  
11 ~~experience in operative and hospital work during the last two years of instruction as is~~  
12 ~~required by the American Medical Association and the American Osteopathic Association~~  
13 ~~before the college is approved and accredited as reputable. Any medical college approved~~  
14 ~~and accredited as reputable by the American Medical Association or the Liaison Committee~~  
15 ~~on Medical Education and any osteopathic college approved and accredited as reputable by~~

16 ~~the American Osteopathic Association is deemed to have complied with the requirements of~~  
17 ~~this subsection]:~~

18       **(1) Evidence of good moral character by submitting to a criminal background**  
19 **check as provided in section 43.540;**

20       **(2) A diploma and academic transcripts from a school accredited by the Liaison**  
21 **Committee on Medical Education, the Commission on Osteopathic College**  
22 **Accreditation, the Educational Commission for Foreign Medical Graduates**  
23 **(ECFMG), or a similar accrediting agency; and**

24       **(3) A certificate demonstrating that the applicant has satisfied the requirements**  
25 **of section 334.035.**

26       2. In determining the qualifications necessary for licensure as a qualified physician  
27 and surgeon, the board, by rule and regulation, may accept the certificate of the National  
28 Board of Medical Examiners of the United States, chartered pursuant to the laws of the  
29 District of Columbia, of the National Board of Examiners for Osteopathic Physicians and  
30 Surgeons chartered pursuant to the laws of the state of Indiana, or of the Licentiate of the  
31 Medical Council of Canada (LMCC) in lieu of and as equivalent to its own professional  
32 examination. Every applicant for a license on the basis of such certificate, upon making  
33 application showing necessary qualifications as provided in subsection 1 of this section, shall  
34 be required to pay the same fee required of applicants to take the examination before the  
35 board.

36       **3. The board may require applicants to list all licenses to practice as a physician**  
37 **currently or previously held in any other state, territory, or country and to disclose any**  
38 **past or pending investigations, discipline, or sanctions against each such license.**

39       **4. In addition to the criminal background screening required by this section, the**  
40 **board may obtain a report on the applicant from the National Practitioner Data Bank**  
41 **or the Federation of State Medical Boards.**

338.010. 1. The "practice of pharmacy" includes:

2       (1) The interpretation, implementation, and evaluation of medical prescription orders,  
3 including any legend drugs under 21 U.S.C. Section 353, and the receipt, transmission, or  
4 handling of such orders or facilitating the dispensing of such orders;

5       (2) The designing, initiating, implementing, and monitoring of a medication  
6 therapeutic plan in accordance with the provisions of this section;

7       (3) The compounding, dispensing, labeling, and administration of drugs and devices  
8 pursuant to medical prescription orders;

9       (4) The ordering and administration of vaccines approved or authorized by the U.S.  
10 Food and Drug Administration, excluding vaccines for cholera, monkeypox, Japanese  
11 encephalitis, typhoid, rabies, yellow fever, tick-borne encephalitis, anthrax, tuberculosis,

12 dengue, Hib, polio, rotavirus, smallpox, **chikungunya**, and any vaccine approved after  
13 January 1, [2023] **2025**, to persons at least seven years of age or the age recommended by the  
14 Centers for Disease Control and Prevention, whichever is older, pursuant to joint  
15 promulgation of rules established by the board of pharmacy and the state board of  
16 registration for the healing arts unless rules are established under a state of emergency as  
17 described in section 44.100;

18 (5) The participation in drug selection according to state law and participation in drug  
19 utilization reviews;

20 (6) The proper and safe storage of drugs and devices and the maintenance of proper  
21 records thereof;

22 (7) Consultation with patients and other health care practitioners, and veterinarians  
23 and their clients about legend drugs, about the safe and effective use of drugs and devices;

24 (8) The prescribing and dispensing of any nicotine replacement therapy product under  
25 section 338.665;

26 (9) The dispensing of HIV postexposure prophylaxis pursuant to section 338.730; and

27 (10) The offering or performing of those acts, services, operations, or transactions  
28 necessary in the conduct, operation, management and control of a pharmacy.

29 2. No person shall engage in the practice of pharmacy unless he or she is licensed  
30 under the provisions of this chapter.

31 3. This chapter shall not be construed to prohibit the use of auxiliary personnel under  
32 the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties.  
33 This assistance in no way is intended to relieve the pharmacist from his or her responsibilities  
34 for compliance with this chapter and he or she will be responsible for the actions of the  
35 auxiliary personnel acting in his or her assistance.

36 4. This chapter shall not be construed to prohibit or interfere with any legally  
37 registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use  
38 in animals, or the practice of optometry in accordance with and as provided in sections  
39 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or  
40 her own prescriptions.

41 5. A pharmacist with a certificate of medication therapeutic plan authority may  
42 provide medication therapy services pursuant to a written protocol from a physician licensed  
43 under chapter 334 to patients who have established a physician-patient relationship, as  
44 described in subdivision (1) of subsection 1 of section 191.1146, with the protocol physician.  
45 The written protocol authorized by this section shall come only from the physician and shall  
46 not come from a nurse engaged in a collaborative practice arrangement under section  
47 334.104, or from a physician assistant engaged in a collaborative practice arrangement under  
48 section 334.735.

49           6. Nothing in this section shall be construed as to prevent any person, firm or  
50 corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that  
51 a licensed pharmacist is in charge of such pharmacy.

52           7. Nothing in this section shall be construed to apply to or interfere with the sale of  
53 nonprescription drugs and the ordinary household remedies and such drugs or medicines as  
54 are normally sold by those engaged in the sale of general merchandise.

55           8. No health carrier as defined in chapter 376 shall require any physician with which  
56 they contract to enter into a written protocol with a pharmacist for medication therapeutic  
57 services.

58           9. This section shall not be construed to allow a pharmacist to diagnose or  
59 independently prescribe pharmaceuticals.

60           10. The state board of registration for the healing arts, under section 334.125, and the  
61 state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the  
62 use of protocols for medication therapy services. Such rules shall require protocols to include  
63 provisions allowing for timely communication between the pharmacist and the protocol  
64 physician or similar body authorized by this section, and any other patient protection  
65 provisions deemed appropriate by both boards. In order to take effect, such rules shall be  
66 approved by a majority vote of a quorum of each board. Neither board shall separately  
67 promulgate rules regulating the use of protocols for medication therapy services. Any rule or  
68 portion of a rule, as that term is defined in section 536.010, that is created under the authority  
69 delegated in this section shall become effective only if it complies with and is subject to all of  
70 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter  
71 536 are nonseverable and if any of the powers vested with the general assembly pursuant to  
72 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
73 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
74 proposed or adopted after August 28, 2007, shall be invalid and void.

75           11. The state board of pharmacy may grant a certificate of medication therapeutic  
76 plan authority to a licensed pharmacist who submits proof of successful completion of a  
77 board-approved course of academic clinical study beyond a bachelor of science in pharmacy,  
78 including but not limited to clinical assessment skills, from a nationally accredited college or  
79 university, or a certification of equivalence issued by a nationally recognized professional  
80 organization and approved by the board of pharmacy.

81           12. Any pharmacist who has received a certificate of medication therapeutic plan  
82 authority may engage in the designing, initiating, implementing, and monitoring of a  
83 medication therapeutic plan as defined by a written protocol from a physician that may be  
84 specific to each patient for care by a pharmacist.



85           13. Nothing in this section shall be construed to allow a pharmacist to make a  
86 therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by  
87 the written protocol or the physician's prescription order.

88           14. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary  
89 medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or  
90 an equivalent title means a person who has received a doctor's degree in veterinary medicine  
91 from an accredited school of veterinary medicine or holds an Educational Commission for  
92 Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary  
93 Medical Association (AVMA).

94           15. In addition to other requirements established by the joint promulgation of rules by  
95 the board of pharmacy and the state board of registration for the healing arts:

96           (1) A pharmacist shall administer vaccines by protocol in accordance with treatment  
97 guidelines established by the Centers for Disease Control and Prevention (CDC);

98           (2) A pharmacist who is administering a vaccine shall request a patient to remain in  
99 the pharmacy a safe amount of time after administering the vaccine to observe any adverse  
100 reactions. Such pharmacist shall have adopted emergency treatment protocols.

101           16. In addition to other requirements by the board, a pharmacist shall receive  
102 additional training as required by the board and evidenced by receiving a certificate from the  
103 board upon completion, and shall display the certification in his or her pharmacy where  
104 vaccines are delivered.

105           17. A pharmacist shall inform the patient that the administration of a vaccine will be  
106 entered into the ShowMeVax system, as administered by the department of health and senior  
107 services. The patient shall attest to the inclusion of such information in the system by signing  
108 a form provided by the pharmacist. If the patient indicates that he or she does not want such  
109 information entered into the ShowMeVax system, the pharmacist shall provide a written  
110 report within fourteen days of administration of a vaccine to the patient's health care provider,  
111 if provided by the patient, containing:

112           (1) The identity of the patient;

113           (2) The identity of the vaccine or vaccines administered;

114           (3) The route of administration;

115           (4) The anatomic site of the administration;

116           (5) The dose administered; and

117           (6) The date of administration.

118           18. A pharmacist licensed under this chapter may order and administer vaccines  
119 approved or authorized by the U.S. Food and Drug Administration to address a public health  
120 need, as lawfully authorized by the state or federal government, or a department or agency  
121 thereof, during a state or federally declared public health emergency.

338.333. 1. Except as otherwise provided by the board of pharmacy by rule in the event of an emergency or to alleviate a supply shortage, no person or distribution outlet shall act as a wholesale drug distributor, pharmacy distributor, drug outsourcer, or third-party logistics provider without first obtaining license to do so from the Missouri board of pharmacy and paying the required fee. The board may grant temporary licenses when the wholesale drug distributor, pharmacy distributor, drug outsourcer, or third-party logistics provider first applies for a license to operate within the state. Temporary licenses shall remain valid until such time as the board shall find that the applicant meets or fails to meet the requirements for regular licensure. No license shall be issued or renewed for a wholesale drug distributor, pharmacy distributor, drug outsourcer, or third-party logistics provider to operate unless the same shall be operated in a manner prescribed by law and according to the rules and regulations promulgated by the board of pharmacy with respect thereto. Separate licenses shall be required for each distribution site owned or operated by a wholesale drug distributor, pharmacy distributor, drug outsourcer, or third-party logistics provider, unless such drug distributor, pharmacy distributor, drug outsourcer, or third-party logistics provider meets the requirements of section 338.335.

2. An agent or employee of any licensed or registered wholesale drug distributor, pharmacy distributor, drug outsourcer, or third-party logistics provider need not seek licensure under this section and may lawfully possess pharmaceutical drugs, if the agent or employee is acting in the usual course of his or her business or employment.

3. The board may permit out-of-state wholesale drug distributors, drug outsourcers, third-party logistics ~~[provider]~~ **providers**, or out-of-state pharmacy distributors to be licensed as required by sections 338.210 to 338.370 on the basis of reciprocity to the extent that the entity both:

(1) Possesses a valid license granted by another state pursuant to legal standards comparable to those which must be met by a wholesale drug distributor, pharmacy distributor, drug ~~[outsourcers]~~ **outsourcer**, or third-party logistics provider of this state as prerequisites for obtaining a license under the laws of this state. **If a state license is not issued by their resident state, out-of-state wholesale drug distributors and third-party logistics providers with a current and valid drug distributor accreditation from the National Association of Boards of Pharmacy or its successor may be eligible for licensure as provided by the board by rule;** and

(2) Distributes into Missouri from a state which would extend reciprocal treatment under its own laws to a wholesale drug distributor, pharmacy distributor, drug outsourcers, or third-party logistics provider of this state.

338.710. 1. There is hereby created in the Missouri board of pharmacy the "RX Cares for Missouri Program". The goal of the program shall be to promote medication safety and to prevent prescription drug abuse, misuse, and diversion in Missouri.

2. The board, in consultation with the department, shall be authorized to expend, allocate, or award funds appropriated to the board to private or public entities to develop or provide programs or education to promote medication safety or to suppress or prevent prescription drug abuse, misuse, and diversion in the state of Missouri. In no case shall the authorization include, nor the funds be expended for, any state prescription drug monitoring program including, but not limited to, such as are defined in 38 CFR 1.515. Funds disbursed to a state agency under this section may enhance, but shall not supplant, funds otherwise appropriated to such state agency.

3. The board shall be the administrative agency responsible for implementing the program in consultation with the department. The board and the department may enter into interagency agreements between themselves to allow the department to assist in the management or operation of the program. The board may award funds directly to the department to implement, manage, develop, or provide programs or education pursuant to the program.

4. After a full year of program operation, the board shall prepare and submit an evaluation report to the governor and the general assembly describing the operation of the program and the funds allocated. ~~[Unless otherwise authorized by the general assembly, the program shall expire on August 28, 2026.]~~

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

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

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

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

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

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

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

(3) For any other transaction, a person regularly engaged in the real estate brokerage 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  
21 compensation received by the licensee to any person for any service rendered by such person  
22 to the licensee in buying, selling, exchanging, leasing, renting or negotiating a loan upon any  
23 real estate, unless such a person is a licensed real estate salesperson regularly associated with  
24 such a broker, or a licensed real estate broker, or a person regularly engaged in the real estate  
25 brokerage business outside of the state of Missouri.

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

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

42 (1) Solely by the licensee;

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

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

48 5. For purposes of subsection 4 of this section, the following terms shall mean:

49 (1) "Business entity", any corporation, partnership, limited partnership, limited  
50 liability company, professional corporation, or association;

51 (2) "Licensee", any **real estate broker**, real estate broker-salesperson, or real estate  
52 salesperson, as such terms are defined under section 339.010.

339.780. 1. All written agreements for brokerage services on behalf of a seller, landlord, buyer, or tenant shall be entered into by the designated broker on behalf of that broker and affiliated licensees, except that the designated broker may authorize affiliated licensees in writing to enter into the written agreements on behalf of the designated broker.

2. Before engaging in any of the activities enumerated in section 339.010, a designated broker intending to establish a limited agency relationship with a seller or landlord shall enter into a written agency agreement with the party to be represented. The agreement shall include a licensee's duties and responsibilities specified in section 339.730 and the terms of compensation and shall specify whether an offer of subagency may be made to any other designated broker.

3. Before ~~[or while]~~ engaging in any acts enumerated in section 339.010, except ministerial acts defined in section 339.710, a designated broker acting as a single agent for a buyer or tenant shall enter into a written agency agreement with the buyer or tenant. The agreement shall include a licensee's duties and responsibilities specified in section 339.740 and the terms of compensation.

4. Before engaging in any of the activities enumerated in section 339.010, a designated broker intending to act as a dual agent shall enter into a written agreement with the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The agreement shall include a licensee's duties and responsibilities specified in section 339.750 and the terms of compensation.

5. Before engaging in any of the activities enumerated in section 339.010, a designated broker intending to act as a subagent shall enter into a written agreement with the designated broker for the client. If a designated broker has made a unilateral offer of subagency, another designated broker can enter into the subagency relationship by the act of disclosing to the customer that he or she is a subagent of the client. If a designated broker has made an appointment pursuant to section 339.820, an affiliated licensee that has been excluded by such appointment may enter into the subagency relationship by the act of disclosing to the customer that he or she is a subagent of the client.

6. A designated broker who intends to act as a transaction broker and who expects to receive compensation from the party he or she assists shall enter into a written transaction brokerage agreement with such party or parties contracting for the broker's service. The transaction brokerage agreement shall include a licensee's duties and responsibilities specified in section 339.755 and the terms of compensation.

7. All exclusive brokerage agreements shall specify that the broker, through the broker or through one or more affiliated licensees, shall provide, at a minimum, the following services:

37 (1) Accepting delivery of and presenting to the client or customer offers and  
38 counteroffers to buy, sell, or lease the client's or customer's property or the property the client  
39 or customer seeks to purchase or lease;

40 (2) Assisting the client or customer in developing, communicating, negotiating, and  
41 presenting offers, counteroffers, and notices that relate to the offers and the counteroffers until  
42 a lease or purchase agreement is signed and all contingencies are satisfied or waived; and

43 (3) Answering the client's or customer's questions relating to the offers, counteroffers,  
44 notices, and contingencies.

45 8. Nothing contained in this section shall prohibit the public from entering into  
46 written contracts with any broker which contain duties, obligations, or responsibilities which  
47 are in addition to those specified in this section.

345.050. To be eligible for licensure by the board by examination, each applicant  
2 shall submit the application fee and shall furnish evidence of such person's current  
3 competence and shall:

4 (1) Hold a master's or a doctoral degree from a program that was awarded  
5 "accreditation candidate" status or is accredited by the Council on Academic Accreditation of  
6 the American Speech-Language-Hearing Association or other accrediting agency approved  
7 by the board in the area in which licensure is sought;

8 (2) Submit official transcripts from one or more accredited colleges or universities  
9 presenting evidence of the completion of course work and clinical practicum requirements  
10 equivalent to that required by the Council on Academic Accreditation of the American  
11 Speech-Language-Hearing Association or other accrediting agency approved by the board;

12 (3) Present written evidence of completion of a clinical fellowship from supervisors.  
13 The experience required by this subdivision shall follow the completion of the requirements  
14 of subdivisions (1) and (2) of this section. This period of employment shall be under the  
15 direct supervision of a ~~[person who is licensed by the state of Missouri in the profession in~~  
16 ~~which the applicant seeks to be]~~ **licensed speech-language pathologist in good standing.**  
17 Persons applying with an audiology clinical doctoral degree are exempt from this provision;  
18 and

19 (4) Pass an examination promulgated or approved by the board. The board shall  
20 determine the subject and scope of the examinations.

361.909. Sections 361.900 to 361.1035 shall not apply to:

2 (1) An operator of a payment system to the extent that it provides processing,  
3 clearing, or settlement services between or among persons exempted under this section or  
4 licensees in connection with wire transfers, credit card transactions, debit card transactions,  
5 stored value transactions, automated clearinghouse transfers, or similar funds transfers;

6 (2) A person appointed as an agent of a payee to collect and process a payment from a  
7 payer to the payee for goods or services, other than money transmission itself, provided to the  
8 payer by the payee, provided that:

9 (a) There exists a written agreement between the payee and the agent directing the  
10 agent to collect and process payments from a payer on the payee's behalf;

11 (b) The payee holds the agent out to the public as accepting payments for goods or  
12 services on the payee's behalf; and

13 (c) Payment for the goods and services is treated as received by the payee upon  
14 receipt by the agent so that the payer's obligation is extinguished and there is no risk of loss to  
15 the payer if the agent fails to remit the funds to the payee;

16 (3) A person that acts as an intermediary by processing payments between an entity  
17 that has directly incurred an outstanding money transmission obligation to a sender and the  
18 sender's designated recipient, provided that the entity:

19 (a) Is properly licensed or exempt from licensing requirements under sections  
20 361.900 to 361.1035;

21 (b) Provides a receipt, electronic record, or other written confirmation to the sender  
22 identifying the entity as the provider of money transmission in the transaction; and

23 (c) Bears sole responsibility to satisfy the outstanding money transmission obligation  
24 to the sender, including the obligation to make the sender whole in connection with any  
25 failure to transmit the funds to the sender's designated recipient;

26 (4) The United States or a department, agency, or instrumentality thereof, or its agent;

27 (5) Money transmission by the United States Postal Service or by an agent of the  
28 United States Postal Service;

29 (6) A state, county, city, or any other governmental agency or governmental  
30 subdivision or instrumentality of a state, or its agent;

31 (7) A federally insured depository financial institution; bank holding company; office  
32 of an international banking corporation; foreign bank that establishes a federal branch under  
33 the International Bank Act, 12 U.S.C. Section 3102, as amended or recodified from time to  
34 time; corporation organized under the Bank Service Corporation Act, 12 U.S.C. Sections  
35 1861-1867, as amended or recodified from time to time; or corporation organized under the  
36 Edge Act, 12 U.S.C. Sections 611-633, as amended or recodified from time to time, under the  
37 laws of a state or the United States;

38 (8) Electronic funds transfer of governmental benefits for a federal, state, county, or  
39 governmental agency by a contractor on behalf of the United States or a department, agency,  
40 or instrumentality thereof, or on behalf of a state or governmental subdivision, agency, or  
41 instrumentality thereof;

42 (9) A board of trade designated as a contract market under the federal Commodity  
43 Exchange Act, 7 U.S.C. Sections 1-25, as amended or recodified from time to time, or a  
44 person that, in the ordinary course of business, provides clearance and settlement services for  
45 a board of trade to the extent of its operation as or for such a board;

46 (10) A registered futures commission merchant under the federal commodities laws  
47 to the extent of its operation as such a merchant;

48 (11) A person registered as a securities broker-dealer under federal or state securities  
49 laws to the extent of its operation as such a broker-dealer;

50 (12) An individual employed by a licensee, authorized delegate, or any person  
51 exempted from the licensing requirements under sections 361.900 to 361.1035 if acting  
52 within the scope of employment and under the supervision of the licensee, authorized  
53 delegate, or exempted person as an employee and not as an independent contractor;

54 (13) A person expressly appointed as a third-party service provider to or agent of an  
55 entity exempt under subdivision (7) of this section solely to the extent that:

56 (a) Such service provider or agent is engaging in money transmission on behalf of and  
57 under a written agreement with the exempt entity that sets forth the specific functions that the  
58 service provider or agent is to perform; and

59 (b) The exempt entity assumes all risk of loss and all legal responsibility for  
60 satisfying the outstanding money transmission obligations owed to purchasers and holders of  
61 the outstanding money transmission obligations upon receipt of the purchaser's or holder's  
62 money or monetary value by the service provider or agent; or

63 **(14) A person appointed as an agent of a payer for purposes of providing payroll**  
64 **processing services for which the agent would otherwise need to be licensed, provided all**  
65 **of the following apply:**

66 **(a) There is a written agreement between the payer and the agent that directs the**  
67 **agent to provide payroll processing services on the payer's behalf;**

68 **(b) The payer holds the agent out to employees and other payees as providing**  
69 **payroll processing services on the payer's behalf; and**

70 **(c) The payer's obligation to a payee, including an employee or any other party**  
71 **entitled to receive funds via the payroll processing services provided by the agent, shall**  
72 **not be extinguished if the agent fails to remit the funds to the payee.**

701.040. [4-] The department of health and senior services shall:

2 (1) Develop by September 1, 1995, a state standard for the location, size of sewage  
3 tanks and length of lateral lines based on the ~~[percolation or permeability rate of the]~~ soil  
4 **properties**, construction, installation, and operation of on-site sewage disposal systems.  
5 Advice from the department of natural resources shall be considered. City or county  
6 governments may adopt, by order or ordinance, the state standard in accordance with the



7 provisions of sections 701.025 to 701.059. In any jurisdiction where a city or county has not  
8 adopted the state standard, the department of health and senior services shall enforce the state  
9 standard until such time as the city or county adopts the standard;

10 (2) Define by rule a list of ~~[those persons who are qualified to perform the percolation~~  
11 ~~tests or]~~ **on-site soil evaluators registered by the department to conduct** soils morphology  
12 **[tests] evaluations** required by the state standard. The list shall include the following:

13 (a) Persons trained and certified by either the department, which shall include on-site  
14 sewage disposal system contractors or a certified agent of the department;

15 (b) Licensed **professional** engineers as defined in section 327.011;

16 (c) Sanitarians meeting standards defined by the department;

17 (d) Qualified geologists as defined in section ~~[256.501]~~ **256.453**; and

18 (e) "Soil scientists", defined as a person that has successfully completed at least  
19 fifteen semester credit hours of soils science course work, including at least three hours of  
20 course work in soil morphology and interpretations;

21 (3) Develop in accordance with sections 701.053 to 701.055 a voluntary registration  
22 program for on-site sewage disposal system contractors. Approved county programs shall  
23 implement the contractor registration program. In any area where a county has not adopted,  
24 by order or ordinance, the contractor registration program, the department shall implement  
25 the program until such time as the county adopts the registration program;

26 (4) Establish an education training program specifically developed for contractors and  
27 city and county employees. ~~[Contractors may be taught and allowed to perform percolation~~  
28 ~~tests.]~~ Reasonable fees may be charged of the participants to cover the cost of the training  
29 and shall be deposited in the public health services fund created in section 192.900. The  
30 department shall provide, as a part of the education training program, an installation manual  
31 for on-site sewage disposal systems. The manual shall also be made available, at the cost of  
32 publication and distribution, to persons not participating in the education and training  
33 program;

34 (5) ~~[Periodically review, but not more than annually, any county's or city's ordinance~~  
35 ~~or order and enforcement record to assure that the state standard is being consistently and~~  
36 ~~appropriately enforced. In its review the department shall assess the timeliness of the~~  
37 ~~county's or city's inspections of on-site sewage systems, and county or city enforcement may~~  
38 ~~be terminated if the department determines that the county or city is unable to provide prompt~~  
39 ~~inspections. If the department determines that the standard is not being consistently or~~  
40 ~~appropriately enforced in any city or county, the department shall notify the county or city of~~  
41 ~~the department's intent to enforce the standard in that jurisdiction and after thirty days' notice~~  
42 ~~hold a public hearing in such county or city to make a determination as to whether the state~~  
43 ~~shall enforce the state standard. Any city or county aggrieved by a decision of the department~~

~~may appeal a decision of the department to the state board of health and senior services established under section 191.400. Any city or county aggrieved by a decision of the state board of health and senior services may appeal that decision to the administrative hearing commission in the manner provided in section 621.120]~~ **Administer, in accordance with sections 701.025 to 701.059, a mandatory registration program requiring continuing education before January 1, 2026, for on-site wastewater treatment system professionals qualified to perform percolation tests in accordance with the standards promulgated under subdivision (1) of this section. Before January 1, 2026, if a soil morphology evaluation cannot be reasonably obtained, a percolation test may be accepted, at the discretion of the administrative authority. The provisions of this subdivision shall be void and of no effect after December 31, 2025; and**

(6) Promulgate such rules and regulations as are necessary to carry out the provisions of sections 701.025 to 701.059.

~~[2. Subdivision (5) of this section shall be void and of no effect after January 1, 1998.]~~

701.046. Except as otherwise provided in section 701.031, no person may, on or after September 1, 1995, construct or make a major modification or major repair to an on-site sewage disposal system without first notifying the city, county or department and completing an application, upon a form provided by the department~~[-and]; submitting [a] an application fee in the amount established by the city, county or department; and obtaining a construction permit. [The fee shall be set at an amount no greater than that necessary to cover the cost to implement the state standard for on-site sewage disposal systems and the registration of contractors.]~~ For areas of the state where the department is enforcing the state standard or registering contractors, the department shall ~~[establish the fee, by rule, at an amount not greater than ninety dollars. The department may charge an additional fee, as necessary, to cover the expenses of training those contractors electing to perform the percolation tests]~~ **promulgate regulations establishing the conditions and requirements for the construction permit application, including the collection of reasonable fees. The fees shall be set at a level to produce revenue that shall not exceed the cost and expense of administering the provisions of sections 701.025 to 701.059.** The application form shall require such information necessary to show that the on-site sewage disposal system will comply with the state standard. Such fees, when collected by the department, shall be deposited in the state treasury to the credit of the Missouri public health services fund. The department shall provide technical assistance regarding the type and location of the system to be installed when processing applications received under sections 701.046 to 701.048 and 701.050. Fees collected by the department shall be deposited in the Missouri public health

22 services fund created in section 192.900 and shall be used to implement sections 701.025 to  
23 701.059 and for no other purpose.

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