

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 1092**  
**103RD GENERAL ASSEMBLY**

4990H.07C

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

To repeal sections 324.009, 332.081, 337.600, and 345.050, RSMo, and to enact in lieu thereof forty-six new sections relating to professional licensure.

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

Section A. Sections 324.009, 332.081, 337.600, and 345.050, RSMo, are repealed  
2 and forty-six new sections enacted in lieu thereof, to be known as sections 324.004, 324.009,  
3 324.218, 324.1800, 324.1805, 324.1810, 324.1815, 324.1820, 324.1825, 324.1830, 324.1835,  
4 324.1840, 324.1845, 324.1850, 324.1855, 324.1860, 324.1865, 332.081, 332.700, 332.705,  
5 332.710, 332.715, 332.720, 332.725, 332.730, 332.735, 332.740, 332.745, 332.750, 332.755,  
6 332.760, 334.1800, 334.1805, 334.1810, 334.1815, 334.1820, 334.1825, 334.1830, 334.1835,  
7 334.1840, 334.1845, 334.1850, 334.1855, 334.1860, 337.600, and 345.050, to read as  
8 follows:

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

**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 which is required for**

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.

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. (1) Except as provided in subdivision (2) of this subsection, applicants for the**  
24 **one-time temporary nonrenewable license under this section shall be citizens of the**  
25 **United States or lawfully present noncitizens authorized to work in the United States**  
26 **under federal law and shall submit legal proof of citizenship or employment**  
27 **authorization that is acceptable for the employment eligibility verification under**  
28 **federal law as part of the application. If the holder of a one-time nonrenewable**  
29 **temporary license issued under this section loses lawful presence or federal work**  
30 **authorization, the one-time nonrenewable temporary license shall automatically be**  
31 **revoked.**

32 **(2) Applicants for the one-time nonrenewable temporary license under this**  
33 **section in an occupation regulated by the board of therapeutic massage shall be citizens**  
34 **of the United States and shall submit legal proof of citizenship as part of the application.**

35 **5. If an applicant is not currently residing in this state, the oversight body shall**  
36 **conditionally approve the application contingent upon receipt of proof of domicile in**  
37 **this state within sixty days of the applicant receiving the temporary license. If the**  
38 **applicant fails to provide proof within sixty days of receiving the temporary license, the**  
39 **oversight body may terminate the temporary license and the applicant may reapply for**  
40 **a temporary license.**

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

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

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

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

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

55           **7. The one-time nonrenewable temporary license shall expire after two years.**  
56 **Upon expiration, the individual shall be required to apply for a permanent license in**  
57 **accordance with the license requirements for the occupation for which he or she held the**  
58 **temporary license.**

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

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

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

70           **11. The division of professional registration may promulgate rules to implement**  
71 **the provisions of this section. Any rule or portion of a rule, as that term is defined in**  
72 **section 536.010, that is created under the authority delegated in this section shall**  
73 **become effective only if it complies with and is subject to all of the provisions of chapter**  
74 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**  
75 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**  
76 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
77 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
78 **adopted after August 28, 2026, 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 serving  
11 in a position for the state or a local governmental entity in the state of Missouri as a police  
12 officer, peace officer certified under chapter 590, auxiliary police officer, sheriff, sheriff's  
13 deputy, member of the patrol as that term is defined in section 43.010, or in some like position  
14 involving the enforcement of the law and protection of the public interest at the risk of that  
15 person's life and who is a permanent resident of the state of Missouri or who is domiciled in  
16 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 United  
19 States who has been transferred or is scheduled to be transferred to the state of Missouri, or  
20 who has been transferred or is scheduled to be transferred to an adjacent state and is or will be  
21 domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent  
22 change-of-station basis; or

23 (b) A nonresident spouse of a person residing outside the state of Missouri who has  
24 accepted an offer of employment from and 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 (5) "Oversight body", any board, department, agency, or office of a jurisdiction that  
28 issues licenses;

29 (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  
46 **[state] jurisdiction** verifies that the person met those requirements in order to be licensed or  
47 certified in that **[state] jurisdiction**. An oversight body that administers an examination on  
48 laws of this state as part of its licensing application requirement may require an applicant to  
49 take and pass an examination specific to 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 5. Nothing in this section shall prohibit the oversight body from denying a license to  
69 an applicant under this section for any reason described in any section associated with the  
70 occupation or profession for which the applicant seeks a license.

71 6. Any person who is licensed under the provisions of this section shall be subject to  
72 the applicable oversight body's jurisdiction and all rules and regulations pertaining to the  
73 practice of the licensed occupation or profession in this state. **Any health care provider  
74 licensed under the provisions of this section shall be deemed fully licensed to practice  
75 within the profession's scope of practice in this state and may provide telehealth services  
76 as described in section 191.1145 to the same extent and in the same manner as a health  
77 care provider who received his or her license without a waiver of any requirements.**

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

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

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

85           10. The provisions of this section shall not be construed to alter the authority granted  
86 by, or any requirements promulgated pursuant to, any interjurisdictional or interstate  
87 compacts adopted by Missouri statute or any reciprocity agreements with other states in  
88 effect, and whenever possible this section shall be interpreted so as to imply no conflict  
89 between it and any compact, or any reciprocity agreements with other states in effect.

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

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

**324.218. 1. An applicant who has not previously taken or passed an examination  
2 recognized by the committee and who meets the qualifications of subsection 2 of section  
3 324.210 may obtain without examination a nonrenewable temporary license by paying a  
4 temporary-license fee and submitting to the committee an agreement-to-supervise form  
5 that is signed by a licensed dietitian who has agreed to supervise the applicant. Such  
6 temporary licensee may practice dietetics, but any such practice shall be under the  
7 supervision of a dietitian licensed in this state.**

8           **2. (1) Any dietitian who has agreed to supervise a temporary licensee shall hold  
9 an unencumbered license to practice dietetics in this state and shall provide the  
10 committee proof of active dietetics practice in this state for a minimum of one year  
11 before supervising the temporary licensee.**

12           **(2) The supervising dietitian shall not be an immediate family member of the  
13 temporary licensee. The committee shall define the term "immediate family member"  
14 for purposes of this subdivision and the scope of such supervision by rule.**

15           **3. (1) The dietitian who has agreed to supervise the applicant for a temporary  
16 license shall submit to the committee a signed and notarized form prescribed by the  
17 committee attesting that the applicant for a temporary license shall begin employment  
18 at a location in this state within seven days of issuance of the temporary license.**

19           **(2) If the temporary licensee's employment described in subdivision (1) of this  
20 subsection ceases, the supervising dietitian shall notify the committee within three days  
21 of such cessation.**

22           **4. A licensed dietitian shall not supervise more than one temporary licensee at a**  
23 **time.**

24           **5. The temporary license obtained by an applicant under this section shall expire**  
25 **the date the committee is notified by the supervising dietitian that the temporary**  
26 **licensee's employment has ceased or within one hundred eighty days of its issuance,**  
27 **whichever occurs first.**

**324.1800. 1. Sections 324.1800 to 324.1865 shall be known and may be cited as**  
2 **the "Dietitian Licensure Compact".**

3           **2. The purpose of this Compact is to facilitate interstate Practice of Dietetics**  
4 **with the goal of improving public access to dietetics services. This Compact preserves**  
5 **the regulatory authority of States to protect public health and safety through the**  
6 **current system of State licensure, while also providing for licensure portability through**  
7 **a Compact Privilege granted to qualifying professionals.**

8           **3. This Compact is designed to achieve the following objectives:**

- 9           **(1) Increase public access to dietetics services;**  
10           **(2) Provide opportunities for interstate practice by Licensed Dietitians who meet**  
11 **uniform requirements;**  
12           **(3) Eliminate the necessity for Licenses in multiple States;**  
13           **(4) Reduce administrative burden on Member States and Licensees;**  
14           **(5) Enhance the States' ability to protect the public's health and safety;**  
15           **(6) Encourage the cooperation of Member States in regulating multistate**  
16 **practice of Licensed Dietitians;**  
17           **(7) Support relocating Active Military Members and their spouses;**  
18           **(8) Enhance the exchange of licensure, investigative, and disciplinary**  
19 **information among Member States; and**  
20           **(9) Vest all Member States with the authority to hold a Licensed Dietitian**  
21 **accountable for meeting all State practice laws in the State in which the patient is**  
22 **located at the time care is rendered.**

**324.1805. As used in this Compact, and except as otherwise provided, the**  
2 **following definitions shall apply:**

3           **(1) "ACEND" means the Accreditation Council for Education in Nutrition and**  
4 **Dietetics or its successor organization.**

5           **(2) "Active Military Member" means any individual with full-time duty status in**  
6 **the active armed forces of the United States, including members of the National Guard**  
7 **and Reserve.**

8           **(3) "Adverse Action" means any administrative, civil, equitable or criminal**  
9 **action permitted by a State's laws which is imposed by a Licensing Authority or other**

10 authority against a Licensee, including actions against an individual's License or  
11 Compact Privilege such as revocation, suspension, probation, monitoring of the  
12 Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure  
13 affecting a Licensee's authorization to practice, including issuance of a cease and desist  
14 action.

15 (4) "Alternative Program" means a non-disciplinary monitoring or practice  
16 remediation process approved by a Licensing Authority.

17 (5) "Charter Member State" means any Member State which enacted this  
18 Compact by law before the Effective Date specified in section 324.1855.

19 (6) "Continuing Education" means a requirement, as a condition of License  
20 renewal, to provide evidence of participation in, and completion of, educational and  
21 professional activities relevant to practice or area of work.

22 (7) "CDR" means the Commission on Dietetic Registration or its successor  
23 organization.

24 (8) "Compact Commission" means the government agency whose membership  
25 consists of all States that have enacted this Compact, which is known as the Dietitian  
26 Licensure Compact Commission, as described in section 324.1835, and which shall  
27 operate as an instrumentality of the Member States.

28 (9) "Compact Privilege" means a legal authorization, which is equivalent to a  
29 License, permitting the Practice of Dietetics in a Remote State.

30 (10) "Current Significant Investigative Information" means:

31 (a) Investigative Information that a Licensing Authority, after a preliminary  
32 inquiry that includes notification and an opportunity for the subject Licensee to  
33 respond, if required by State law, has reason to believe is not groundless and, if proved  
34 true, would indicate more than a minor infraction; or

35 (b) Investigative Information that indicates that the subject Licensee represents  
36 an immediate threat to public health and safety regardless of whether the subject  
37 Licensee has been notified and had an opportunity to respond.

38 (11) "Data System" means a repository of information about Licensees,  
39 including, but not limited to, Continuing Education, examination, licensure,  
40 investigative, Compact Privilege and Adverse Action information.

41 (12) "Encumbered License" means a License in which an Adverse Action  
42 restricts a Licensee's ability to practice dietetics.

43 (13) "Encumbrance" means a revocation or suspension of, or any limitation on a  
44 Licensee's full and unrestricted Practice of Dietetics by a Licensing Authority.

45           (14) "Executive Committee" means a group of delegates elected or appointed to  
46 act on behalf of, and within the powers granted to them by, this Compact, and the  
47 Compact Commission.

48           (15) "Home State" means the Member State that is the Licensee's primary State  
49 of residence or that has been designated pursuant to section 324.1825.

50           (16) "Investigative Information" means information, records, and documents  
51 received or generated by a Licensing Authority pursuant to an investigation.

52           (17) "Jurisprudence Requirement" means an assessment of an individual's  
53 knowledge of the State laws and regulations governing the Practice of Dietetics in such  
54 State.

55           (18) "License" means an authorization from a Member State to either:

56           (a) Engage in the Practice of Dietetics (including medical nutrition therapy); or

57           (b) Use the title "dietitian," "licensed dietitian," "licensed dietitian nutritionist,"  
58 "certified dietitian," or other title describing a substantially similar practitioner as the  
59 Compact Commission may further define by Rule.

60           (19) "Licensee" or "Licensed Dietitian" means an individual who currently  
61 holds a License and who meets all of the requirements outlined in section 324.1815.

62           (20) "Licensing Authority" means the board or agency of a State, or equivalent,  
63 that is responsible for the licensing and regulation of the Practice of Dietetics.

64           (21) "Member State" means a State that has enacted the Compact.

65           (22) "Practice of Dietetics" means the synthesis and application of dietetics as  
66 defined by state law and regulations, primarily for the provision of nutrition care  
67 services, including medical nutrition therapy, in person or via telehealth, to prevent,  
68 manage, or treat diseases or medical conditions and promote wellness.

69           (23) "Registered Dietitian" means a person who:

70           (a) Has completed applicable education, experience, examination, and  
71 recertification requirements approved by CDR;

72           (b) Is credentialed by CDR as a registered dietitian or a registered dietitian  
73 nutritionist; and

74           (c) Is legally authorized to use the title registered dietitian or registered dietitian  
75 nutritionist and the corresponding abbreviations "RD" or "RDN."

76           (24) "Remote State" means a Member State other than the Home State, where a  
77 Licensee is exercising or seeking to exercise a Compact Privilege.

78           (25) "Rule" means a regulation promulgated by the Compact Commission that  
79 has the force of law.

80           (26) "Single State License" means a License issued by a Member State within  
81 the issuing State and does not include a Compact Privilege in any other Member State.

82           **(27) "State" means any state, commonwealth, district, or territory of the United**  
83 **States of America.**

84           **(28) "Unencumbered License" means a License that authorizes a Licensee to**  
85 **engage in the full and unrestricted Practice of Dietetics.**

**324.1810. 1. To participate in the Compact, a State must currently:**

2           **(1) License and regulate the Practice of Dietetics; and**

3           **(2) Have a mechanism in place for receiving and investigating complaints about**  
4 **Licensees.**

5           **2. A Member State shall:**

6           **(1) Participate fully in the Compact Commission's Data System, including using**  
7 **the unique identifier as defined in Rules;**

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

11           **(3) Implement or utilize procedures for considering the criminal history record**  
12 **information of applicants for an initial Compact Privilege. These procedures shall**  
13 **include the submission of fingerprints or other biometric-based information by**  
14 **applicants for the purpose of obtaining an applicant's criminal history record**  
15 **information from the Federal Bureau of Investigation and the agency responsible for**  
16 **retaining that State's criminal records;**

17           **(a) A Member State must fully implement a criminal history record information**  
18 **requirement, within a time frame established by Rule, which includes receiving the**  
19 **results of the Federal Bureau of Investigation record search and shall use those results**  
20 **in determining Compact Privilege eligibility.**

21           **(b) Communication between a Member State and the Compact Commission or**  
22 **among Member States regarding the verification of eligibility for a Compact Privilege**  
23 **shall not include any information received from the Federal Bureau of Investigation**  
24 **relating to a federal criminal history record information check performed by a Member**  
25 **State;**

26           **(4) Comply with and enforce the Rules of the Compact Commission;**

27           **(5) Require an applicant for a Compact Privilege to obtain or retain a License in**  
28 **the Licensee's Home State and meet the Home State's qualifications for licensure or**  
29 **renewal of licensure, as well as all other applicable State laws; and**

30           **(6) Recognize a Compact Privilege granted to a Licensee who meets all of the**  
31 **requirements outlined in section 324.1815 in accordance with the terms of the Compact**  
32 **and Rules.**

33           **3. Member States may set and collect a fee for granting a Compact Privilege.**

34           **4. Individuals not residing in a Member State shall continue to be able to apply**  
35 **for a Member State's Single State License as provided under the laws of each Member**  
36 **State. However, the Single State License granted to these individuals shall not be**  
37 **recognized as granting a Compact Privilege to engage in the Practice of Dietetics in any**  
38 **other Member State.**

39           **5. Nothing in this Compact shall affect the requirements established by a**  
40 **Member State for the issuance of a Single State License.**

41           **6. At no point shall the Compact Commission have the power to define the**  
42 **requirements for the issuance of a Single State License to practice dietetics. The**  
43 **Member States shall retain sole jurisdiction over the provision of these requirements.**

**324.1815. 1. To exercise the Compact Privilege under the terms and provisions**  
2 **of the Compact, the Licensee shall:**

3           **(1) Satisfy one of the following:**

4           **(a) Hold a valid current registration that gives the applicant the right to use the**  
5 **term Registered Dietitian; or**

6           **(b) Complete all of the following:**

7           **a. An education program which is either:**

8           **(i) A master's degree or doctoral degree that is programmatically accredited by:**

9           **i. ACEND; or**

10           **ii. A dietetics accrediting agency recognized by the United States Department of**  
11 **Education, which the Compact Commission may by Rule determine, and from a college**  
12 **or university accredited at the time of graduation by the appropriate regional**  
13 **accrediting agency recognized by the Council on Higher Education Accreditation and**  
14 **the United States Department of Education.**

15           **(ii) An academic degree from a college or university in a foreign country**  
16 **equivalent to the degree described in item (i) that is programmatically accredited by:**

17           **i. ACEND; or**

18           **ii. A dietetics accrediting agency recognized by the United States Department of**  
19 **Education, which the Compact Commission may by Rule determine.**

20           **b. A planned, documented, supervised practice experience in dietetics that is**  
21 **programmatically accredited by:**

22           **(i) ACEND; or**

23           **(ii) A dietetics accrediting agency recognized by the United States Department of**  
24 **Education which the Compact Commission may by Rule determine and which involves**  
25 **at least 1000 hours of practice experience under the supervision of a Registered Dietitian**  
26 **or a Licensed Dietitian.**

27           **c. Successful completion of either:**

28           (i) **The Registration Examination for Dietitians administered by CDR; or**  
29           (ii) **A national credentialing examination for dietitians approved by the Compact**  
30 **Commission by Rule; such completion being no more than five years prior to the date of**  
31 **the Licensee's application for initial licensure and accompanied by a period of**  
32 **continuous licensure thereafter, all of which may be further governed by the Rules of the**  
33 **Compact Commission;**

34           **(2) Hold an Unencumbered License in the Home State;**

35           **(3) Notify the Compact Commission that the Licensee is seeking a Compact**  
36 **Privilege within a Remote State or States;**

37           **(4) Pay any applicable fees, including any State fee, for the Compact Privilege;**

38           **(5) Meet any Jurisprudence Requirements established by the Remote State or**  
39 **States in which the Licensee is seeking a Compact Privilege; and**

40           **(6) Report to the Compact Commission any Adverse Action, Encumbrance, or**  
41 **restriction on a License taken by any non-Member State within 30 days from the date**  
42 **the action is taken.**

43           **2. The Compact Privilege is valid until the expiration date of the Home State**  
44 **License. To maintain a Compact Privilege, renewal of the Compact Privilege shall be**  
45 **congruent with the renewal of the Home State License as the Compact Commission may**  
46 **define by Rule. The Licensee must comply with the requirements of subsection 1 of this**  
47 **section to maintain the Compact Privilege in the Remote State or States.**

48           **3. A Licensee exercising a Compact Privilege shall adhere to the laws and**  
49 **regulations of the Remote State. Licensees shall be responsible for educating themselves**  
50 **on, and complying with, any and all State laws relating to the Practice of Dietetics in**  
51 **such Remote State.**

52           **4. Notwithstanding anything to the contrary provided in this Compact or State**  
53 **law, a Licensee exercising a Compact Privilege shall not be required to complete**  
54 **Continuing Education Requirements required by a Remote State. A Licensee exercising**  
55 **a Compact Privilege is only required to meet any Continuing Education Requirements**  
56 **as required by the Home State.**

**324.1820. 1. A Licensee may hold a Home State License, which allows for a**  
2 **Compact Privilege in other Member States, in only one Member State at a time.**

3           **2. If a Licensee changes Home State by moving between two Member States:**

4           **(1) The Licensee shall file an application for obtaining a new Home State License**  
5 **based on a Compact Privilege, pay all applicable fees, and notify the current and new**  
6 **Home State in accordance with the Rules of the Compact Commission.**

7           **(2) Upon receipt of an application for obtaining a new Home State License by**  
8 **virtue of a Compact Privilege, the new Home State shall verify that the Licensee meets**

9 the criteria in section 324.1815 via the Data System, and require that the Licensee  
10 complete the following:

11 (a) Federal Bureau of Investigation fingerprint based criminal history record  
12 information check;

13 (b) Any other criminal history record information required by the new Home  
14 State; and

15 (c) Any Jurisprudence Requirements of the new Home State.

16 (3) The former Home State shall convert the former Home State License into a  
17 Compact Privilege once the new Home State has activated the new Home State License  
18 in accordance with applicable Rules adopted by the Compact Commission.

19 (4) Notwithstanding any other provision of this Compact, if the Licensee cannot  
20 meet the criteria in section 324.1815, the new Home State may apply its requirements  
21 for issuing a new Single State License.

22 (5) The Licensee shall pay all applicable fees to the new Home State in order to  
23 be issued a new Home State License.

24 3. If a Licensee changes their State of residence by moving from a Member State  
25 to a non-Member State, or from a non-Member State to a Member State, the State  
26 criteria shall apply for issuance of a Single State License in the new State.

27 4. Nothing in this Compact shall interfere with a Licensee's ability to hold a  
28 Single State License in multiple States; however, for the purposes of this Compact, a  
29 Licensee shall have only one Home State License.

30 5. Nothing in this Compact shall affect the requirements established by a  
31 Member State for the issuance of a Single State License.

324.1825. An Active Military Member, or their spouse, shall designate a Home  
2 State where the individual has a current License in good standing. The individual may  
3 retain the Home State designation during the period the service member is on active  
4 duty.

324.1830. 1. In addition to the other powers conferred by State law, a Remote  
2 State shall have the authority, in accordance with existing State due process law, to:

3 (1) Take Adverse Action against a Licensee's Compact Privilege within that  
4 Member State; and

5 (2) Issue subpoenas for both hearings and investigations that require the  
6 attendance and testimony of witnesses as well as the production of evidence. Subpoenas  
7 issued by a Licensing Authority in a Member State for the attendance and testimony of  
8 witnesses or the production of evidence from another Member State shall be enforced in  
9 the latter State by any court of competent jurisdiction, according to the practice and  
10 procedure applicable to subpoenas issued in proceedings pending before that court. The

11 **issuing authority shall pay any witness fees, travel expenses, mileage, and other fees**  
12 **required by the service statutes of the State in which the witnesses or evidence are**  
13 **located.**

14 **2. Only the Home State shall have the power to take Adverse Action against a**  
15 **Licensee's Home State License.**

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

20 **4. The Home State shall complete any pending investigations of a Licensee who**  
21 **changes Home States during the course of the investigations. The Home State shall also**  
22 **have authority to take appropriate action or actions and shall promptly report the**  
23 **conclusions of the investigations to the administrator of the Data System. The**  
24 **administrator of the Data System shall promptly notify the new Home State of any**  
25 **Adverse Actions.**

26 **5. A Member State, if otherwise permitted by State law, may recover from the**  
27 **affected Licensee the costs of investigations and dispositions of cases resulting from any**  
28 **Adverse Action taken against that Licensee.**

29 **6. A Member State may take Adverse Action based on the factual findings of**  
30 **another Remote State, provided that the Member State follows its own procedures for**  
31 **taking the Adverse Action.**

32 **7. (1) In addition to the authority granted to a Member State by its respective**  
33 **State law, any Member State may participate with other Member States in joint**  
34 **investigations of Licensees.**

35 **(2) Member States shall share any investigative, litigation, or compliance**  
36 **materials in furtherance of any joint investigation initiated under the Compact.**

37 **8. If Adverse Action is taken by the Home State against a Licensee's Home State**  
38 **License resulting in an Encumbrance on the Home State License, the Licensee's**  
39 **Compact Privilege or Privileges in all other Member States shall be revoked until all**  
40 **Encumbrances have been removed from the Home State License. All Home State**  
41 **disciplinary orders that impose Adverse Action against a Licensee shall include a**  
42 **statement that the Licensee's Compact Privileges are revoked in all Member States**  
43 **during the pendency of the order.**

44 **9. Once an Encumbered License in the Home State is restored to an**  
45 **Unencumbered License (as certified by the Home State's Licensing Authority), the**  
46 **Licensee must meet the requirements of subsection 1 of section 324.1815 and follow the**

47 administrative requirements to reapply to obtain a Compact Privilege in any Remote  
48 State.

49       **10. If a Member State takes Adverse Action, it shall promptly notify the**  
50 **administrator of the Data System. The administrator of the Data System shall promptly**  
51 **notify the other Member States of any Adverse Actions.**

52       **11. Nothing in this Compact shall override a Member State's decision that**  
53 **participation in an Alternative Program may be used in lieu of Adverse Action.**

**324.1835. 1. The Compact Member States hereby create and establish a joint**  
2 **government agency whose membership consists of all Member States that have enacted**  
3 **the Compact known as the Dietitian Licensure Compact Commission. The Compact**  
4 **Commission is an instrumentality of the Compact States acting jointly and not an**  
5 **instrumentality of any one State. The Compact Commission shall come into existence**  
6 **on or after the effective date of the Compact as set forth in section 324.1855.**

7       **2. (1) Each Member State shall have and be limited to one (1) delegate selected**  
8 **by that Member State's Licensing Authority.**

9       **(2) The delegate shall be the primary administrator of the Licensing Authority**  
10 **or their designee.**

11       **(3) The Compact Commission shall by Rule or bylaw establish a term of office**  
12 **for delegates and may by Rule or bylaw establish term limits.**

13       **(4) The Compact Commission may recommend removal or suspension of any**  
14 **delegate from office.**

15       **(5) A Member State's Licensing Authority shall fill any vacancy of its delegate**  
16 **occurring on the Compact Commission within 60 days of the vacancy.**

17       **(6) Each delegate shall be entitled to one vote on all matters before the Compact**  
18 **Commission requiring a vote by the delegates.**

19       **(7) Delegates shall meet and vote by such means as set forth in the bylaws. The**  
20 **bylaws may provide for delegates to meet and vote in-person or by telecommunication,**  
21 **video conference, or other means of communication.**

22       **(8) The Compact Commission shall meet at least once during each calendar year.**  
23 **Additional meetings may be held as set forth in the bylaws. The Compact Commission**  
24 **may meet in person or by telecommunication, video conference, or other means of**  
25 **communication.**

26       **3. The Compact Commission shall have the following powers:**

27       **(1) Establish the fiscal year of the Compact Commission;**

28       **(2) Establish code of conduct and conflict of interest policies;**

29       **(3) Establish and amend 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 Compact Commission's Rules, and the bylaws;**
- 33           **(6) Initiate and conclude legal proceedings or actions in the name of the**  
34 **Compact Commission, provided that the standing of any Licensing Authority to sue or**  
35 **be sued under applicable law shall not be affected;**
- 36           **(7) Maintain and certify records and information provided to a Member State as**  
37 **the authenticated business records of the Compact Commission, and designate an agent**  
38 **to do so on the Compact 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 Member 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 Compact Commission's personnel policies and programs relating to**  
46 **conflicts of interest, qualifications of personnel, and other related personnel matters;**
- 47           **(12) Assess and collect fees;**
- 48           **(13) Accept any and all appropriate donations, grants of money, other sources of**  
49 **revenue, equipment, supplies, materials, services, and gifts, and receive, utilize, and**  
50 **dispose of the same; provided that at all times the Compact Commission shall avoid any**  
51 **actual or appearance of impropriety or conflict of interest;**
- 52           **(14) Lease, purchase, retain, own, hold, improve, or use any property, real,**  
53 **personal, or mixed, or any undivided interest therein;**
- 54           **(15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise**  
55 **dispose of any property real, personal, or mixed;**
- 56           **(16) Establish a budget and make expenditures;**
- 57           **(17) Borrow money;**
- 58           **(18) Appoint committees, including standing committees, composed of members,**  
59 **State regulators, State legislators or their representatives, and consumer**  
60 **representatives, and such other interested persons as may be designated in this**  
61 **Compact or the bylaws;**
- 62           **(19) Provide and receive information from, and cooperate with, law enforcement**  
63 **agencies;**
- 64           **(20) Establish and elect an Executive Committee, including a chair and a vice**  
65 **chair;**

66           **(21) Determine whether a State's adopted language is materially different from**  
67 **the model compact language such that the State would not qualify for participation in**  
68 **the Compact; and**

69           **(22) Perform such other functions as may be necessary or appropriate to achieve**  
70 **the purposes of this Compact.**

71           **4. (1) The Executive Committee shall have the power to act on behalf of the**  
72 **Compact Commission according to the terms of this Compact. The powers, duties, and**  
73 **responsibilities of the Executive Committee shall include:**

74           **(a) Oversee the day-to-day activities of the administration of the Compact**  
75 **including enforcement and compliance with the provisions of the Compact, its Rules and**  
76 **bylaws, and other such duties as deemed necessary;**

77           **(b) Recommend to the Compact Commission changes to the Rules or bylaws,**  
78 **changes to this Compact legislation, fees charged to Compact Member States, fees**  
79 **charged to Licensees, and other fees;**

80           **(c) Ensure Compact administration services are appropriately provided,**  
81 **including by contract;**

82           **(d) Prepare and recommend the budget;**

83           **(e) Maintain financial records on behalf of the Compact Commission;**

84           **(f) Monitor Compact compliance of Member States and provide compliance**  
85 **reports to the Compact Commission;**

86           **(g) Establish additional committees as necessary;**

87           **(h) Exercise the powers and duties of the Compact Commission during the**  
88 **interim between Compact Commission meetings, except for adopting or amending**  
89 **Rules, adopting or amending bylaws, and exercising any other powers and duties**  
90 **expressly reserved to the Compact Commission by Rule or bylaw; and**

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

92           **(2) The Executive Committee shall be composed of nine members:**

93           **(a) The chair and vice chair of the Compact Commission shall be voting**  
94 **members of the Executive Committee;**

95           **(b) Five voting members from the current membership of the Compact**  
96 **Commission, elected by the Compact Commission;**

97           **(c) One ex-officio, nonvoting member from a recognized professional association**  
98 **representing dietitians; and**

99           **(d) One ex-officio, nonvoting member from a recognized national credentialing**  
100 **organization for dietitians.**

101           **(3) The Compact Commission may remove any member of the Executive**  
102 **Committee as provided in the Compact Commission's bylaws.**

- 103           **(4) (a) The Executive Committee shall meet at least annually.**
- 104           **(b) Executive Committee meetings shall be open to the public, except that the**  
105 **Executive Committee may meet in a closed, non-public meeting as provided in**  
106 **subdivision (2) of subsection 6 of this section.**
- 107           **(c) The Executive Committee shall give 30 days' notice of its meetings, posted on**  
108 **the website of the Compact Commission and as determined to provide notice to persons**  
109 **with an interest in the business of the Compact Commission.**
- 110           **(d) The Executive Committee may hold a special meeting in accordance with**  
111 **paragraph (c) of subdivision (1) of subsection 6 of this section.**
- 112           **5. The Compact Commission shall adopt and provide to the Member States an**  
113 **annual report.**
- 114           **6. (1) (a) All meetings shall be open to the public, except that the Compact**  
115 **Commission may meet in a closed, non-public meeting as provided in subdivision (2) of**  
116 **this subsection.**
- 117           **(b) Public notice for all meetings of the full Compact Commission shall be given**  
118 **in the same manner as required under the rulemaking provisions in section 324.1845,**  
119 **except that the Compact Commission may hold a special meeting as provided in**  
120 **paragraph (c) of this subdivision.**
- 121           **(c) The Compact Commission may hold a special meeting when it must meet to**  
122 **conduct emergency business by giving 24 hours' notice to all Member States, on the**  
123 **Compact Commission's website, and other means as provided in the Compact**  
124 **Commission's Rules. The Compact Commission's legal counsel shall certify that the**  
125 **Compact Commission's need to meet qualifies as an emergency.**
- 126           **(2) The Compact Commission or the Executive Committee or other committees**  
127 **of the Compact Commission may convene in a closed, non-public meeting for the**  
128 **Compact Commission or Executive Committee or other committees of the Compact**  
129 **Commission to receive legal advice or to discuss:**
- 130           **(a) Non-compliance of a Member State with its obligations under the Compact;**  
131           **(b) The employment, compensation, discipline, or other matters, practices, or**  
132 **procedures related to specific employees;**
- 133           **(c) Current or threatened discipline of a Licensee by the Compact Commission**  
134 **or by a Member State's Licensing Authority;**
- 135           **(d) Current, threatened, or reasonably anticipated litigation;**
- 136           **(e) Negotiation of contracts for the purchase, lease, or sale of goods, services, or**  
137 **real estate;**
- 138           **(f) Accusing any person of a crime or formally censuring any person;**

139 (g) Trade secrets or commercial or financial information that is privileged or  
140 confidential;

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

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

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

147 (k) Matters specifically exempted from disclosure by federal or Member State  
148 law; or

149 (l) Other matters as specified in the Rules of the Compact Commission.

150 (3) If a meeting, or portion of a meeting, is closed, the presiding officer shall state  
151 that the meeting will be closed and reference each relevant exempting provision, and  
152 such reference shall be recorded in the minutes.

153 (4) The Compact Commission shall keep minutes that fully and clearly describe  
154 all matters discussed in a meeting and shall provide a full and accurate summary of  
155 actions taken, and the reasons therefor, including a description of the views expressed.  
156 All documents considered in connection with an action shall be identified in such  
157 minutes. All minutes and documents of a closed meeting shall remain under seal,  
158 subject to release only by a majority vote of the Compact Commission or order of a  
159 court of competent jurisdiction.

160 7. (1) The Compact Commission shall pay, or provide for the payment of, the  
161 reasonable expenses of its establishment, organization, and ongoing activities.

162 (2) The Compact Commission may accept any and all appropriate revenue  
163 sources as provided in subdivision (13) of subsection 3 of this section.

164 (3) The Compact Commission may levy on and collect an annual assessment  
165 from each Member State and impose fees on Licensees of Member States to whom it  
166 grants a Compact Privilege to cover the cost of the operations and activities of the  
167 Compact Commission and its staff, which must, in a total amount, be sufficient to cover  
168 its annual budget as approved each year for which revenue is not provided by other  
169 sources. The aggregate annual assessment amount for Member States shall be allocated  
170 based upon a formula that the Compact Commission shall promulgate by Rule.

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

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

182           **8. (1) The members, officers, executive director, employees and representatives**  
183 **of the Compact Commission shall be immune from suit and liability, both personally**  
184 **and in their official capacity, for any claim for damage to or loss of property or personal**  
185 **injury or other civil liability caused by or arising out of any actual or alleged act, error,**  
186 **or omission that occurred, or that the person against whom the claim is made had a**  
187 **reasonable basis for believing occurred within the scope of Compact Commission**  
188 **employment, duties, or responsibilities; provided that nothing in this subdivision shall**  
189 **be construed to protect any such person from suit or liability for any damage, loss,**  
190 **injury, or liability caused by the intentional or willful or wanton misconduct of that**  
191 **person. The procurement of insurance of any type by the Compact Commission shall**  
192 **not in any way compromise or limit the immunity granted hereunder.**

193           **(2) The Compact Commission shall defend any member, officer, executive**  
194 **director, employee, and representative of the Compact Commission in any civil action**  
195 **seeking to impose liability arising out of any actual or alleged act, error, or omission that**  
196 **occurred within the scope of Compact Commission employment, duties, or**  
197 **responsibilities, or as determined by the Compact Commission that the person**  
198 **against whom the claim is made had a reasonable basis for believing occurred within the**  
199 **scope of Compact Commission employment, duties, or responsibilities; provided that**  
200 **nothing herein shall be construed to prohibit that person from retaining their own**  
201 **counsel at their own expense; and provided further, that the actual or alleged act, error,**  
202 **or omission did not result from that person's intentional or willful or wanton**  
203 **misconduct.**

204           **(3) The Compact Commission shall indemnify and hold harmless any member,**  
205 **officer, executive director, employee, and representative of the Compact Commission for**  
206 **the amount of any settlement or judgment obtained against that person arising out of**  
207 **any actual or alleged act, error, or omission that occurred within the scope of Compact**  
208 **Commission employment, duties, or responsibilities, or that such person had a**  
209 **reasonable basis for believing occurred within the scope of Compact Commission**  
210 **employment, duties, or responsibilities, provided that the actual or alleged act, error, or**

211 omission did not result from the intentional or willful or wanton misconduct of that  
212 person.

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

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

220 (6) Nothing in this Compact shall be construed to be a waiver of sovereign  
221 immunity by the Member States or by the Compact Commission.

324.1840. 1. The Compact Commission shall provide for the development,  
2 maintenance, operation, and utilization of a coordinated Data System.

3 2. The Compact Commission shall assign each applicant for a Compact Privilege  
4 a unique identifier, as determined by the Rules.

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

8 (1) Identifying information;

9 (2) Licensure data;

10 (3) Adverse Actions against a License or Compact Privilege and information  
11 related thereto;

12 (4) Non-confidential information related to Alternative Program participation,  
13 the beginning and ending dates of such participation, and other information related to  
14 such participation not made confidential under Member State law;

15 (5) Any denial of application for licensure, and the reason or reasons for such  
16 denial;

17 (6) The presence of Current Significant Investigative Information; and

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

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

25 5. Current Significant Investigative Information pertaining to a Licensee in any  
26 Member State will only be available to other Member States.

27           **6. It is the responsibility of the Member States to report any Adverse Action**  
28 **against a Licensee and to monitor the Data System to determine whether any Adverse**  
29 **Action has been taken against a Licensee. Adverse Action information pertaining to a**  
30 **Licensee in any Member State will be available to any other Member State.**

31           **7. Member States contributing information to the Data System may designate**  
32 **information that may not be shared with the public without the express permission of**  
33 **the contributing State.**

34           **8. Any information submitted to the Data System that is subsequently expunged**  
35 **pursuant to federal law or the laws of the Member State contributing the information**  
36 **shall be removed from the Data System.**

**324.1845. 1. The Compact Commission shall promulgate reasonable Rules in**  
2 **order to effectively and efficiently implement and administer the purposes and**  
3 **provisions of the Compact. A Rule shall be invalid and have no force or effect only if a**  
4 **court of competent jurisdiction holds that the Rule is invalid because the Compact**  
5 **Commission exercised its rulemaking authority in a manner that is beyond the scope**  
6 **and purposes of the Compact, or the powers granted hereunder, or based upon another**  
7 **applicable standard of review.**

8           **2. The Rules of the Compact Commission shall have the force of law in each**  
9 **Member State, provided however that where the Rules conflict with the laws or**  
10 **regulations of a Member State that relate to the procedures, actions, and processes a**  
11 **Licensed Dietitian is permitted to undertake in that State and the circumstances under**  
12 **which they may do so, as held by a court of competent jurisdiction, the Rules of the**  
13 **Compact Commission shall be ineffective in that State to the extent of the conflict.**

14           **3. The Compact Commission shall exercise its rulemaking powers pursuant to**  
15 **the criteria set forth in this Section and the Rules adopted thereunder. Rules shall**  
16 **become binding on the day following adoption or as of the date specified in the Rule or**  
17 **amendment, whichever is later.**

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

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

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

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

31           **(1) On the website of the Compact Commission or other publicly accessible**  
32 **platform;**

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

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

36           **8. The Notice of Proposed rulemaking shall include:**

37           **(1) The time, date, and location of the public hearing at which the Compact**  
38 **Commission will hear public comments on the proposed Rule and, if different, the time,**  
39 **date, and location of the meeting where the Compact Commission will consider and vote**  
40 **on the proposed Rule;**

41           **(2) If the hearing is held via telecommunication, video conference, or other**  
42 **means of communication, the Compact Commission shall include the mechanism for**  
43 **access to the hearing in the Notice of Proposed rulemaking;**

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

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

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

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

51           **10. Nothing in this Section shall be construed as requiring a separate hearing on**  
52 **each Rule. Rules may be grouped for the convenience of the Compact Commission at**  
53 **hearings required by this Section.**

54           **11. (1) The Compact Commission shall, by majority vote of all members, take**  
55 **final action on the proposed Rule based on the rulemaking record and the full text of the**  
56 **Rule.**

57           **(2) The Compact Commission may adopt changes to the proposed Rule provided**  
58 **the changes do not enlarge the original purpose of the proposed Rule.**

59           **(3) The Compact Commission shall provide an explanation of the reasons for**  
60 **substantive changes made to the proposed Rule as well as reasons for substantive**  
61 **changes not made that were recommended by commenters.**

62           **(4) The Compact Commission shall determine a reasonable effective date for the**  
63 **Rule. Except for an emergency as provided in subsection 12 of this section, the effective**

64 date of the Rule shall be no sooner than 30 days after issuing the notice that it adopted  
65 or amended the Rule.

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

- 73       (1) Meet an imminent threat to public health, safety, or welfare;  
74       (2) Prevent a loss of Compact Commission or Member State funds;  
75       (3) Meet a deadline for the promulgation of a Rule that is established by federal  
76 law or rule; or  
77       (4) Protect public health and safety.

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

88       **14.** No Member State's rulemaking requirements shall apply under this  
89 Compact.

324.1850. 1. (1) The executive and judicial branches of State government in  
2 each Member State shall enforce this Compact and take all actions necessary and  
3 appropriate to implement this Compact.

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

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

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

23           **(2) The Compact Commission shall provide a copy of the notice of default to the**  
24 **other Member States.**

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

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

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 membership from this Compact, that State**  
40 **shall immediately provide notice to all Licensees within that State of such termination.**  
41 **The terminated State shall continue to recognize all Compact Privileges granted**  
42 **pursuant to this Compact for a minimum of six months after the date of said notice of**  
43 **termination.**

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

47           **8. The defaulting State may appeal the action of the Compact Commission by**  
48 **petitioning the U.S. District Court for the District of Columbia or the federal district**

49 where the Compact Commission has its principal offices. The prevailing party shall be  
50 awarded all costs of such litigation, including reasonable attorney's fees.

51 9. (1) Upon request by a Member State, the Compact Commission shall attempt  
52 to resolve disputes related to the Compact that arise among Member States and between  
53 Member and non-Member States.

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

56 10. (1) By supermajority vote, the Compact Commission may initiate legal  
57 action against a Member State in default in the United States District Court for the  
58 District of Columbia or the federal district where the Compact Commission has its  
59 principal offices to enforce compliance with the provisions of the Compact and its  
60 promulgated Rules. The relief sought may include both injunctive relief and damages.  
61 In the event judicial enforcement is necessary, the prevailing party shall be awarded all  
62 costs of such litigation, including reasonable attorney's fees. The remedies herein shall  
63 not be the exclusive remedies of the Compact Commission. The Compact Commission  
64 may pursue any other remedies available under federal or the defaulting Member  
65 State's law.

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

73 (3) No party other than a Member State shall enforce this Compact against the  
74 Compact Commission.

324.1855. 1. (1) The Compact shall come into effect on the date on which the  
2 Compact statute is enacted into law in the seventh Member State.

3 (2) (a) On or after the effective date of the Compact, the Compact Commission  
4 shall convene and review the enactment of each of the first seven Member States  
5 ("Charter Member States") to determine if the statute enacted by each such Charter  
6 Member State is materially different than the model Compact statute.

7 (b) A Charter Member State whose enactment is found to be materially different  
8 from the model Compact statute shall be entitled to the default process set forth in  
9 section 324.1850.

10 (c) If any Member State is later found to be in default, or is terminated, or  
11 withdraws from the Compact, the Compact Commission shall remain in existence and

12 the Compact shall remain in effect even if the number of Member States should be less  
13 than seven.

14 (3) Member States enacting the Compact subsequent to the seven initial Charter  
15 Member States shall be subject to the process set forth in subdivision (21) of subsection  
16 3 of section 324.1835 to determine if their enactments are materially different from the  
17 model Compact statute and whether they qualify for participation in the Compact.

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

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

28 2. (1) Any Member State may withdraw from this Compact by enacting a  
29 statute repealing the same.

30 (2) A Member State's withdrawal shall not take effect until 180 days after  
31 enactment of the repealing statute.

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

35 (4) Upon the enactment of a statute withdrawing from this Compact, a 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 granted pursuant to this  
39 Compact for a minimum of 180 days after the date of such notice of withdrawal.

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

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

324.1860. 1. This Compact and the Compact Commission's rulemaking  
2 authority shall be liberally construed so as to effectuate the purposes and the  
3 implementation and administration of the Compact. Provisions of the Compact

4 expressly authorizing or requiring the promulgation of Rules shall not be construed to  
5 limit the Compact Commission's 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 Member State, a State seeking participation in the  
9 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 Compact Commission may  
14 deny a State's participation in the Compact or, in accordance with the requirements of  
15 subsection 2 of section 324.1850, terminate a Member State's participation in the  
16 Compact, if it determines that a constitutional requirement of a Member 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 Member State, the Compact shall remain in full force  
19 and effect as to the remaining Member States and in full force and effect as to the  
20 Member State affected as to all severable matters.

      324.1865. 1. Nothing herein shall prevent or inhibit the enforcement of any  
2 other law of a Member State that is not inconsistent with the Compact.

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

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

      332.081. 1. Notwithstanding any other provision of law to the contrary, hospitals  
2 licensed under chapter 197 shall be authorized to employ any or all of the following oral  
3 health providers:

4       (1) A dentist licensed under this chapter for the purpose of treating on hospital  
5 premises those patients who present with a dental condition and such treatment is necessary to  
6 ameliorate the condition for which they presented such as severe pain or tooth abscesses;

7       (2) An oral and maxillofacial surgeon licensed under this chapter for the purpose of  
8 treating oral conditions that need to be ameliorated as part of treating the underlying cause of  
9 the patient's medical needs including, but not limited to, head and neck cancer, HIV or AIDS,  
10 severe trauma resulting in admission to the hospital, organ transplant, diabetes, or seizure  
11 disorders. It shall be a condition of treatment that such patients are admitted to the hospital on  
12 either an in- or out-patient basis; and

13       (3) A maxillofacial prosthodontist licensed under this chapter for the purpose of  
14 treating and supporting patients of a head and neck cancer team or other complex care or

15 surgical team for the fabrication of appliances following ablative surgery, surgery to correct  
16 birth anomalies, extensive radiation treatment of the head or neck, or trauma-related surgery.

17         2. No person or other entity shall practice dentistry in Missouri or provide dental  
18 services as ~~defined~~ **described** in section 332.071 unless and until the board has issued to the  
19 person a certificate certifying that the person has been duly registered as a dentist in Missouri  
20 or the board has issued such certificate to an entity that has been duly registered to provide  
21 dental services by licensed dentists and dental hygienists and unless and until the board has  
22 issued to the person a license, to be renewed each period, as provided in this chapter, to  
23 practice dentistry or as a dental hygienist, or has issued to the person or entity a permit, to be  
24 renewed each period, to provide dental services in Missouri. Nothing in this chapter shall be  
25 so construed as to make it unlawful for:

26         (1) A legally qualified physician or surgeon, who does not practice dentistry as a  
27 specialty, from extracting teeth;

28         (2) A dentist licensed in a state other than Missouri from making a clinical  
29 demonstration before a meeting of dentists in Missouri;

30         (3) Dental students in any accredited dental school to practice dentistry under the  
31 personal direction of instructors;

32         (4) Dental hygiene students in any accredited dental hygiene school to practice dental  
33 hygiene under the personal direction of instructors;

34         (5) A duly registered and licensed dental hygienist in Missouri to practice dental  
35 hygiene as defined in section 332.091;

36         (6) A dental assistant, certified dental assistant, or expanded functions dental assistant  
37 to be delegated duties as defined in section 332.093;

38         (7) A duly registered dentist or dental hygienist to teach in an accredited dental or  
39 dental hygiene school;

40         (8) A person who has been granted a dental faculty permit under section 332.183 to  
41 practice dentistry in the scope of his or her employment at an accredited dental school,  
42 college, or program in Missouri;

43         (9) A duly qualified anesthesiologist or nurse anesthetist to administer an anesthetic  
44 in connection with dental services or dental surgery;

45         (10) A person to practice dentistry in or for:

46             (a) The United States Armed Forces;

47             (b) The United States Public Health Service;

48             (c) Migrant, community, or health care for the homeless health centers provided in  
49 Section 330 of the Public Health Service Act (42 U.S.C. Section 254b);

50             (d) Federally qualified health centers as defined in Section 1905(l) (42 U.S.C. Section  
51 1396d(l)) of the Social Security Act;

52 (e) Governmental entities, including county health departments; or

53 (f) The United States Veterans Bureau; or

54 (11) A dentist licensed in a state other than Missouri to evaluate a patient or render an  
55 oral, written, or otherwise documented dental opinion when providing testimony or records  
56 for the purpose of a civil or criminal action before any judicial or administrative proceeding  
57 of this state or other forum in this state.

58 3. No corporation shall practice dentistry as defined in section 332.071 unless that  
59 corporation is organized under the provisions of chapter 355 or 356 provided that a  
60 corporation organized under the provisions of chapter 355 and qualifying as an organization  
61 under 26 U.S.C. Section 501(c)(3) may only employ dentists and dental hygienists licensed in  
62 this state to render dental services to Medicaid recipients, low-income individuals who have  
63 available income below two hundred percent of the federal poverty level, and all participants  
64 in the SCHIP program, unless such limitation is contrary to or inconsistent with federal or  
65 state law or regulation. This subsection shall not apply to:

66 (1) A hospital licensed under chapter 197 that provides care and treatment only to  
67 children under the age of eighteen at which a person regulated under this chapter provides  
68 dental care within the scope of his or her license or registration;

69 (2) A federally qualified health center as defined in Section 1905(l) of the Social  
70 Security Act (42 U.S.C. Section 1396d(l)), or a migrant, community, or health care for the  
71 homeless health center provided for in Section 330 of the Public Health Services Act (42  
72 U.S.C. Section 254b) at which a person regulated under this chapter provides dental care  
73 within the scope of his or her license or registration;

74 (3) A city or county health department organized under chapter 192 or chapter 205 at  
75 which a person regulated under this chapter provides dental care within the scope of his or her  
76 license or registration;

77 (4) A social welfare board organized under section 205.770, a city health department  
78 operating under a city charter, or a city-county health department at which a person regulated  
79 under this chapter provides dental care within the scope of his or her license or registration;

80 (5) Any entity that has received a permit from the dental board and does not receive  
81 compensation from the patient or from any third party on the patient's behalf at which a  
82 person regulated under this chapter provides dental care within the scope of his or her license  
83 or registration; **or**

84 (6) Any hospital nonprofit corporation exempt from taxation under Section 501(c)(3)  
85 of the Internal Revenue Code, as amended, that engages in its operations and provides dental  
86 services at facilities owned by a city, county, or other political subdivision of the state, **or any**  
87 **entity contracted with the state to provide care in a correctional center, as such term is**

88 **defined in section 217.010**, at which a person regulated under this chapter provides dental  
89 care within the scope of his or her license or registration.

90

91 If any of the entities exempted from the requirements of this subsection are unable to provide  
92 services to a patient due to the lack of a qualified provider and a referral to another entity is  
93 made, the exemption shall extend to the person or entity that subsequently provides services  
94 to the patient.

95 4. No unincorporated organization shall practice dentistry as defined in section  
96 332.071 unless such organization is exempt from federal taxation under Section 501(c)(3) of  
97 the Internal Revenue Code of 1986, as amended, and provides dental treatment without  
98 compensation from the patient or any third party on their behalf as a part of a broader  
99 program of social services including food distribution. Nothing in this chapter shall prohibit  
100 organizations under this subsection from employing any person regulated by this chapter.

101 5. A dentist shall not enter into a contract that allows a person who is not a dentist to  
102 influence or interfere with the exercise of the dentist's independent professional judgment.

103 6. A not-for-profit corporation organized under the provisions of chapter 355 and  
104 qualifying as an organization under 26 U.S.C. Section 501(c)(3), an unincorporated  
105 organization operating pursuant to subsection 4 of this section, or any other person should not  
106 direct or interfere or attempt to direct or interfere with a licensed dentist's professional  
107 judgment and competent practice of dentistry. Nothing in this subsection shall be so  
108 construed as to make it unlawful for not-for-profit organizations to enforce employment  
109 contracts, corporate policy and procedure manuals, or quality improvement or assurance  
110 requirements.

111 7. All entities defined in subsection 3 of this section and those exempted under  
112 subsection 4 of this section shall apply for a permit to employ dentists and dental hygienists  
113 licensed in this state to render dental services, and the entity shall apply for the permit in  
114 writing on forms provided by the Missouri dental board. The board shall not charge a fee of  
115 any kind for the issuance or renewal of such permit. The provisions of this subsection shall  
116 not apply to a federally qualified health center as defined in Section 1905(l) of the Social  
117 Security Act (42 U.S.C. Section 1396d(l)).

118 8. Any entity that obtains a permit to render dental services in this state is subject to  
119 discipline pursuant to section 332.321. If the board concludes that the person or entity has  
120 committed an act or is engaging in a course of conduct that would be grounds for disciplinary  
121 action, the board may file a complaint before the administrative hearing commission. The  
122 board may refuse to issue or renew the permit of any entity for one or any combination of  
123 causes stated in subsection 2 of section 332.321. The board shall notify the applicant in

124 writing of the reasons for the refusal and shall advise the applicant of his or her right to file a  
125 complaint with the administrative hearing commission as provided by chapter 621.

126 9. A federally qualified health center as defined in Section 1905(l) of the Social  
127 Security Act (42 U.S.C. Section 1396d(l)) shall register with the board. The information  
128 provided to the board as part of the registration shall include the name of the health center, the  
129 nonprofit status of the health center, sites where dental services will be provided, and the  
130 names of all persons employed by, or contracting with, the health center who are required to  
131 hold a license pursuant to this chapter. The registration shall be renewed every twenty-four  
132 months. The board shall not charge a fee of any kind for the issuance or renewal of the  
133 registration. The registration of the health center shall not be subject to discipline pursuant to  
134 section 332.321. Nothing in this subsection shall prohibit disciplinary action against a  
135 licensee of this chapter who is employed by, or contracts with, such health center for the  
136 actions of the licensee in connection with such employment or contract.

137 10. The board may promulgate rules and regulations to ensure not-for-profit  
138 corporations are rendering care to the patient populations as set forth herein, including  
139 requirements for covered not-for-profit corporations to report patient census data to the board.  
140 The provisions of this subsection shall not apply to a federally qualified health center as  
141 defined in Section 1905(l) of the Social Security Act (42 U.S.C. Section 1396d(l)).

142 11. All not-for-profit corporations organized or operated pursuant to the provisions of  
143 chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), or the  
144 requirements relating to migrant, community, or health care for the homeless health centers  
145 provided in Section 330 of the Public Health Service Act (42 U.S.C. Section 254b) and  
146 federally qualified health centers as defined in Section 1905(l) (42 U.S.C. Section 1396d(l))  
147 of the Social Security Act, that employ persons who practice dentistry or dental hygiene in  
148 this state shall do so in accordance with the relevant laws of this state except to the extent that  
149 such laws are contrary to, or inconsistent with, federal statute or regulation.

**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 13 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**  
138 **other sources. The aggregate annual assessment amount for Participating States shall**  
139 **be allocated based upon a formula that the Commission shall promulgate by Rule.**

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

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

150       **6. (1) The Executive Board shall have the power to act on behalf of the**  
151 **Commission according to the terms of this Compact. The powers, duties, and**  
152 **responsibilities of the Executive Board shall include:**

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

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

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

161       **(d) Preparing and recommending the budget;**

- 162           **(e) Maintaining financial records on behalf of the Commission;**  
163           **(f) Monitoring Compact compliance of Participating States and providing**  
164 **compliance reports to the Commission;**  
165           **(g) Establishing additional committees as necessary;**  
166           **(h) Exercising the powers and duties of the Commission during the interim**  
167 **between Commission meetings, except for adopting or amending Rules, adopting or**  
168 **amending bylaws, and exercising any other powers and duties expressly reserved to the**  
169 **Commission by Rule or bylaw; and**  
170           **(i) Other duties as provided in the Rules or bylaws of the Commission.**  
171           **(2) The Executive Board shall be composed of up to seven (7) members:**  
172           **(a) The Chair, Vice Chair, Secretary and Treasurer of the Commission and any**  
173 **other members of the Commission who serve on the Executive Board shall be voting**  
174 **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 effectively and efficiently implement and administer the purposes and provisions of the Compact. A Commission Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

2. The Commission shall promulgate Rules in accordance with the authority granted under this Compact. All Commission Rules shall be consistent with the Constitution of the United States and, to the extent applicable, the constitutions of Participating States, and shall further the purposes and intent of this Compact. Any Rule adopted by the Commission that exceeds the scope of the Commission's authority or is otherwise inconsistent with this Compact or applicable constitutional requirements shall be subject to challenge and determination in accordance with the dispute resolution and enforcement provisions under section 332.745 of this Compact.

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

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

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

6. Rules shall be adopted at a regular or special meeting of the Commission.

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

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

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

37           (2) To persons who have requested notice of the Commission's notices of  
38 proposed rulemaking; and

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

40           **9. The Notice of Proposed Rulemaking shall include:**

41           (1) The time, date, and location of the public hearing at which the Commission  
42 will hear public comments on the proposed Rule and, if different, the time, date, and  
43 location of the meeting where the Commission will consider and vote on the proposed  
44 Rule;

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

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

49           (4) A request for comments on the proposed Rule from any interested person;  
50 and

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

52           **10. All hearings will be recorded. A copy of the recording and all written**  
53 **comments and documents received by the Commission in response to the proposed Rule**  
54 **shall be available to the public.**

55           **11. Nothing in this section shall be construed as requiring a separate hearing on**  
56 **each Commission Rule. Rules may be grouped for the convenience of the Commission**  
57 **at hearings required by this section.**

58           **12. The Commission shall, by majority vote of all Commissioners, take final**  
59 **action on the proposed Rule based on the rulemaking record.**

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

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

65           (3) The Commission shall determine a reasonable effective date for the Rule.  
66 Except for an emergency as provided in subsection 13 of this section, the effective date  
67 of the Rule shall be no sooner than thirty (30) days after the Commission issuing the  
68 notice that it adopted or amended the Rule.

69           **13. Upon determination that an emergency exists, the Commission may consider**  
70 **and adopt an emergency Rule with 24 hours' notice, with opportunity to comment,**  
71 **provided that the usual rulemaking procedures provided in the Compact and in this**  
72 **section shall be retroactively applied to the Rule as soon as reasonably possible, in no**

73 event later than ninety (90) days after the effective date of the Rule. For the purposes of  
74 this provision, an emergency Rule is one that must be adopted immediately in order to:

- 75 (1) Meet an imminent threat to public health, safety, or welfare;  
76 (2) Prevent a loss of Commission or Participating State funds;  
77 (3) Meet a deadline for the promulgation of a Rule that is established by federal  
78 law or rule; or  
79 (4) Protect public health and safety.

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

90 15. No Participating State's rulemaking requirements shall apply under this  
91 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 United States District Court for the District of Columbia or the federal district  
50 where the Commission has its principal offices. The prevailing party shall be awarded  
51 all costs of 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 **United States District Court for the District of Columbia or the federal district where**  
70 **the 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. Except as explicitly permitted herein, nothing in this Compact, nor any Rule**  
4 **of the Commission, shall be construed to limit, restrict, or in any way reduce the ability**  
5 **of a Participating State to enact and enforce laws, regulations, or other rules related to**  
6 **the practice of dentistry and dental hygiene within such Participating State, including**  
7 **but not limited to standards of practice, Scope of Practice, office safety requirements,**  
8 **patient care standards, and all other aspects of professional practice occurring within**  
9 **such Participating State's borders.**

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

12           **4. All permissible agreements between the Commission and the Participating**  
13 **States are binding in accordance with their terms.**

**334.1800. 1. Sections 334.1800 to 334.1860 shall be known and may be cited as**  
2 **the "Physician Assistant Licensure Compact".**

3           **2. In order to strengthen access to Medical Services, and in recognition of the**  
4 **advances in the delivery of Medical Services, the Participating States of the PA**  
5 **Licensure Compact have allied in common purpose to develop a comprehensive process**  
6 **that complements the existing authority of State Licensing Boards to license and**  
7 **discipline physician assistants and seeks to enhance the portability of a License to**  
8 **practice as a physician assistant while safeguarding the safety of patients. This**  
9 **Compact allows Medical Services to be provided by physician assistants, via the mutual**

10 recognition of the Licensee's Qualifying License by other Compact Participating States.  
11 This Compact also adopts the prevailing standard for physician assistant licensure and  
12 affirms that the practice and delivery of Medical Services by the physician assistant  
13 occurs where the patient is located at the time of the patient encounter, and therefore  
14 requires the physician assistant to be under the jurisdiction of the State Licensing Board  
15 where the patient is located. State Licensing Boards that participate in this Compact  
16 retain the jurisdiction to impose Adverse Action against a Compact Privilege in that  
17 State issued to a physician assistant through the procedures of this Compact. The PA  
18 Licensure Compact will alleviate burdens for military families by allowing active duty  
19 military personnel and their spouses to obtain a Compact Privilege based on having an  
20 unrestricted License in good standing from a Participating State.

**334.1805. In this Compact:**

2 (1) "Adverse Action" means any administrative, civil, equitable, or criminal  
3 action permitted by a State's laws which is imposed by a Licensing Board or other  
4 authority against a physician assistant License or License application or Compact  
5 Privilege such as License denial, censure, revocation, suspension, probation, monitoring  
6 of the Licensee, or restriction on the Licensee's practice.

7 (2) "Compact Privilege" means the authorization granted by a Remote State to  
8 allow a Licensee from another Participating State to practice as a physician assistant to  
9 provide Medical Services and other licensed activity to a patient located in the Remote  
10 State under the Remote State's laws and regulations.

11 (3) "Conviction" means a finding by a court that an individual is guilty of a  
12 felony or misdemeanor offense through adjudication or entry of a plea of guilt or no  
13 contest to the charge by the offender.

14 (4) "Criminal Background Check" means the submission of fingerprints or  
15 other biometric-based information for a License applicant for the purpose of obtaining  
16 that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d),  
17 from the State's criminal history record repository as defined in 28 C.F.R. § 20.3(f).

18 (5) "Data System" means the repository of information about Licensees,  
19 including but not limited to License status and Adverse Actions, which is created and  
20 administered under the terms of this Compact.

21 (6) "Executive Committee" means a group of directors and ex-officio individuals  
22 elected or appointed pursuant to subdivision (2) of subsection 6 of section 334.1830.

23 (7) "Impaired Practitioner" means a physician assistant whose practice is  
24 adversely affected by health-related condition(s) that impact their ability to practice.

25 (8) "Investigative Information" means information, records, or documents  
26 received or generated by a Licensing Board pursuant to an investigation.

27           **(9) "Jurisprudence Requirement"** means the assessment of an individual's  
28 knowledge of the laws and Rules governing the practice of a physician assistant in a  
29 State.

30           **(10) "License"** means current authorization by a State, other than authorization  
31 pursuant to a Compact Privilege, for a physician assistant to provide Medical Services,  
32 which would be unlawful without current authorization.

33           **(11) "Licensee"** means an individual who holds a License from a State to provide  
34 Medical Services as a physician assistant.

35           **(12) "Licensing Board"** means any State entity authorized to license and  
36 otherwise regulate physician assistants.

37           **(13) "Medical Services"** means health care services provided for the diagnosis,  
38 prevention, treatment, cure or relief of a health condition, injury, or disease, as defined  
39 by a State's laws and regulations. The medical services provided by a physician  
40 assistant to a patient located in Missouri are defined by Missouri's state laws and  
41 regulations.

42           **(14) "Model Compact"** means the model for the PA Licensure Compact on file  
43 with The Council of State Governments or other entity as designated by the  
44 Commission.

45           **(15) "Participating State"** means a State that has enacted this Compact.

46           **(16) "PA" or "Physician Assistant"** means an individual who is licensed as a  
47 physician assistant in a State. For purposes of this Compact, any other title or status  
48 adopted by a State to replace the term "physician assistant" shall be deemed  
49 synonymous with "physician assistant" and shall confer the same rights and  
50 responsibilities to the Licensee under the provisions of this Compact at the time of its  
51 enactment.

52           **(17) "PA Licensure Compact Commission," "Compact Commission," or**  
53 **"Commission"** mean the national administrative body created pursuant to subsection  
54 1 of section 334.1830 of this Compact.

55           **(18) "Qualifying License"** means an unrestricted License issued by a  
56 Participating State to provide Medical Services as a physician assistant.

57           **(19) "Remote State"** means a Participating State where a Licensee who is not  
58 licensed as a physician assistant is exercising or seeking to exercise the Compact  
59 Privilege.

60           **(20) "Rule"** means a regulation promulgated by an entity that has the force and  
61 effect of law.

62           **(21) "Significant Investigative Information"** means Investigative Information  
63 that a Licensing Board, after an inquiry or investigation that includes notification and

64 an opportunity for the physician assistant to respond if required by State law, has  
65 reason to believe is not groundless and, if proven true, would indicate more than a  
66 minor infraction.

67 (22) "State" means any state, commonwealth, district, or territory of the United  
68 States.

334.1810. 1. To participate in this Compact, a Participating State shall:

2 (1) License physician assistants.

3 (2) Participate in the Compact Commission's Data System.

4 (3) Have a mechanism in place for receiving and investigating complaints  
5 against Licensees and License applicants.

6 (4) Notify the Commission, in compliance with the terms of this Compact and  
7 Commission Rules, of any Adverse Action against a Licensee or License applicant and  
8 the existence of Significant Investigative Information regarding a Licensee or License  
9 applicant.

10 (5) Fully implement a Criminal Background Check requirement, within a time  
11 frame established by Commission Rule, by its Licensing Board receiving the results of a  
12 Criminal Background Check and reporting to the Commission whether the License  
13 applicant has been granted a License.

14 (6) Comply with the Rules of the Compact Commission.

15 (7) Utilize passage of a recognized national exam such as the NCCPA PANCE as  
16 a requirement for physician assistant licensure.

17 (8) Grant the Compact Privilege to a holder of a Qualifying License in a  
18 Participating State.

19 2. Nothing in this Compact prohibits a Participating State from charging a fee  
20 for granting the Compact Privilege.

334.1815. 1. To exercise the Compact Privilege, a Licensee must:

2 (1) Have graduated from a physician assistant program accredited by the  
3 Accreditation Review Commission on Education for the Physician Assistant, Inc. or  
4 other programs authorized by Commission Rule.

5 (2) Hold current NCCPA certification.

6 (3) Have no felony or misdemeanor Conviction.

7 (4) Have never had a controlled substance license, permit, or registration  
8 suspended or revoked by a State or by the United States Drug Enforcement  
9 Administration.

10 (5) Have a unique identifier as determined by Commission Rule.

11 (6) Hold a Qualifying License.

12           **(7) Have had no revocation of a License or limitation or restriction on any**  
13 **License currently held due to an adverse action.**

14           **(8) If a Licensee has had a limitation or restriction on a License or Compact**  
15 **Privilege due to an Adverse Action, two years must have elapsed from the date on which**  
16 **the License or Compact Privilege is no longer limited or restricted due to the Adverse**  
17 **Action.**

18           **(9) If a Compact Privilege has been revoked or is limited or restricted in a**  
19 **Participating State for conduct that would not be a basis for disciplinary action in a**  
20 **Participating State in which the Licensee is practicing or applying to practice under a**  
21 **Compact Privilege, that Participating State shall have the discretion not to consider**  
22 **such action as an Adverse Action requiring the denial or removal of a Compact**  
23 **Privilege in that State.**

24           **(10) Notify the Compact Commission that the Licensee is seeking the Compact**  
25 **Privilege in a Remote State.**

26           **(11) Meet any Jurisprudence Requirement of a Remote State in which the**  
27 **Licensee is seeking to practice under the Compact Privilege and pay any fees applicable**  
28 **to satisfying the Jurisprudence Requirement.**

29           **(12) Report to the Commission any Adverse Action taken by a non-participating**  
30 **State within thirty (30) days after the action is taken.**

31           **2. The Compact Privilege is valid until the expiration or revocation of the**  
32 **Qualifying License unless terminated pursuant to an Adverse Action. The Licensee**  
33 **must also comply with all of the requirements of subsection 1 of this section to maintain**  
34 **the Compact Privilege in a Remote State. If the Participating State takes Adverse**  
35 **Action against a Qualifying License, the Licensee shall lose the Compact Privilege in any**  
36 **Remote State in which the Licensee has a Compact Privilege until all of the following**  
37 **occur:**

38           **(1) The License is no longer limited or restricted; and**

39           **(2) Two (2) years have elapsed from the date on which the License is no longer**  
40 **limited or restricted due to the Adverse Action.**

41           **3. Once a restricted or limited License satisfies the requirements of subdivisions**  
42 **(1) and (2) of subsection 2 of this section, the Licensee must meet the requirements of**  
43 **subsection 1 of this section to obtain a Compact Privilege in any Remote State.**

44           **4. For each Remote State in which a physician assistant seeks authority to**  
45 **prescribe controlled substances, the physician assistant shall satisfy all requirements**  
46 **imposed by such State in granting or renewing such authority.**

**334.1820. Upon a Licensee's application for a Compact Privilege, the Licensee**  
2 **shall identify to the Commission the Participating State from which the Licensee is**

3 applying, in accordance with applicable Rules adopted by the Commission, and subject  
4 to the following requirements:

5 (1) When applying for a Compact Privilege, the Licensee shall provide the  
6 Commission with the address of the Licensee's primary residence and thereafter shall  
7 immediately report to the Commission any change in the address of the Licensee's  
8 primary residence.

9 (2) When applying for a Compact Privilege, the Licensee is required to consent  
10 to accept service of process by mail at the Licensee's primary residence on file with the  
11 Commission with respect to any action brought against the Licensee by the Commission  
12 or a Participating State, including a subpoena, with respect to any action brought or  
13 investigation conducted by the Commission or a Participating State.

334.1825. 1. A Participating State in which a Licensee is licensed shall have  
2 exclusive power to impose Adverse Action against the Qualifying License issued by that  
3 Participating State.

4 2. In addition to the other powers conferred by State law, a Remote State shall  
5 have the authority, in accordance with existing State due process law, to do all of the  
6 following:

7 (1) Take Adverse Action against a physician assistant's Compact Privilege within  
8 that State to remove a Licensee's Compact Privilege or take other action necessary  
9 under applicable law to protect the health and safety of its citizens.

10 (2) Issue subpoenas for both hearings and investigations that require the  
11 attendance and testimony of witnesses as well as the production of evidence. Subpoenas  
12 issued by a Licensing Board in a Participating State for the attendance and testimony of  
13 witnesses or the production of evidence from another Participating State shall be  
14 enforced in the latter State by any court of competent jurisdiction, according to the  
15 practice and procedure of that court applicable to subpoenas issued in proceedings  
16 pending before it. The issuing authority shall pay any witness fees, travel expenses,  
17 mileage and other fees required by the service statutes of the State in which the  
18 witnesses or evidence are located.

19 (3) Notwithstanding subdivision (2) of this subsection, subpoenas may not be  
20 issued by a Participating State to gather evidence of conduct in another State that is  
21 lawful in that other State for the purpose of taking Adverse Action against a Licensee's  
22 Compact Privilege or application for a Compact Privilege in that Participating State.

23 (4) Nothing in this Compact authorizes a Participating State to impose discipline  
24 against a physician assistant's Compact Privilege or to deny an application for a  
25 Compact Privilege in that Participating State for the individual's otherwise lawful  
26 practice in another State.

27           **3. For purposes of taking Adverse Action, the Participating State which issued**  
28 **the Qualifying License shall give the same priority and effect to reported conduct**  
29 **received from any other Participating State as it would if the conduct had occurred**  
30 **within the Participating State which issued the Qualifying License. In so doing, that**  
31 **Participating State shall apply its own State laws to determine appropriate action.**

32           **4. A Participating State, if otherwise permitted by State law, may recover from**  
33 **the affected physician assistant the costs of investigations and disposition of cases**  
34 **resulting from any Adverse Action taken against that physician assistant.**

35           **5. A Participating State may take Adverse Action based on the factual findings**  
36 **of a Remote State, provided that the Participating State follows its own procedures for**  
37 **taking the Adverse Action.**

38           **6. (1) In addition to the authority granted to a Participating State by its**  
39 **respective State physician assistant laws and regulations or other applicable State law,**  
40 **any Participating State may participate with other Participating States in joint**  
41 **investigations of Licensees.**

42           **(2) Participating States shall share any investigative, litigation, or compliance**  
43 **materials in furtherance of any joint or individual investigation initiated under this**  
44 **Compact.**

45           **7. If an Adverse Action is taken against a physician assistant's Qualifying**  
46 **License, the physician assistant's Compact Privilege in all Remote States shall be**  
47 **deactivated until two (2) years have elapsed after all restrictions have been removed**  
48 **from the State License. All disciplinary orders by the Participating State which issued**  
49 **the Qualifying License that impose Adverse Action against a physician assistant's**  
50 **License shall include a Statement that the physician assistant's Compact Privilege is**  
51 **deactivated in all Participating States during the pendency of the order.**

52           **8. If any Participating State takes Adverse Action, it promptly shall notify the**  
53 **administrator of the Data System.**

**334.1830. 1. The Participating States hereby create and establish a joint**  
2 **government agency and national administrative body known as the PA Licensure**  
3 **Compact Commission. The Commission is an instrumentality of the Compact 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 334.1850.**

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

10           **(2) The delegate shall be either:**

11 (a) A current physician assistant, physician or public member of a Licensing  
12 Board or physician assistant Council/Committee; or

13 (b) An administrator of a Licensing Board.

14 (3) Any delegate may be removed or suspended from office as provided by the  
15 laws of the State from which the delegate is appointed.

16 (4) The Participating State Licensing Board shall fill any vacancy occurring in  
17 the Commission within sixty (60) days.

18 (5) Each delegate shall be entitled to one (1) vote on all matters voted on by the  
19 Commission and shall otherwise have an opportunity to participate in the business and  
20 affairs of the Commission. A delegate shall vote in person or by such other means as  
21 provided in the bylaws. The bylaws may provide for delegates' participation in  
22 meetings by telecommunications, video conference, or other means of communication.

23 (6) The Commission shall meet at least once during each calendar year.  
24 Additional meetings shall be held as set forth in this Compact and the bylaws.

25 (7) The Commission shall establish by Rule a term of office for delegates.

26 3. The Commission shall have the following powers and duties:

27 (1) Establish a code of ethics for the Commission;

28 (2) Establish the fiscal year of the Commission;

29 (3) Establish fees;

30 (4) Establish bylaws;

31 (5) Maintain its financial records in accordance with the bylaws;

32 (6) Meet and take such actions as are consistent with the provisions of this  
33 Compact and the bylaws;

34 (7) Promulgate Rules limited to the Commission's authority to facilitate and  
35 coordinate implementation and administration of this Compact. The Rules authorized  
36 by the Compact shall have the force and effect of law and shall be binding in all  
37 Participating States;

38 (8) Bring and prosecute legal proceedings or actions in the name of the  
39 Commission, provided that the standing of any State Licensing Board to sue or be sued  
40 under applicable law shall not be affected;

41 (9) Purchase and maintain insurance and bonds;

42 (10) Borrow, accept, or contract for services of personnel, including, but not  
43 limited to, employees of a Participating State;

44 (11) Hire employees and engage contractors, elect or appoint officers, fix  
45 compensation, define duties, grant such individuals appropriate authority to carry out  
46 the purposes of this Compact, and establish the Commission's personnel policies and

47 **programs relating to conflicts of interest, qualifications of personnel, and other related**  
48 **personnel matters;**

49 **(12) Accept any and all appropriate donations and grants of money, equipment,**  
50 **supplies, materials and services, and receive, utilize and dispose of the same; provided**  
51 **that at all times the Commission shall avoid any appearance of impropriety or conflict**  
52 **of interest;**

53 **(13) Lease, purchase, accept appropriate gifts or donations of, or otherwise own,**  
54 **hold, improve or use, any property, real, personal or mixed; provided that at all times**  
55 **the Commission shall avoid any appearance of impropriety;**

56 **(14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise**  
57 **dispose of any property real, personal, or mixed;**

58 **(15) Establish a budget and make expenditures;**

59 **(16) Borrow money;**

60 **(17) Appoint committees, including standing committees composed of members,**  
61 **State regulators, State legislators or their representatives, and consumer**  
62 **representatives, and such other interested persons as may be designated in this**  
63 **Compact and the bylaws;**

64 **(18) Provide and receive information from, and cooperate with, law enforcement**  
65 **agencies;**

66 **(19) Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers**  
67 **of the Commission as provided in the Commission's bylaws;**

68 **(20) Reserve for itself, in addition to those reserved exclusively to the**  
69 **Commission under the Compact, powers that the Executive Committee may not**  
70 **exercise;**

71 **(21) Approve or disapprove a State's participation in the Compact based upon**  
72 **its determination as to whether the State's Compact legislation departs in a material**  
73 **manner from the Model Compact language;**

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

75 **(23) Perform such other functions as may be necessary or appropriate to achieve**  
76 **the purposes of this Compact consistent with the State regulation of physician assistant**  
77 **licensure and practice.**

78 **4. (1) All meetings of the Commission that are not closed pursuant to this**  
79 **subsection shall be open to the public. Notice of public meetings shall be posted on the**  
80 **Commission's website at least thirty (30) days prior to the public meeting.**

81 **(2) Notwithstanding subdivision (1) of this subsection, the Commission may**  
82 **convene a public meeting by providing at least twenty-four (24) hours prior notice on**  
83 **the Commission's website, and any other means as provided in the Commission's Rules,**

84 for any of the reasons it may dispense with notice of proposed rulemaking under  
85 subsection 12 of section 334.1840.

86 (3) The Commission may convene in a closed, non-public meeting or non-public  
87 part of a public meeting to receive legal advice or to discuss:

88 (a) Non-compliance of a Participating State with its obligations under this  
89 Compact;

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

93 (c) Current, threatened, or reasonably anticipated litigation;

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

96 (e) Accusing any person of a crime or formally censuring any person;

97 (f) Disclosure of trade secrets or commercial or financial information that is  
98 privileged or confidential;

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

101 (h) Disclosure of investigative records compiled for law enforcement purposes;

102 (i) Disclosure of information related to any investigative reports prepared by or  
103 on behalf of or for use of the Commission or other committee charged with  
104 responsibility of investigation or determination of compliance issues pursuant to this  
105 Compact;

106 (j) Legal advice; or

107 (k) Matters specifically exempted from disclosure by federal or Participating  
108 States' statutes.

109 (4) If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
110 chair of the meeting or the chair's designee shall certify that the meeting or portion of  
111 the meeting may be closed and shall reference each relevant exempting provision.

112 (5) The Commission shall keep minutes that fully and clearly describe all  
113 matters discussed in a meeting and shall provide a full and accurate summary of actions  
114 taken, including a description of the views expressed. All documents considered in  
115 connection with an action shall be identified in such minutes. All minutes and  
116 documents of a closed meeting shall remain under seal, subject to release by a majority  
117 vote of the Commission or order of a court of competent jurisdiction.

118 5. (1) The Commission shall pay, or provide for the payment of, the reasonable  
119 expenses of its establishment, organization, and ongoing activities.

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

122           **(3) The Commission may levy on and collect an annual assessment from each**  
123 **Participating State and may impose Compact Privilege fees on Licensees of**  
124 **Participating States to whom a Compact Privilege is granted to cover the cost of the**  
125 **operations and activities of the Commission and its staff, which must be in a total**  
126 **amount sufficient to cover its annual budget as approved by the Commission each year**  
127 **for which revenue is not provided by other sources. The aggregate annual assessment**  
128 **amount levied on Participating States shall be allocated based upon a formula to be**  
129 **determined by Commission Rule.**

130           **(a) A Compact Privilege expires when the Licensee's Qualifying License in the**  
131 **Participating State from which the Licensee applied for the Compact Privilege expires.**

132           **(b) If the Licensee terminates the Qualifying License through which the Licensee**  
133 **applied for the Compact Privilege before its scheduled expiration, and the Licensee has**  
134 **a Qualifying License in another Participating State, the Licensee shall inform the**  
135 **Commission that it is changing to that Participating State the Participating State**  
136 **through which it applies for a Compact Privilege and pay to the Commission any**  
137 **Compact Privilege fee required by Commission Rule.**

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

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

148           **6. (1) The Executive Committee shall have the power to act on behalf of the**  
149 **Commission according to the terms of this Compact and Commission Rules.**

150           **(2) The Executive Committee shall be composed of nine (9) members:**

151           **(a) Seven voting members who are elected by the Commission from the current**  
152 **membership of the Commission;**

153           **(b) One ex-officio, nonvoting member from a recognized national physician**  
154 **assistant professional association; and**

155           **(c) One ex-officio, nonvoting member from a recognized national physician**  
156 **assistant certification organization.**

- 157           **(3) The ex-officio members will be selected by their respective organizations.**
- 158           **(4) The Commission may remove any member of the Executive Committee as**  
159 **provided in its bylaws.**
- 160           **(5) The Executive Committee shall meet at least annually.**
- 161           **(6) The Executive Committee shall have the following duties and responsibilities:**
- 162           **(a) Recommend to the Commission changes to the Commission's Rules or**  
163 **bylaws, changes to this Compact legislation, fees to be paid by Compact Participating**  
164 **States such as annual dues, and any Commission Compact fee charged to Licensees for**  
165 **the Compact Privilege;**
- 166           **(b) Ensure Compact administration services are appropriately provided,**  
167 **contractual or otherwise;**
- 168           **(c) Prepare and recommend the budget;**
- 169           **(d) Maintain financial records on behalf of the Commission;**
- 170           **(e) Monitor Compact compliance of Participating States and provide compliance**  
171 **reports to the Commission;**
- 172           **(f) Establish additional committees as necessary;**
- 173           **(g) Exercise the powers and duties of the Commission during the interim**  
174 **between Commission meetings, except for issuing proposed rulemaking or adopting**  
175 **Commission Rules or bylaws, or exercising any other powers and duties exclusively**  
176 **reserved to the Commission by the Commission's Rules; and**
- 177           **(h) Perform other duties as provided in the Commission's Rules or bylaws.**
- 178           **(7) All meetings of the Executive Committee at which it votes or plans to vote on**  
179 **matters in exercising the powers and duties of the Commission shall be open to the**  
180 **public and public notice of such meetings shall be given as public meetings of the**  
181 **Commission are given.**
- 182           **(8) The Executive Committee may convene in a closed, non-public meeting for**  
183 **the same reasons that the Commission may convene in a non-public meeting as set forth**  
184 **in subdivision (3) of subsection 4 of this section and shall announce the closed meeting as**  
185 **the Commission is required to under subdivision (4) of subsection 4 of this section and**  
186 **keep minutes of the closed meeting as the Commission is required to under subdivision**  
187 **(5) of subsection 4 of this section.**
- 188           **7. (1) The members, officers, executive director, employees and representatives**  
189 **of the Commission shall be immune from suit and liability, both personally and in their**  
190 **official capacity, for any claim for damage to or loss of property or personal injury or**  
191 **other civil liability caused by or arising out of any actual or alleged act, error, or**  
192 **omission that occurred, or that the person against whom the claim is made had a**  
193 **reasonable basis for believing occurred within the scope of Commission employment,**

194 duties or responsibilities; provided that nothing in this subdivision shall be construed to  
195 protect any such person from suit or liability for any damage, loss, injury, or liability  
196 caused by the intentional or willful or wanton misconduct of that person. The  
197 procurement of insurance of any type by the Commission shall not in any way  
198 compromise or limit the immunity granted hereunder.

199 (2) The Commission shall defend any member, officer, executive director,  
200 employee, and representative of the Commission in any civil action seeking to impose  
201 liability arising out of any actual or alleged act, error, or omission that occurred within  
202 the scope of Commission employment, duties, or responsibilities, or as determined by  
203 the commission that the person against whom the claim is made had a reasonable basis  
204 for believing occurred within the scope of Commission employment, duties, or  
205 responsibilities; provided that nothing herein shall be construed to prohibit that  
206 person from retaining their own counsel at their own expense; and provided further,  
207 that the actual or alleged act, error, or omission did not result from that person's  
208 intentional or willful or wanton misconduct.

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

217 (4) Venue is proper and judicial proceedings by or against the Commission shall  
218 be brought solely and exclusively in a court of competent jurisdiction where the  
219 principal office of the Commission is located. The Commission may waive venue and  
220 jurisdictional defenses in any proceedings as authorized by Commission Rules.

221 (5) Nothing herein shall be construed as a limitation on the liability of any  
222 Licensee for professional malpractice or misconduct, which shall be governed solely by  
223 any other applicable State laws.

224 (6) Nothing herein shall be construed to designate the venue or jurisdiction to  
225 bring actions for alleged acts of malpractice, professional misconduct, negligence, or  
226 other such civil action pertaining to the practice of a physician assistant. All such  
227 matters shall be determined exclusively by State law other than this Compact.

228 (7) 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 (8) Nothing in this Compact shall be construed to be a waiver of sovereign  
233 immunity by the Participating States or by the Commission.

334.1835. 1. The Commission shall provide for the development, maintenance,  
2 operation, and utilization of a coordinated data and reporting system containing  
3 licensure, Adverse Action, and the reporting of the existence of Significant Investigative  
4 Information on all licensed physician assistants and applicants denied a License in  
5 Participating States.

6 2. Notwithstanding any other State law to the contrary, a Participating State  
7 shall submit a uniform data set to the Data System on all physician assistants to whom  
8 this Compact is applicable (utilizing a unique identifier) as required by the Rules of the  
9 Commission, including:

10 (1) Identifying information;

11 (2) Licensure data;

12 (3) Adverse Actions against a License or Compact Privilege;

13 (4) Any denial of application for licensure, and the reason or reasons for such  
14 denial (excluding the reporting of any Criminal history record information where  
15 prohibited by law);

16 (5) The existence of Significant Investigative Information; and

17 (6) Other information that may facilitate the administration of this Compact, as  
18 determined by the Rules of the Commission.

19 3. Significant Investigative Information pertaining to a Licensee in any  
20 Participating State shall only be available to other Participating States.

21 4. The Commission shall promptly notify all Participating States of any Adverse  
22 Action taken against a Licensee or an individual applying for a License that has been  
23 reported to it. This Adverse Action information shall be available to any other  
24 Participating State.

25 5. Participating States contributing information to the Data System may, in  
26 accordance with State or federal law, designate information that may not be shared with  
27 the public without the express permission of the contributing State. Notwithstanding  
28 any such designation, such information shall be reported to the Commission through the  
29 Data System.

30 6. Any information submitted to the Data System that is subsequently expunged  
31 pursuant to federal law or the laws of the Participating State contributing the  
32 information shall be removed from the Data System upon reporting of such by the  
33 Participating State to the Commission.

34           7. The records and information provided to a Participating State pursuant to  
35 this Compact or through the Data System, when certified by the Commission or an  
36 agent thereof, shall constitute the authenticated business records of the Commission,  
37 and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-  
38 judicial or administrative proceedings in a Participating State.

          334.1840. 1. The Commission shall exercise its Rulemaking powers pursuant to  
2 the criteria set forth in this Section and the Rules adopted thereunder. Commission  
3 Rules shall become binding as of the date specified by the Commission for each Rule.

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

11           3. The Rules of the Commission shall have the force of law in each Participating  
12 State, provided however that where the Rules of the Commission conflict with the laws  
13 of the Participating State that establish the medical services a physician assistant may  
14 perform in the Participating State, as held by a court of competent jurisdiction, the  
15 Rules of the Commission shall be ineffective in that State to the extent of the conflict.

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

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

23           6. Prior to promulgation and adoption of a final Rule or Rules by the  
24 Commission, and at least thirty (30) days in advance of the meeting at which the Rule  
25 will be considered and voted upon, the Commission shall file a Notice of Proposed  
26 Rulemaking:

27           (1) On the website of the Commission or other publicly accessible platform; and

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

30           (3) In such other way(s) as the Commission may by Rule specify.

31           7. The Notice of Proposed Rulemaking shall include:

32           **(1) The time, date, and location of the public hearing on the proposed Rule and**  
33 **the proposed time, date and location of the meeting in which the proposed Rule will be**  
34 **considered and voted upon;**

35           **(2) The text of the proposed Rule and the reason for the proposed Rule;**

36           **(3) A request for comments on the proposed Rule from any interested person**  
37 **and the date by which written comments must be received; and**

38           **(4) The manner in which interested persons may submit notice to the**  
39 **Commission of their intention to attend the public hearing or provide any written**  
40 **comments.**

41           **8. Prior to adoption of a proposed Rule, the Commission shall allow persons to**  
42 **submit written data, facts, opinions, and arguments, which shall be made available to**  
43 **the public.**

44           **9. If the hearing is to be held via electronic means, the Commission shall publish**  
45 **the mechanism for access to the electronic hearing.**

46           **(1) All persons wishing to be heard at the hearing shall as directed in the Notice**  
47 **of Proposed Rulemaking, not less than five (5) business days before the scheduled date**  
48 **of the hearing, notify the Commission of their desire to appear and testify at the hearing.**

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

51           **(3) All hearings shall be recorded. A copy of the recording and the written**  
52 **comments, data, facts, opinions, and arguments received in response to the proposed**  
53 **rulemaking shall be made available to a person upon request.**

54           **(4) Nothing in this section shall be construed as requiring a separate hearing on**  
55 **each proposed Rule. Proposed Rules may be grouped for the convenience of the**  
56 **Commission at hearings required by this section.**

57           **10. Following the public hearing the Commission shall consider all written and**  
58 **oral comments timely received.**

59           **11. The Commission shall, by majority vote of all delegates, take final action on**  
60 **the proposed Rule and shall determine the effective date of the Rule, if adopted, based**  
61 **on the Rulemaking record and the full text of the Rule.**

62           **(1) If adopted, the Rule shall be posted on the Commission's website.**

63           **(2) The Commission may adopt changes to the proposed Rule provided the**  
64 **changes do not enlarge the original purpose of the proposed Rule.**

65           **(3) The Commission shall provide on its website an explanation of the reasons**  
66 **for substantive changes made to the proposed Rule as well as reasons for substantive**  
67 **changes not made that were recommended by commenters.**

68           **(4) The Commission shall determine a reasonable effective date for the Rule.**  
69 **Except for an emergency as provided in subsection 12 of this section, the effective date**  
70 **of the Rule shall be no sooner than thirty (30) days after the Commission issued the**  
71 **notice that it adopted the Rule.**

72           **12. Upon determination that an emergency exists, the Commission may consider**  
73 **and adopt an emergency Rule with twenty-four (24) hours prior notice, without the**  
74 **opportunity for comment, or hearing, provided that the usual rulemaking procedures**  
75 **provided in this Compact and in this section shall be retroactively applied to the Rule as**  
76 **soon as reasonably possible, in no event later than ninety (90) days after the effective**  
77 **date of the Rule. For the purposes of this provision, an emergency Rule is one that must**  
78 **be adopted immediately by the Commission in order to:**

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

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

81           **(3) Meet a deadline for the promulgation of a Commission Rule that is**  
82 **established by federal law or Rule; or**

83           **(4) Protect public health and safety.**

84           **13. The Commission or an authorized committee of the Commission may direct**  
85 **revisions to a previously adopted Commission Rule for purposes of correcting**  
86 **typographical errors, errors in format, errors in consistency, or grammatical errors.**  
87 **Public notice of any revisions shall be posted on the website of the Commission. The**  
88 **revision shall be subject to challenge by any person for a period of thirty (30) days after**  
89 **posting. The revision may be challenged only on grounds that the revision results in a**  
90 **material change to a Rule. A challenge shall be made as set forth in the notice of**  
91 **revisions and delivered to the Commission prior to the end of the notice period. If no**  
92 **challenge is made, the revision will take effect without further action. If the revision is**  
93 **challenged, the revision may not take effect without the approval of the Commission.**

94           **14. No Participating State's rulemaking requirements shall apply under this**  
95 **Compact.**

**334.1845. 1. (1) The executive and judicial branches of State government in**  
2 **each 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 the  
13 Commission's Rules and shall have standing to intervene in such a proceeding for all  
14 purposes. Failure to provide the Commission with service of process shall render a  
15 judgment or order in such proceeding void as to the Commission, this Compact, or  
16 Commission Rules.

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

23 (2) If a State in default fails to cure the default, the defaulting State may be  
24 terminated from this Compact upon an affirmative vote of a majority of the delegates of  
25 the Participating States, and all rights, privileges and benefits conferred by this  
26 Compact upon such State may be terminated on the effective date of termination. A  
27 cure of the default does not relieve the offending State of obligations or liabilities  
28 incurred during the period of default.

29 (3) Termination of participation in this Compact shall be imposed only after all  
30 other means of securing compliance have been exhausted. Notice of intent to suspend or  
31 terminate shall be given by the Commission to the governor, the majority and minority  
32 leaders of the defaulting State's legislature, and to the Licensing Board(s) of each of the  
33 Participating States.

34 (4) A State that has been terminated is responsible for all assessments,  
35 obligations, and liabilities incurred through the effective date of termination, including  
36 obligations that extend beyond the effective date of termination.

37 (5) The Commission shall not bear any costs related to a State that is found to be  
38 in default or that has been terminated from this Compact, unless agreed upon in writing  
39 between the Commission and the defaulting State.

40 (6) The defaulting State may appeal its termination from the Compact by the  
41 Commission by petitioning the United States District Court for the District of Columbia  
42 or the federal district where the Commission has its principal offices. The prevailing  
43 member shall be awarded all costs of such litigation, including reasonable attorney's  
44 fees.

45           **(7) Upon the termination of a State's participation in the Compact, the State**  
46 **shall immediately provide notice to all Licensees within that State of such termination:**

47           **(a) Licensees who have been granted a Compact Privilege in that State shall**  
48 **retain the Compact Privilege for one hundred eighty (180) days following the effective**  
49 **date of such termination.**

50           **(b) Licensees who are licensed in that State who have been granted a Compact**  
51 **Privilege in a Participating State shall retain the Compact Privilege for one hundred**  
52 **eighty (180) days unless the Licensee also has a Qualifying License in a Participating**  
53 **State or obtains a Qualifying License in a Participating State before the one hundred**  
54 **eighty (180)-day period ends, in which case the Compact Privilege shall continue.**

55           **3. (1) Upon request by a Participating State, the Commission shall attempt to**  
56 **resolve disputes related to this Compact that arise among Participating States and**  
57 **between participating and non-Participating States.**

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

60           **4. (1) The Commission, in the reasonable exercise of its discretion, shall enforce**  
61 **the provisions of this Compact and Rules of the Commission.**

62           **(2) If compliance is not secured after all means to secure compliance have been**  
63 **exhausted, by majority vote, the Commission may initiate legal action in the United**  
64 **States District Court for the District of Columbia or the federal district where the**  
65 **Commission has its principal offices, against a Participating State in default to enforce**  
66 **compliance with the provisions of this Compact and the Commission's promulgated**  
67 **Rules and bylaws. The relief sought may include both injunctive relief and damages. In**  
68 **the event judicial enforcement is necessary, the prevailing party shall be awarded all**  
69 **costs of such litigation, including reasonable attorney's fees.**

70           **(3) The remedies herein shall not be the exclusive remedies of the Commission.**  
71 **The Commission may pursue any other remedies available under federal or State law.**

72           **5. (1) A Participating State may initiate legal action against the Commission in**  
73 **the United States District Court for the District of Columbia or the federal district**  
74 **where the Commission has its principal offices to enforce compliance with the provisions**  
75 **of the Compact and its Rules. The relief sought may include both injunctive relief and**  
76 **damages. In the event judicial enforcement is necessary, the prevailing party shall be**  
77 **awarded all costs of such litigation, including reasonable attorney's fees.**

78           **(2) No person other than a Participating State shall enforce this Compact against**  
79 **the Commission.**

**334.1850. 1. This Compact shall come into effect on the date on which this**  
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 **subsection 2 of section 334.1845.**

11           **(b) If any Participating State later withdraws from the Compact or its**  
12 **participation is terminated, the Commission shall remain in existence and the Compact**  
13 **shall remain in effect even if the number of Participating States should be less than**  
14 **seven. Participating States enacting the Compact subsequent to the Commission**  
15 **convening shall be subject to the process set forth in subdivision (21) of subsection 3 of**  
16 **section 334.1830 to determine if their enactments are materially different from the**  
17 **Model Compact and whether they qualify for participation in the Compact.**

18           **(2) Participating States enacting the Compact subsequent to the seven initial**  
19 **Charter Participating States shall be subject to the process set forth in subdivision (21)**  
20 **of subsection 3 of section 334.1830 to determine if their enactments are materially**  
21 **different from the Model Compact and whether they qualify for participation in the**  
22 **Compact.**

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

27           **2. Any State that joins this Compact shall be subject to the Commission's Rules**  
28 **and bylaws as they exist on the date on which this Compact becomes law in that State.**  
29 **Any Rule that has been previously adopted by the Commission shall have the full force**  
30 **and effect of law on the day this Compact becomes law in that State.**

31           **3. Any Participating State may withdraw from this Compact by enacting a**  
32 **statute repealing the same.**

33           **(1) A Participating State's withdrawal shall not take effect until one hundred**  
34 **eighty (180) days after enactment of the repealing statute. During this one hundred**  
35 **eighty (180) day-period, all Compact Privileges that were in effect in the withdrawing**  
36 **State and were granted to Licensees licensed in the withdrawing State shall remain in**  
37 **effect. If any Licensee licensed in the withdrawing State is also licensed in another**  
38 **Participating State or obtains a license in another Participating State within the one**

39 **hundred eighty (180) days, the Licensee's Compact Privileges in other Participating**  
40 **States shall not be affected by the passage of the one hundred eighty (180) days.**

41 **(2) Withdrawal shall not affect the continuing requirement of the State**  
42 **Licensing Board(s) of the withdrawing State to comply with the investigative, and**  
43 **Adverse Action reporting requirements of this Compact prior to the effective date of**  
44 **withdrawal.**

45 **(3) Upon the enactment of a statute withdrawing a State from this Compact, the**  
46 **State shall immediately provide notice of such withdrawal to all Licensees within that**  
47 **State. Such withdrawing State shall continue to recognize all licenses granted pursuant**  
48 **to this Compact for a minimum of one hundred eighty (180) days after the date of such**  
49 **notice of withdrawal.**

50 **4. Nothing contained in this Compact shall be construed to invalidate or prevent**  
51 **any physician assistant licensure agreement or other cooperative arrangement between**  
52 **Participating States and between a Participating State and non-Participating State that**  
53 **does not conflict with the provisions of this Compact.**

54 **5. This Compact may be amended by the Participating States. No amendment to**  
55 **this Compact shall become effective and binding upon any Participating State until it is**  
56 **enacted materially in the same manner into the laws of all Participating States as**  
57 **determined by the Commission.**

**334.1855. 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 334.1845, terminate a Participating State's participation in the**  
16 **Compact, if it determines that a constitutional requirement of a Participating State is, or**  
17 **would be with respect to a State seeking to participate in the Compact, a material**  
18 **departure from the Compact. Otherwise, if this Compact shall be held to be contrary to**

19 **the constitution of any Participating State, the Compact shall remain in full force and**  
20 **effect as to the remaining Participating States and in full force and effect as to the**  
21 **Participating State affected as to all severable matters.**

2 **334.1860. 1. Nothing herein prevents the enforcement of any other law of a**  
3 **Participating State that is not inconsistent with this Compact.**

4 **2. Any laws in a Participating State in conflict with this Compact are superseded**  
5 **to the extent of the conflict.**

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

8 337.600. As used in sections 337.600 to 337.689, the following terms mean:

9 (1) "Advanced macro social worker", the applications of social work theory,  
10 knowledge, methods, principles, values, and ethics; and the professional use of self to  
11 community and organizational systems, systemic and macrocosm issues, and other indirect  
12 nonclinical services; specialized knowledge and advanced practice skills in case management,  
13 information and referral, nonclinical assessments, counseling, outcome evaluation, mediation,  
14 nonclinical supervision, nonclinical consultation, expert testimony, education, outcome  
15 evaluation, research, advocacy, social planning and policy development, community  
16 organization, and the development, implementation and administration of policies,  
17 programs, and activities. A licensed advanced macro social worker may not treat mental  
18 or emotional disorders or provide psychotherapy without the direct supervision of a licensed  
19 clinical social worker, or diagnose a mental disorder;

20 (2) "Clinical social work", the application of social work theory, knowledge, values,  
21 methods, principles, and techniques of case work, group work, client-centered advocacy,  
22 community organization, administration, planning, evaluation, consultation, research,  
23 psychotherapy and counseling methods and techniques to persons, families and groups in  
24 assessment, diagnosis, treatment, prevention and amelioration of mental and emotional  
25 conditions;

26 (3) "Committee", the state committee for social workers established in section  
27 337.622;

28 (4) "Department", the Missouri department of commerce and insurance;

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

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

(7) "Independent practice", any practice of social workers outside of an organized  
25 setting such as a social, medical, or governmental agency in which a social worker assumes  
26 responsibility and accountability for services required;

(8) "Licensed advanced macro social worker", any person who offers to render  
27 services to individuals, groups, families, couples, organizations, institutions, communities,  
28

29 government agencies, corporations, or the general public for a fee, monetary or otherwise,  
30 implying that the person is trained, experienced, and licensed as an advanced macro social  
31 worker, and who holds a current valid license to practice as an advanced macro social worker;

32 (9) "Licensed baccalaureate social worker", any person who offers to render services  
33 to individuals, groups, organizations, institutions, corporations, government agencies, or the  
34 general public for a fee, monetary or otherwise, implying that the person is trained,  
35 experienced, and licensed as a baccalaureate social worker, and who holds a current valid  
36 license to practice as a baccalaureate social worker;

37 (10) "Licensed clinical social worker", any person who offers to render services to  
38 individuals, groups, organizations, institutions, corporations, government agencies, or the  
39 general public for a fee, monetary or otherwise, implying that the person is trained,  
40 experienced, and licensed as a clinical social worker, and who holds a current, valid license to  
41 practice as a clinical social worker;

42 (11) "Licensed master social worker", any person who offers to render services to  
43 individuals, groups, families, couples, organizations, institutions, communities, government  
44 agencies, corporations, or the general public for a fee, monetary or otherwise, implying that  
45 the person is trained, experienced, and licensed as a master social worker, and who holds a  
46 current valid license to practice as a master social worker. A licensed master social worker  
47 may not treat mental or emotional disorders, provide psychotherapy without the direct  
48 supervision of a licensed clinical social worker, or diagnose a mental disorder;

49 (12) "Master social work", the application of social work theory, knowledge,  
50 methods, and ethics and the professional use of self to restore or enhance social, psychosocial,  
51 or biopsychosocial functioning of individuals, couples, families, groups, organizations,  
52 communities, institutions, government agencies, or corporations. The practice includes the  
53 applications of specialized knowledge and advanced practice skills in the areas of assessment,  
54 treatment planning, implementation and evaluation, case management, mediation,  
55 information and referral, counseling, client education, supervision, consultation, education,  
56 research, advocacy, community organization and development, planning, evaluation,  
57 implementation and administration of policies, programs, and activities. Under supervision  
58 as provided in this section, the practice of master social work may include the practices  
59 reserved to clinical social workers or advanced macro social workers for no more than forty-  
60 eight consecutive calendar months for the purpose of obtaining licensure under section  
61 337.615 or 337.645;

62 (13) "Practice of advanced macro social work", rendering, offering to render, or  
63 supervising those who render to individuals, couples, families, groups, organizations,  
64 institutions, corporations, government agencies, communities, or the general public any

65 service involving the application of methods, principles, and techniques of advanced practice  
66 macro social work;

67 (14) "Practice of baccalaureate social work", rendering, offering to render, or  
68 supervising those who render to individuals, families, groups, organizations, institutions,  
69 corporations, or the general public any service involving the application of methods,  
70 principles, and techniques of baccalaureate social work;

71 (15) "Practice of clinical social work", rendering, offering to render, or supervising  
72 those who render to individuals, couples, groups, organizations, institutions, corporations, or  
73 the general public any service involving the application of methods, principles, and  
74 techniques of clinical social work;

75 (16) "Practice of master social work", rendering, offering to render, or supervising  
76 those who render to individuals, couples, families, groups, organizations, institutions,  
77 corporations, government agencies, communities, or the general public any service involving  
78 the application of methods, principles, and techniques of master social work;

79 (17) "Qualified advanced macro supervisor", any licensed social worker who meets  
80 the qualifications of a qualified clinical supervisor or a licensed advanced macro social  
81 worker who has:

82 (a) Practiced in the field of social work as a licensed social worker for which he or  
83 she is supervising the applicant for a minimum of [~~five~~] **three** years;

84 (b) Successfully completed a minimum of sixteen hours of supervisory training from  
85 the Association of Social Work Boards, the National Association of Social Workers, an  
86 accredited university, or a program approved by the state committee for social workers. All  
87 organizations providing the supervisory training shall adhere to the basic content and quality  
88 standards outlined by the state committee on social work; and

89 (c) Met all the requirements of sections 337.600 to 337.689, and as defined by rule by  
90 the state committee for social workers;

91 (18) "Qualified baccalaureate supervisor", any licensed social worker who meets the  
92 qualifications of a qualified clinical supervisor, qualified master supervisor, qualified  
93 advanced macro supervisor, or a licensed baccalaureate social worker who has:

94 (a) Practiced in the field of social work as a licensed social worker for which he or  
95 she is supervising the applicant for a minimum of [~~five~~] **three** years;

96 (b) Successfully completed a minimum of sixteen hours of supervisory training from  
97 the Association of Social Work Boards, the National Association of Social Workers, an  
98 accredited university, or a program approved by the state committee for social workers. All  
99 organizations providing the supervisory training shall adhere to the basic content and quality  
100 standards outlined by the state committee on social workers; and

101 (c) Met all the requirements of sections 337.600 to 337.689, and as defined by rule by  
102 the state committee for social workers;

103 (19) "Qualified clinical supervisor", any licensed clinical social worker who has:

104 (a) Practiced in the field of social work as a licensed social worker for which he or  
105 she is supervising the applicant for a minimum of ~~[five]~~ **three** years;

106 (b) Successfully completed a minimum of sixteen hours of supervisory training from  
107 the Association of Social Work Boards, the National Association of Social Workers, an  
108 accredited university, or a program approved by the state committee for social workers. All  
109 organizations providing the supervisory training shall adhere to the basic content and quality  
110 standards outlined by the state committee on social work; and

111 (c) Met all the requirements of sections 337.600 to 337.689, and as defined by rule by  
112 the state committee for social workers;

113 (20) "Social worker", any individual that has:

114 (a) Received a baccalaureate degree in social work from an accredited social work  
115 program approved by the Council on Social Work Education;

116 (b) Received a master's degree in social work from a social work program:

117 a. Accredited by the Council on Social Work Education; or

118 b. Recognized and approved by the committee in accordance with rules adopted by  
119 the committee under section 337.627 and in accordance with the procedure set forth in section  
120 337.628;

121 (c) Received a doctorate or Ph.D. in social work; or

122 (d) A current social worker license as set forth in sections 337.600 to 337.689.

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 in**  
17 **any state.** Persons applying with an audiology clinical doctoral degree are exempt from this  
18 provision; and

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

✓