

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 1233
103RD GENERAL ASSEMBLY

5607H.07C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 324.001, 324.009, 324.028, 324.400, 324.402, 324.403, 324.406, 324.409, 324.412, 324.415, 324.418, 324.421, 324.424, 324.427, 324.430, 324.433, 324.436, 324.439, 326.256, 326.277, 326.280, 326.283, 326.286, 326.289, 326.292, 327.011, 327.031, 327.041, 327.081, 327.381, 327.411, 327.441, 327.442, 327.451, 332.081, 335.081, 337.600, 338.010, 338.333, 338.710, 345.050, 537.033, and 621.045, RSMo, and to enact in lieu thereof eighty-three new sections relating to activities requiring licensure, with penalty provisions and a contingent effective date for certain sections.

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

Section A. Sections 324.001, 324.009, 324.028, 324.400, 324.402, 324.403, 324.406,
2 324.409, 324.412, 324.415, 324.418, 324.421, 324.424, 324.427, 324.430, 324.433, 324.436,
3 324.439, 326.256, 326.277, 326.280, 326.283, 326.286, 326.289, 326.292, 327.011, 327.031,
4 327.041, 327.081, 327.381, 327.411, 327.441, 327.442, 327.451, 332.081, 335.081, 337.600,
5 338.010, 338.333, 338.710, 345.050, 537.033, and 621.045, RSMo, are repealed and eighty-
6 three new sections enacted in lieu thereof, to be known as sections 324.001, 324.009,
7 324.028, 324.218, 324.263, 324.1800, 324.1805, 324.1810, 324.1815, 324.1820, 324.1825,
8 324.1830, 324.1835, 324.1840, 324.1845, 324.1850, 324.1855, 324.1860, 324.1865, 326.256,
9 326.277, 326.280, 326.283, 326.286, 326.289, 326.292, 327.011, 327.031, 327.041, 327.081,
10 327.381, 327.411, 327.441, 327.442, 327.451, 327.700, 327.705, 327.710, 327.720, 327.725,
11 327.730, 327.735, 327.740, 327.745, 327.750, 331.084, 332.081, 332.700, 332.705, 332.710,
12 332.715, 332.720, 332.725, 332.730, 332.735, 332.740, 332.745, 332.750, 332.755, 332.760,
13 334.1800, 334.1805, 334.1810, 334.1815, 334.1820, 334.1825, 334.1830, 334.1835,

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.

14 334.1840, 334.1845, 334.1850, 334.1855, 334.1860, 335.081, 337.600, 338.010, 338.312,
15 338.333, 338.710, 345.050, 537.033, 621.045, and 1, to read as follows:

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

- 2 (1) "Department", the department of commerce and insurance;
- 3 (2) "Director", the director of the division of professional registration; and
- 4 (3) "Division", the division of professional registration.

5 2. There is hereby established a "Division of Professional Registration" assigned to
6 the department of commerce and insurance as a type III transfer, headed by a director
7 appointed by the governor with the advice and consent of the senate. All of the general
8 provisions, definitions and powers enumerated in section 1 of the Omnibus State
9 Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and
10 its divisions, agencies, and personnel.

11 3. The director of the division of professional registration shall promulgate rules and
12 regulations which designate for each board or commission assigned to the division the
13 renewal date for licenses or certificates. After the initial establishment of renewal dates, no
14 director of the division shall promulgate a rule or regulation which would change the renewal
15 date for licenses or certificates if such change in renewal date would occur prior to the date on
16 which the renewal date in effect at the time such new renewal date is specified next occurs.
17 Each board or commission shall by rule or regulation establish licensing periods of one, two,
18 or three years. Registration fees set by a board or commission shall be effective for the entire
19 licensing period involved, and shall not be increased during any current licensing period.
20 Persons who are required to pay their first registration fees shall be allowed to pay the pro rata
21 share of such fees for the remainder of the period remaining at the time the fees are paid.
22 Each board or commission shall provide the necessary forms for initial registration, and
23 thereafter the director may prescribe standard forms for renewal of licenses and certificates.
24 Each board or commission shall by rule and regulation require each applicant to provide the
25 information which is required to keep the board's records current. Each board or commission
26 shall have the authority to collect and analyze information required to support workforce
27 planning and policy development. Such information shall not be publicly disclosed so as to
28 identify a specific health care provider, as defined in section 376.1350. Each board or
29 commission shall issue the original license or certificate.

30 4. The division shall provide clerical and other staff services relating to the issuance
31 and renewal of licenses for all the professional licensing and regulating boards and
32 commissions assigned to the division. The division shall perform the financial management
33 and clerical functions as they each relate to issuance and renewal of licenses and certificates.
34 "Issuance and renewal of licenses and certificates" means the ministerial function of
35 preparing and delivering licenses or certificates, and obtaining material and information for

36 the board or commission in connection with the renewal thereof to include verifying if the
37 applicant has submitted all required documentation and that the documentation is legible. It
38 does not include any discretionary authority with regard to the original review of an
39 applicant's qualifications for licensure or certification, or the subsequent review of licensee's
40 or certificate holder's qualifications, or any disciplinary action contemplated against the
41 licensee or certificate holder. The division may develop and implement microfilming systems
42 and automated or manual management information systems.

43 5. The director of the division shall maintain a system of accounting and budgeting, in
44 cooperation with the director of the department, the office of administration, and the state
45 auditor's office, to ensure proper charges are made to the various boards for services rendered
46 to them. The general assembly shall appropriate to the division and other state agencies from
47 each board's funds moneys sufficient to reimburse the division and other state agencies for all
48 services rendered and all facilities and supplies furnished to that board.

49 6. For accounting purposes, the appropriation to the division and to the office of
50 administration for the payment of rent for quarters provided for the division shall be made
51 from the "Professional Registration Fees Fund", which is hereby created, and is to be used
52 solely for the purpose defined in subsection 5 of this section. The fund shall consist of
53 moneys deposited into it from each board's fund. Each board shall contribute a prorated
54 amount necessary to fund the division for services rendered and rent based upon the system of
55 accounting and budgeting established by the director of the division as provided in subsection
56 5 of this section. Transfers of funds to the professional registration fees fund shall be made by
57 each board on July first of each year; provided, however, that the director of the division may
58 establish an alternative date or dates of transfers at the request of any board. Such transfers
59 shall be made until they equal the prorated amount for services rendered and rent by the
60 division. The provisions of section 33.080 to the contrary notwithstanding, money in this
61 fund shall not be transferred and placed to the credit of general revenue.

62 7. The director of the division shall be responsible for collecting and accounting for
63 all moneys received by the division or its component agencies. Any money received by a
64 board or commission shall be promptly given, identified by type and source, to the director.
65 The director shall keep a record by board and state accounting system classification of the
66 amount of revenue the director receives. The director shall promptly transmit all receipts to
67 the department of revenue for deposit in the state treasury to the credit of the appropriate
68 fund. The director shall provide each board with all relevant financial information in a timely
69 fashion. Each board shall cooperate with the director by providing necessary information.

70 8. All educational transcripts, test scores, complaints, investigatory reports, and
71 information pertaining to any person who is an applicant or licensee of any agency assigned
72 to the division of professional registration by statute or by the department are confidential and

73 may not be disclosed to the public or any member of the public, except with the written
74 consent of the person whose records are involved. The agency which possesses the records or
75 information shall disclose the records or information if the person whose records or
76 information is involved has consented to the disclosure. Each agency is entitled to the
77 attorney-client privilege and work-product privilege to the same extent as any other person.
78 Provided, however, that any board may disclose confidential information without the consent
79 of the person involved in the course of voluntary interstate exchange of information, or in the
80 course of any litigation concerning that person, or pursuant to a lawful request, or to other
81 administrative or law enforcement agencies acting within the scope of their statutory
82 authority. Information regarding identity, including names and addresses, registration, and
83 currency of the license of the persons possessing licenses to engage in a professional
84 occupation and the names and addresses of applicants for such licenses is not confidential
85 information.

86 9. Any deliberations conducted and votes taken in rendering a final decision after a
87 hearing before an agency assigned to the division shall be closed to the parties and the public.
88 Once a final decision is rendered, that decision shall be made available to the parties and the
89 public.

90 10. A compelling governmental interest shall be deemed to exist for the purposes of
91 section 536.025 for licensure fees to be reduced by emergency rule, if the projected fund
92 balance of any agency assigned to the division of professional registration is reasonably
93 expected to exceed an amount that would require transfer from that fund to general revenue.

94 11. (1) The following boards and commissions are assigned by specific type transfers
95 to the division of professional registration: Missouri state board of accountancy, chapter 326;
96 board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for
97 architects, professional engineers, professional land surveyors ~~[and]~~, **professional** landscape
98 architects, **and licensed interior designers**, chapter 327; Missouri state board of chiropractic
99 examiners, chapter 331; state board of registration for the healing arts, chapter 334; Missouri
100 dental board, chapter 332; state board of embalmers and funeral directors, chapter 333; state
101 board of optometry, chapter 336; Missouri state board of nursing, chapter 335; board of
102 pharmacy, chapter 338; state board of podiatric medicine, chapter 330; Missouri real estate
103 appraisers commission, chapter 339; and Missouri veterinary medical board, chapter 340.
104 The governor shall appoint members of these boards by and with the advice and consent of
105 the senate.

106 (2) The boards and commissions assigned to the division shall exercise all their
107 respective statutory duties and powers, except those clerical and other staff services involving
108 collecting and accounting for moneys and financial management relating to the issuance and
109 renewal of licenses, which services shall be provided by the division, within the appropriation

110 therefor. Nothing herein shall prohibit employment of professional examining or testing
111 services from professional associations or others as required by the boards or commissions on
112 contract. Nothing herein shall be construed to affect the power of a board or commission to
113 expend its funds as appropriated. However, the division shall review the expense vouchers of
114 each board. The results of such review shall be submitted to the board reviewed and to the
115 house and senate appropriations committees annually.

116 (3) Notwithstanding any other provisions of law, the director of the division shall
117 exercise only those management functions of the boards and commissions specifically
118 provided in the Reorganization Act of 1974, and those relating to the allocation and
119 assignment of space, personnel other than board personnel, and equipment.

120 (4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329,
121 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, shall mean personnel whose
122 functions and responsibilities are in areas not related to the clerical duties involving the
123 issuance and renewal of licenses, to the collecting and accounting for moneys, or to financial
124 management relating to issuance and renewal of licenses; specifically included are executive
125 secretaries (or comparable positions), consultants, inspectors, investigators, counsel, and
126 secretarial support staff for these positions; and such other positions as are established and
127 authorized by statute for a particular board or commission. Boards and commissions may
128 employ legal counsel, if authorized by law, and temporary personnel if the board is unable to
129 meet its responsibilities with the employees authorized above. Any board or commission
130 which hires temporary employees shall annually provide the division director and the
131 appropriation committees of the general assembly with a complete list of all persons
132 employed in the previous year, the length of their employment, the amount of their
133 remuneration, and a description of their responsibilities.

134 (5) Board personnel for each board or commission shall be employed by and serve at
135 the pleasure of the board or commission, shall be supervised as the board or commission
136 designates, and shall have their duties and compensation prescribed by the board or
137 commission, within appropriations for that purpose, except that compensation for board
138 personnel shall not exceed that established for comparable positions as determined by the
139 board or commission pursuant to the job and pay plan of the department of commerce and
140 insurance. Nothing herein shall be construed to permit salaries for any board personnel to be
141 lowered except by board action.

142 12. All the powers, duties, and functions of the division of athletics, chapter 317, and
143 others, are assigned by type I transfer to the division of professional registration.

144 13. Wherever the laws, rules, or regulations of this state make reference to the
145 division of professional registration of the department of economic development, such
146 references shall be deemed to refer to the division of professional registration.

147 14. (1) The state board of nursing, board of pharmacy, Missouri dental board, state
148 committee of psychologists, state board of chiropractic examiners, state board of optometry,
149 Missouri board of occupational therapy, or state board of registration for the healing arts may
150 individually or collectively enter into a contractual agreement with the department of health
151 and senior services, a public institution of higher education, or a nonprofit entity for the
152 purpose of collecting and analyzing workforce data from its licensees, registrants, or permit
153 holders for future workforce planning and to assess the accessibility and availability of
154 qualified health care services and practitioners in Missouri. The boards shall work
155 collaboratively with other state governmental entities to ensure coordination and avoid
156 duplication of efforts.

157 (2) The boards may expend appropriated funds necessary for operational expenses of
158 the program formed under this subsection. Each board is authorized to accept grants to fund
159 the collection or analysis authorized in this subsection. Any such funds shall be deposited in
160 the respective board's fund.

161 (3) Data collection shall be controlled and approved by the applicable state board
162 conducting or requesting the collection. Notwithstanding the provisions of sections 324.010
163 and 334.001, the boards may release identifying data to the contractor to facilitate data
164 analysis of the health care workforce including, but not limited to, geographic, demographic,
165 and practice or professional characteristics of licensees. The state board shall not request or
166 be authorized to collect income or other financial earnings data.

167 (4) Data collected under this subsection shall be deemed the property of the state
168 board requesting the data. Data shall be maintained by the state board in accordance with
169 chapter 610, provided that any information deemed closed or confidential under subsection 8
170 of this section or any other provision of state law shall not be disclosed without consent of the
171 applicable licensee or entity or as otherwise authorized by law. Data shall only be released in
172 an aggregate form by geography, profession or professional specialization, or population
173 characteristic in a manner that cannot be used to identify a specific individual or entity. Data
174 suppression standards shall be addressed and established in the contractual agreement.

175 (5) Contractors shall maintain the security and confidentiality of data received or
176 collected under this subsection and shall not use, disclose, or release any data without
177 approval of the applicable state board. The contractual agreement between the applicable
178 state board and contractor shall establish a data release and research review policy to include
179 legal and institutional review board, or agency-equivalent, approval.

180 (6) Each board may promulgate rules subject to the provisions of this subsection and
181 chapter 536 to effectuate and implement the workforce data collection and analysis authorized
182 by this subsection. Any rule or portion of a rule, as that term is defined in section 536.010,
183 that is created under the authority delegated in this section shall become effective only if it

184 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
185 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with
186 the general assembly under chapter 536 to review, to delay the effective date, or to disapprove
187 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
188 authority and any rule proposed or adopted after August 28, 2016, 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~~] **specialty** that enables a person to legally practice an occupation or
4 profession in 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 **(3) The Missouri board for architects, professional engineers, professional land**
69 **surveyors and professional landscape architects may deny a license or decline to grant a**
70 **temporary or probationary license to an applicant if the board determines the**
71 **applicant's qualifications are not comparable to those established by the board. The**
72 **board shall not otherwise be exempt from the provisions of this section.**

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

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

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

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

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

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

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

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

 324.028. Any member authorized under the provisions of sections 256.459, 324.063,
2 324.177, 324.203, 324.243, [324.406,] 324.478, 326.259, 327.031, 329.015, 330.110,
3 331.090, 332.021, 333.151, 334.120, 334.430, 334.625, 334.717, 334.749, 334.830,

4 335.021, 336.130, 337.050, 337.305, 337.535, 337.622, 337.739, 338.110, 339.120, 340.202,
5 345.080, and 346.120 who misses three consecutive regularly scheduled meetings of the
6 board or council on which he **or she** serves shall forfeit his **or her** membership on that board
7 or council. A new member shall be appointed to the respective board or council by the
8 governor with the advice and consent of the senate.

**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.**

**324.263. 1. The board may apply to the administrative hearing commission for
2 an emergency suspension or restriction of a license issued under sections 324.240 to
3 324.275 if:**

4 **(1) The holder of the license is the subject of a pending criminal indictment,**
5 **criminal information, or other criminal charge related to the duties and responsibilities**
6 **of the licensed occupation; and**

7 **(2) There is reasonable cause for the board to believe that the public health,**
8 **safety, or welfare is at imminent risk of harm from the holder of the license.**

9 **2. The board shall submit to the administrative hearing commission supporting**
10 **affidavits and certified court records, together with a complaint alleging the facts in**
11 **support of the board's request for an emergency suspension or restriction of a license,**
12 **and shall supply the administrative hearing commission with the last home or business**
13 **addresses on file with the board for the licensee. Within one business day of the filing of**
14 **the complaint, the administrative hearing commission shall return a service packet to**
15 **the board. The service packet shall include the board's complaint and any affidavits or**
16 **records the board intends to rely on that have been filed with the administrative hearing**
17 **commission. The service packet may contain other information in the discretion of the**
18 **administrative hearing commission. Within twenty-four hours of receiving the packet,**
19 **the board shall either personally serve the licensee the service packet or leave a copy of**
20 **the service packet at all of the licensee's current addresses on file with the board.**

21 **3. Within five days of the board's filing of the complaint, the administrative**
22 **hearing commission shall review the information submitted by the board and shall issue**
23 **its findings of fact and conclusions of law. If the administrative hearing commission**
24 **finds that there is reasonable cause for the board to believe that the public health, safety,**
25 **or welfare is at imminent risk of harm from the holder of the license, the administrative**
26 **hearing commission shall enter the order requested by the board. The order shall be**
27 **effective upon personal service or by leaving a copy at all of the licensee's current**
28 **addresses on file with the board.**

29 **4. (1) The administrative hearing commission shall hold an evidentiary hearing**
30 **on the record within forty-five days of the board's filing of the complaint, or upon final**
31 **adjudication of any criminal charges filed against the licensee, as appropriate, to**
32 **determine if cause for discipline exists under the provisions of sections 324.240 to**
33 **324.275 and to determine whether the initial order entered by the commission shall**
34 **continue in effect. Prior to the hearing, the licensee may file affidavits and certified**
35 **court records for consideration by the administrative hearing commission. The**
36 **administrative hearing commission may grant a request for a continuance but shall in**
37 **any event hold the hearing within one hundred twenty days of the board's initial filing.**
38 **The board shall be granted leave to amend its complaint if it is more than thirty days**
39 **prior to the hearing, or within thirty days prior to the hearing upon a showing of good**
40 **cause.**

41 **(2) If no cause for discipline is found following an evidentiary hearing, the**
42 **administrative hearing commission shall issue findings of fact, conclusions of law, and**
43 **an order terminating the commission's initial order imposing an emergency suspension**
44 **or restriction of the license.**

45 **(3) If the administrative hearing commission finds cause for discipline following**
46 **an evidentiary hearing, the commission shall issue findings of fact and conclusions of**
47 **law and order the emergency suspension or restriction to remain in full force and effect**
48 **pending a disciplinary hearing before the board. The board shall hold a hearing**
49 **following the certification of the record by the administrative hearing commission and**
50 **may impose discipline otherwise authorized by state law.**

51 **5. Any action under this section shall be in addition to and not in lieu of any**
52 **discipline otherwise in the board's power to impose and may be brought concurrently**
53 **with other actions.**

54 **6. If the administrative hearing commission does not grant an initial order**
55 **imposing an emergency suspension or restriction of the license as described in**
56 **subsection 3 of this section, the board shall remove all reference to such emergency**
57 **suspension or restriction from its public records.**

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 State shall have the authority, in accordance with existing State due process law, to:

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

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

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

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

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

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

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

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

(2) Member States shall share any investigative, litigation, or compliance 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.**

326.256. 1. As used in this chapter, the following terms mean:

2 (1) "AICPA", the American Institute of Certified Public Accountants;

3 (2) "Attest" or "attest services", providing the following services:

4 (a) Any audit or other engagement to be performed in accordance with the Statements
5 on Auditing Standards (SAS);

6 (b) Any examination of prospective financial information to be performed in
7 accordance with the Statements on Standards for Attestation Engagements (SSAE);

8 (c) Any engagement to be performed in accordance with the auditing standards and
9 rules of the Public Company Accounting Oversight Board (PCAOB);

10 (d) Any review of a financial statement to be performed in accordance with the
11 Statements on Standards for Accounting and Review Services (SSARS); or

12 (e) Any examination, review, or agreed upon procedures engagement to be performed
13 in accordance with the SSAE, other than an examination described in paragraph (b) of this
14 subdivision;

15 (3) "Board", the Missouri state board of accountancy established under section
16 326.259 or its predecessor pursuant to prior law;

17 (4) "Certificate", a certificate issued under section 326.060 prior to August 28, 2001;

18 (5) "Certified public accountant" or "CPA", the holder of a certificate or license as
19 defined in this section;

20 (6) "Certified public accounting firm", "CPA firm" or "firm", a sole proprietorship, a
21 corporation, a partnership or any other form of organization issued a permit **or otherwise**
22 **authorized to practice** under section 326.289;

23 (7) "Client", a person or entity that agrees with a licensee or licensee's employer to
24 receive any professional service;

25 (8) "Compilation", providing a service to be performed in accordance with
26 Statements on Standards for Accounting and Review Services (SSARS) that is presented in
27 the form of financial statements information that is the representation of management
28 (owners) without undertaking to express any assurance on the statements;

29 (9) "License", a license issued under section 326.280, or privilege to practice under
30 section 326.283; or, in each case, an individual license or permit issued pursuant to
31 corresponding provisions of prior law;

32 (10) "Licensee", the holder of a license as defined in this section;

33 (11) "Manager", a manager of a limited liability company;

34 (12) "Member", a member of a limited liability company;

35 (13) "NASBA", the National Association of State Boards of Accountancy;

36 (14) "PCAOB", the Public Company Accounting Oversight Board;

37 (15) "Peer review", a study, appraisal or review of one or more aspects of the
38 professional work of a ~~licensee or~~ certified public accounting firm that performs attest or
39 compilation services, by licensees who are not affiliated either personally or through their
40 certified public accounting firm being reviewed pursuant to the Standards for Performing and
41 Reporting on Peer Reviews promulgated by the AICPA or such other standard adopted by
42 regulation of the board which meets or exceeds the AICPA standards;

43 (16) "Permit", a permit to practice as a certified public accounting firm issued under
44 section 326.289 or corresponding provisions of prior law or pursuant to corresponding
45 provisions of the laws of other states;

46 (17) "Principal place of business", the office location designated by the licensee for
47 purposes of ~~[substantial equivalency]~~ **mobility** and reciprocity;

48 (18) "Professional", arising out of or related to the specialized knowledge or skills
49 associated with certified public accountants;

50 (19) "Public accounting":

51 (a) Performing or offering to perform for an enterprise, client or potential client one
52 or more services involving the use of accounting or auditing skills, or one or more
53 management advisory or consulting services, or the preparation of tax returns or the
54 furnishing of advice on tax matters by a person, firm, limited liability company or
55 professional corporation using the title "C.P.A." or "P.A." in signs, advertising, directory
56 listing, business cards, letterheads or other public representations;

57 (b) Signing or affixing a name, with any wording indicating the person or entity has
58 expert knowledge in accounting or auditing to any opinion or certificate attesting to the
59 reliability of any representation or estimate in regard to any person or organization embracing
60 financial information or facts respecting compliance with conditions established by law or
61 contract, including but not limited to statutes, ordinances, rules, grants, loans and
62 appropriations; or

63 (c) Offering to the public or to prospective clients to perform, or actually performing
64 on behalf of clients, professional services that involve or require an audit or examination of
65 financial records leading to the expression of a written attestation or opinion concerning these
66 records;

67 (20) "Report", when used with reference to any attest or compilation service, means
68 an opinion, report or other form of language that states or implies assurance as to the
69 reliability of the attested information or compiled financial statements, and that also includes
70 or is accompanied by any statement or implication that the person or firm issuing it has
71 special knowledge or competence in accounting or auditing. Such a statement or implication
72 of special knowledge or competence may arise from use by the issuer of the report of names
73 or titles indicating that the person or firm is an accountant or auditor, or from the language of
74 the report itself. The term report includes any form of language which disclaims an opinion
75 when such form of language is conventionally understood to imply any positive assurance as
76 to the reliability of the attested information or compiled financial statements referred to or
77 special competence on the part of the person or firm issuing such language, and includes any
78 other form of language that is conventionally understood to imply such assurance or such
79 special knowledge or competence;

80 (21) "State", any state of the United States, the District of Columbia, Puerto Rico, the
 81 U.S. Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Guam; except
 82 that "this state" means the state of Missouri;

83 (22) [~~"Substantial equivalency" or "substantially equivalent", a determination by the~~
 84 ~~board of accountancy or its designee that the education, examination and experience~~
 85 ~~requirements contained in the statutes and administrative rules of another jurisdiction are~~
 86 ~~comparable to or exceed the education, examination and experience requirements contained~~
 87 ~~in this chapter or that an individual certified public accountant's education, examination and~~
 88 ~~experience qualifications are comparable to or exceed the education, examination and~~
 89 ~~experience requirements contained in this chapter;~~

90 (23) "Transmittal", any transmission of information in any form, including but not
 91 limited to any and all documents, records, minutes, computer files, disks or information.

92 2. The statements on standards specified in this section shall be adopted by reference
 93 by the board pursuant to rulemaking and shall be those developed for general application by
 94 the AICPA or other recognized national accountancy organization as prescribed by board rule.

326.277. 1. Prior to June 30, 2021, for an applicant to be eligible to apply for the
 2 examination, the applicant shall fulfill the education requirements of subdivision (4) of
 3 subsection 1 of section 326.280.

4 2. On or after June 30, 2021, for an applicant to be eligible to apply for the
 5 examination, the applicant shall:

6 (1) Provide proof that the applicant has [~~completed at least one hundred twenty~~
 7 ~~semester hours of college education]~~ **obtained a baccalaureate degree or a post-**
 8 **baccalaureate degree** at an accredited college or university recognized by the board, with an
 9 accounting concentration or equivalent as determined by the board, **in either case** by rule;

10 (2) Be at least eighteen years of age; and

11 (3) Be of good moral character.

326.280. 1. A license shall be granted by the board to any person who meets the
 2 requirements of this chapter and who:

3 (1) Is a resident of this state or has a place of business in this state or, as an employee,
 4 is regularly employed in this state;

5 (2) Has attained the age of eighteen years;

6 (3) Is of good moral character;

7 (4) **[Either] Meets one of the following educational requirements:**

8 (a) [~~Applied for the initial examination prior to June 30, 1999, and]~~ Holds a
 9 baccalaureate degree conferred by an accredited college or university recognized by the
 10 board, with **[a] the total educational program including an accounting** concentration [~~in~~

11 ~~accounting]~~ or ~~[the substantial]~~ equivalent ~~[of a concentration in accounting]~~ as determined
12 by ~~[the]~~ board **rule to be appropriate**; or

13 (b) ~~[Applied for the initial examination on or after June 30, 1999, and has at least one~~
14 ~~hundred fifty semester hours of college education, including a baccalaureate or higher degree]~~
15 **Has a baccalaureate degree plus an additional thirty semester hours of college education**
16 conferred by an accredited college or university recognized by the board, with the total
17 educational program including an accounting concentration or equivalent as determined by
18 board rule to be appropriate; or

19 (c) **Has a post-baccalaureate degree conferred by an accredited college or**
20 **university recognized by the board, with the total education program including an**
21 **accounting concentration or equivalent as determined by board rule to be appropriate;**

22 (5) Has passed an examination in accounting, auditing and such other related subjects
23 as the board shall determine is appropriate; and

24 (6) (a) **Either:**

25 a. Has had one year of experience **for an applicant who is applying for licensure on**
26 **the basis of the educational requirement in paragraphs (b) or (c) of subdivision (4) of**
27 **subsection 1 of this section; or**

28 b. **Has had two years of experience for an applicant who is applying for licensure**
29 **on the basis of the educational requirement in paragraph (a) of subdivision (4) of**
30 **subsection 1 of this section.**

31 (b) Experience shall be verified by a licensee and shall include any type of service or
32 advice involving the use of accounting, attest, compilation, management advisory, financial
33 advisory, tax or consulting skills including governmental accounting, budgeting or auditing.
34 The board shall promulgate rules and regulations concerning the verifying licensee's review
35 of the applicant's experience.

36 2. The board may prescribe by rule the terms and conditions for reexaminations and
37 fees to be paid for reexaminations.

38 3. A person who, on August 28, 2001, holds an individual permit issued pursuant to
39 the laws of this state shall not be required to obtain additional licenses pursuant to sections
40 326.280 to 326.286, and the licenses issued shall be considered licenses issued pursuant to
41 sections 326.280 to 326.286. However, such persons shall be subject to the provisions of
42 section 326.286 for renewal of licenses.

43 4. Upon application, the board may issue a temporary license to an applicant pursuant
44 to this subsection for a person who has made a prima facie showing that the applicant meets
45 all of the requirements for a license and possesses the experience required. The temporary
46 license shall be effective only until the board has had the opportunity to investigate the
47 applicant's qualifications for licensure pursuant to subsection 1 of this section and notify the

48 applicant that the applicant's application for a license has been granted or rejected. In no
49 event shall a temporary license be in effect for more than twelve months after the date of
50 issuance nor shall a temporary license be reissued to the same applicant. No fee shall be
51 charged for a temporary license. The holder of a temporary license which has not expired,
52 been suspended or revoked shall be deemed to be the holder of a license issued pursuant to
53 this section until the temporary license expires, is terminated, suspended or revoked.

54 ~~[5. Prior to June 30, 2021, an applicant for an examination who meets the educational~~
55 ~~requirements of subdivision (4) of subsection 1 of this section or who reasonably expects to~~
56 ~~meet those requirements within sixty days after the examination shall be eligible for~~
57 ~~examination if the applicant also meets the requirements of subdivisions (2) and (3) of~~
58 ~~subsection 1 of this section. For an applicant admitted to examination on the reasonable~~
59 ~~expectation that the applicant will meet the educational requirements within sixty days, no~~
60 ~~license shall be issued nor credit for the examination or any part thereof given unless the~~
61 ~~educational requirement is in fact met within the sixty day period.]~~

326.283. 1. (1) (a) An individual whose principal place of business, domicile, or
2 residency is not in this state and who holds a valid and unrestricted license **in good standing**
3 to practice public accounting from any state ~~[which the board or its designee has determined~~
4 ~~by rule to be in substantial equivalence with the licensure requirements of this chapter, or if~~
5 ~~the individual's qualifications are substantially equivalent to the licensure requirements of this~~
6 ~~chapter, shall be presumed to have qualifications substantially equivalent to this state's~~
7 ~~requirements and]~~ shall have all the privileges of licensees of this state without the need to
8 obtain a license or to otherwise notify or register with the board or pay any fee~~[-Provided,~~
9 ~~however,]~~ **provided that at the time of initial licensure, the individual was required to**
10 **show evidence of having passed the Uniform Certified Public Accountant Examination**
11 **and having met one of the following requirements:**

12 **a. A baccalaureate degree conferred by an accredited college or university, with**
13 **the total educational program including an accounting concentration or equivalent, and**
14 **not less than two years of experience, both as defined by board rule;**

15 **b. A baccalaureate degree plus an additional thirty semester hours of college**
16 **education conferred by an accredited college or university, with the total educational**
17 **program including an accounting concentration or equivalent, and not less than one**
18 **year of experience, both as defined by board rule; or**

19 **c. A post-baccalaureate degree conferred by an accredited college or university,**
20 **with the total educational program including an accounting concentration or equivalent,**
21 **and not less than one year of experience, both as defined by board rule.**

22 **(b) An individual, whose principal place of business, domicile, or residency is not**
23 **in this state and who holds a valid and unrestricted license in good standing to practice**

24 **public accountancy from any state as of December 31, 2024, and who, as of such date,**
25 **has practice privileges in this state under paragraph (a) of this subdivision, shall**
26 **continue to have all the privileges of licensees in this state without the need to obtain a**
27 **license or otherwise notify or register with the board or pay any fee.**

28 (c) The board may by rule require individuals with a valid but restricted license to
29 obtain a license.

30 (2) An individual who qualifies for the privilege to practice under this section may
31 offer or render professional services in this state, whether in person, by mail, telephone, or
32 electronic means, and no notice or other submission shall be required of any such individual.

33 (3) An individual licensee of another state exercising the privilege afforded under this
34 section and the firm which employs such licensee hereby simultaneously consent, as a
35 condition of the grant of this privilege:

36 (a) To the personal and subject matter jurisdiction and disciplinary authority of the
37 board;

38 (b) To comply with this chapter and the board's rules;

39 (c) That in the event the license from any state is no longer valid or unrestricted, the
40 individual shall cease offering or rendering professional services in this state individually and
41 on behalf of a firm; and

42 (d) To the appointment of the state board that issued the individual's license as his or
43 her agent upon whom process may be served in any action or proceeding by this board against
44 the individual.

45 (4) An individual who has been granted the privilege to practice under this section
46 who performs attest or compilation services shall comply with the provisions of section
47 326.289.

48 (5) Nothing in this chapter shall prohibit temporary practice in this state for
49 professional business incidental to a CPA's regular practice outside this state. "Temporary
50 practice" means that practice related to the direct purpose of an engagement for a client
51 located outside this state, which engagement began outside this state and extends into this
52 state through common ownership, existence of a subsidiary, assets or other operations located
53 within this state.

54 2. A licensee of this state offering or rendering services or using his or her certified
55 public accountant title in another state shall be subject to disciplinary action in this state for an
56 act committed in another state for which the licensee would be subject to discipline for an act
57 committed in the other state. Notwithstanding the provisions of section 326.274 to the
58 contrary, the board may investigate any complaint made by the board of accountancy of
59 another state.

2 326.286. 1. The board may grant or renew licenses to persons who make application
3 and demonstrate that their qualifications, including the qualifications prescribed by section
3 326.280, are in accordance with this section.

4 2. Licenses shall be initially issued and renewed for periods of not more than three
5 years and shall expire on the renewal date following issuance or renewal. Applications for
6 licenses shall be made in such form, and in the case of applications for renewal, between such
7 dates, as the board by rule shall specify. Application and renewal fees shall be determined by
8 the board by rule.

9 3. With regard to applicants that do not qualify for reciprocity pursuant to subsection
10 1 of this section, the board may issue a license to an applicant upon a showing that:

11 (1) The applicant passed the examination required for issuance of the applicant's
12 certificate with grades that would have been passing grades at the time in this state;

13 (2) The applicant had four years of experience outside of this state of the type
14 described in subdivision (6) of subsection 1 of section 326.280 or meets equivalent
15 requirements prescribed by the board by rule, after passing the examination upon which the
16 applicant's license was based and within the ten years immediately preceding the application;
17 and

18 (3) If the applicant's certificate, license or permit was issued more than four years
19 prior to the application for issuance of a license pursuant to this section, the applicant has
20 fulfilled the requirements of continuing professional education that would have been
21 applicable pursuant to subsection ~~[6]~~ 5 of this section.

22 4. As an alternative to the requirements of subsection 3 of this section, a certified
23 public accountant licensed by another state who establishes a principal place of business in
24 this state shall request the issuance of a license from the board prior to establishing the
25 principal place of business. The board may issue a license to the person ~~[who obtains~~
26 ~~verification from the NASBA National Qualification Appraisal Service that the individual's~~
27 ~~qualifications are substantially equivalent to the licensure requirements of sections 326.250 to~~
28 ~~326.331]~~ **whose qualifications the board verifies to be comparable to the initial licensure**
29 **requirements of section 326.280.**

30 5. ~~[An application pursuant to this section may be made through the NASBA~~
31 ~~Qualification Appraisal Service.~~

32 6.] Each licensee shall participate in a program of learning designed to maintain
33 professional competency. The program of learning shall comply with rules adopted by the
34 board. The board may create by rule an exception to such requirement for licensees who do
35 not perform or offer to perform for the public one or more kinds of services involving the use
36 of accounting or auditing skills, including issuance of reports on financial statements or of
37 one or more kinds of management advisory, financial advisory or consulting services, or the

38 preparation of tax returns or the furnishing of advice on tax matters. Licensees granted an
39 exception by the board shall place the word "inactive" adjacent to their certified public
40 accountant title on any business card, letterhead or any other document or device, except their
41 certified public accountant certificate, on which their certified public accountant title appears.

42 ~~[7-]~~ 6. Applicants for initial issuance or renewal of licenses pursuant to this section
43 shall list all states in which they have applied for or hold certificates, licenses or permits and
44 list any past denial, revocation or suspension or any discipline of a certificate, license or
45 permit. Each holder of or applicant for a license shall notify the board in writing within thirty
46 days after its occurrence of any issuance, denial, revocation or suspension or any discipline of
47 a certificate, license or permit by another state.

48 ~~[8-]~~ 7. The board may issue a license to a holder of a substantially equivalent foreign
49 designation, provided that:

50 (1) The foreign authority which granted the designation makes similar provisions to
51 allow a person who holds a valid license issued by this state to obtain such foreign authority's
52 comparable designation; and

53 (2) The foreign designation:

54 (a) Was duly issued by a foreign authority that regulates the practice of public
55 accounting and the foreign designation has not expired or been revoked or suspended;

56 (b) Entitles the holder to issue reports upon financial statements; and

57 (c) Was issued upon the basis of educational, examination and experience
58 requirements established by the foreign authority or by law; and

59 (3) The applicant:

60 (a) Received the designation based on educational and examination standards
61 substantially equivalent to those in effect in this state at the time the foreign designation was
62 granted;

63 (b) Completed an experience requirement substantially equivalent to the requirement
64 set out in subdivision (6) of subsection 1 of section 326.280 in the jurisdiction which granted
65 the foreign designation or has completed four years of professional experience in this state, or
66 meets equivalent requirements prescribed by the board by rule within the ten years
67 immediately preceding the application; and

68 (c) Passed a uniform qualifying examination in national standards and an examination
69 on the laws, regulations and code of ethical conduct in effect in this state acceptable to the
70 board.

71 ~~[9-]~~ 8. An applicant pursuant to subsection ~~[8]~~ 7 of this section shall list all
72 jurisdictions, foreign and domestic, in which the applicant has applied for or holds a
73 designation to practice public accounting. Each holder of a license issued pursuant to this
74 subsection shall notify the board in writing within thirty days after its occurrence of any

75 issuance, denial, revocation, suspension or any discipline of a designation or commencement
76 of a disciplinary or enforcement action by any jurisdiction.

77 ~~[40.]~~ 9. The board has the sole authority to interpret the application of the provisions
78 of subsections 7 and 8 ~~[and 9]~~ of this section.

326.289. 1. The board may grant or renew permits to practice as a certified public
2 accounting firm to applicants that demonstrate their qualifications in accordance with this
3 chapter.

4 (1) The following shall hold a permit issued under this chapter:

5 (a) Any firm with an office in this state, as defined by the board by rule, offering or
6 performing attest or compilation services; or

7 (b) Any firm with an office in this state that uses the title "CPA" or "CPA firm".

8 (2) Any firm that does not have an office in this state may offer or perform attest or
9 compilation services in this state without a valid permit only if it meets each of the following
10 requirements:

11 (a) It complies with the qualifications described in subdivision (1) of subsection 4 of
12 this section;

13 (b) It complies with the requirements of peer review as set forth in this chapter and
14 the board's promulgated regulations;

15 (c) It performs such services through an individual with practice privileges under
16 section 326.283; and

17 (d) It can lawfully do so in the state where said individual with the privilege to
18 practice has his or her principal place of business.

19 (3) A firm which is not subject to the requirements of subdivisions (1) or (2) of this
20 subsection may perform other nonattest or noncompilation services while using the title
21 "CPA" or "CPA firm" in this state without a permit issued under this section only if it:

22 (a) Performs such services through an individual with the privilege to practice under
23 section 326.283; and

24 (b) Can lawfully do so in the state where said individual with privilege to practice has
25 his or her principal place of business.

26 (4) (a) All firms practicing public accounting in this state shall register with the
27 secretary of state.

28 (b) Firms which may be exempt from this requirement include:

29 a. Sole proprietorships;

30 b. Trusts created pursuant to revocable trust agreements, of which the trustee is a
31 natural person who holds a license or privilege to practice as set forth in section 326.280,
32 326.283, or 326.286;

33 c. General partnerships not operating as a limited liability partnership; or

34 d. Foreign professional corporations which do not meet criteria of chapter 356 due to
35 name or ownership, shall obtain a certificate of authority as a general corporation.
36 Notwithstanding the provisions of chapter 356, the secretary of state may issue a certificate of
37 authority to a foreign professional corporation which does not meet the criteria of chapter 356
38 due to name or ownership, if the corporation meets the requirements of this section and the
39 rules of the board.

40 **(5) A sole practitioner or single member limited liability company (LLC) using**
41 **the title of "certified public accountant(s)", "CPA", or similar abbreviation in their**
42 **business name may request exemption from the firm permit requirements of paragraph**
43 **(b) of subdivision (1) of this subsection by submitting a written request to the board that**
44 **affirms the business does not offer nor perform attest services nor other services subject**
45 **to peer review.**

46 2. Permits shall be initially issued and renewed for periods of not more than three
47 years or for a specific period as prescribed by board rule following issuance or renewal.

48 3. The board shall determine by rule the form for application and renewal of permits
49 and shall annually determine the fees for permits and their renewals.

50 4. An applicant for initial issuance or renewal of a permit to practice under this
51 section shall be required to show that:

52 (1) A simple majority of the ownership of the firm, in terms of financial interests and
53 voting rights of all partners, officers, principals, shareholders, members or managers, belongs
54 to licensees who are licensed in some state, and the partners, officers, principals,
55 shareholders, members or managers, whose principal place of business is in this state and
56 who perform professional services in this state are licensees under section 326.280 or the
57 corresponding provision of prior law. Although firms may include nonlicensee owners, the
58 firm and its ownership shall comply with rules promulgated by the board;

59 (2) Any certified public accounting firm may include owners who are not licensees
60 provided that:

61 (a) The firm designates a licensee of this state, or in the case of a firm which must
62 have a permit under this section designates a licensee of another state who meets the
63 requirements of section 326.283, who is responsible for the proper registration of the firm and
64 identifies that individual to the board;

65 (b) All nonlicensee owners are active individual participants in the certified public
66 accounting firm or affiliated entities;

67 (c) All owners are of good moral character; and

68 (d) The firm complies with other requirements as the board may impose by rule;

69 (3) Any licensee who is responsible for supervising attest services, or signs or
70 authorizes someone to sign the licensee's report on the financial statements on behalf of the

71 firm, shall meet competency requirements as determined by the board by rule which shall
72 include one year of experience in addition to the experience required under subdivision (6) of
73 subsection 1 of section 326.280 and shall be verified by a licensee. The additional experience
74 required by this subsection shall include experience in attest work supervised by a licensee.

75 5. An applicant for initial issuance or renewal of a permit to practice shall register
76 each office of the firm within this state with the board and show that all attest and compilation
77 services rendered in this state are under the charge of a licensee.

78 6. No licensee or firm holding a permit under this chapter shall use a professional or
79 firm name or designation that is misleading as to:

80 (1) The legal form of the firm;

81 (2) The persons who are partners, officers, members, managers or shareholders of the
82 firm; or

83 (3) Any other matter.

84

85 The names of one or more former partners, members or shareholders may be included in the
86 name of a firm or its successor unless the firm becomes a sole proprietorship because of the
87 death or withdrawal of all other partners, officers, members or shareholders. A firm may use
88 a fictitious name if the fictitious name is registered with the board and is not otherwise
89 misleading. The name of a firm shall not include the name or initials of an individual who is
90 not a present or a past partner, member or shareholder of the firm or its predecessor. The
91 name of the firm shall not include the name of an individual who is not a licensee.

92 7. Applicants for initial issuance or renewal of permits shall list in their application all
93 states in which they have applied for or hold permits as certified public accounting firms and
94 list any past denial, revocation, suspension or any discipline of a permit by any other state.
95 Each holder of or applicant for a permit under this section shall notify the board in writing
96 within thirty days after its occurrence of any change in the identities of partners, principals,
97 officers, shareholders, members or managers whose principal place of business is in this state;
98 any change in the number or location of offices within this state; any change in the identity of
99 the persons in charge of such offices; and any issuance, denial, revocation, suspension or any
100 discipline of a permit by any other state.

101 8. Firms which fall out of compliance with the provisions of this section due to
102 changes in firm ownership or personnel after receiving or renewing a permit shall take
103 corrective action to bring the firm back into compliance as quickly as possible. The board
104 may grant a reasonable period of time for a firm to take such corrective action. Failure to
105 bring the firm back into compliance within a reasonable period as defined by the board may
106 result in the suspension or revocation of the firm permit.

107 9. The board shall require by rule, as a condition to the renewal of permits, that firms
108 undergo, no more frequently than once every three years, peer reviews conducted in a manner
109 as the board shall specify. The review shall include a verification that individuals in the firm
110 who are responsible for supervising attest and compilation services or sign or authorize
111 someone to sign the accountant's report on the financial statements on behalf of the firm meet
112 the competency requirements set out in the professional standards for such services, provided
113 that any such rule:

114 (1) Shall include reasonable provision for compliance by a firm showing that it has
115 within the preceding three years undergone a peer review that is [~~a satisfactory equivalent~~]
116 **comparable** to peer review generally required under this subsection;

117 (2) May require, with respect to peer reviews, that peer reviews be subject to
118 oversight by an oversight body established or sanctioned by board rule, which shall
119 periodically report to the board on the effectiveness of the review program under its charge
120 and provide to the board a listing of firms that have participated in a peer review program that
121 is satisfactory to the board; and

122 (3) Shall require, with respect to peer reviews, that the peer review processes be
123 operated and documents maintained in a manner designed to preserve confidentiality, and that
124 the board or any third party other than the oversight body shall not have access to documents
125 furnished or generated in the course of the peer review of the firm except as provided in
126 subdivision (2) of this subsection.

127 10. The board may, by rule, charge a fee for oversight of peer reviews, provided that
128 the fee charged shall be [~~substantially equivalent~~] **comparable** to the cost of oversight.

129 11. Notwithstanding any other provision in this section, the board may obtain the
130 following information regarding peer review from any approved American Institute for
131 Certified Public Accountants peer review program:

132 (1) The firm's name and address;

133 (2) The firm's dates of enrollment in the program;

134 (3) The date of acceptance and the period covered by the firm's most recently
135 accepted peer review; and

136 (4) If applicable, whether the firm's enrollment in the program has been dropped or
137 terminated.

138 12. In connection with proceedings before the board or upon receipt of a complaint
139 involving the licensee performing peer reviews, the board shall not have access to any
140 documents furnished or generated in the course of the performance of the peer reviews except
141 for peer review reports, letters of comment and summary review memoranda. The documents
142 shall be furnished to the board only in a redacted manner that does not specifically identify
143 any firm or licensee being peer reviewed or any of their clients.

144 13. The peer review processes shall be operated and the documents generated thereby
145 be maintained in a manner designed to preserve their confidentiality. No third party, other
146 than the oversight body, the board, subject to the provisions of subsection 12 of this section,
147 or the organization performing peer review shall have access to documents furnished or
148 generated in the course of the review. All documents shall be privileged and closed records
149 for all purposes and all meetings at which the documents are discussed shall be considered
150 closed meetings under subdivision (1) of section 610.021. The proceedings, records and
151 workpapers of the board and any peer review subjected to the board process shall be
152 privileged and shall not be subject to discovery, subpoena or other means of legal process or
153 introduction into evidence at any civil action, arbitration, administrative proceeding or board
154 proceeding. No member of the board or person who is involved in the peer review process
155 shall be permitted or required to testify in any civil action, arbitration, administrative
156 proceeding or board proceeding as to any matters produced, presented, disclosed or discussed
157 during or in connection with the peer review process or as to any findings, recommendations,
158 evaluations, opinions or other actions of such committees or any of its members; provided,
159 however, that information, documents or records that are publicly available shall not be
160 subject to discovery or use in any civil action, arbitration, administrative proceeding or board
161 proceeding merely because they were presented or considered in connection with the peer
162 review process.

 326.292. 1. Only licensees may issue a report on financial statements of any person,
2 firm, organization or governmental unit or offer to render or render any attest service. Such
3 restriction shall not prohibit any act of a public official or public employee in the performance
4 of the person's duties as such; nor prohibit the performance by any nonlicensee of other
5 services involving the use of accounting skills, including the preparation of tax returns,
6 management advisory services and the preparation of nonattest financial statements.
7 Nonlicensees may prepare financial statements and issue nonattest transmittals or
8 information thereon which do not purport to be in compliance with the Statements on
9 Standards for Accounting and Review Services (SSARS).

10 2. Only certified public accountants shall use or assume the title certified public
11 accountant, or the abbreviation CPA or any other title, designation, words, letters,
12 abbreviation, sign, card or device tending to indicate that such person is a certified public
13 accountant. Nothing in this section shall prohibit:

14 (1) A certified public accountant whose certificate was in full force and effect, issued
15 pursuant to the laws of this state prior to August 28, 2001, and who does not engage in the
16 practice of public accounting, auditing, bookkeeping or any similar occupation, from using
17 the title certified public accountant or abbreviation CPA;

18 (2) A person who holds a certificate, then in force and effect, issued pursuant to the
19 laws of this state prior to August 28, 2001, and who is regularly employed by or is a director
20 or officer of a corporation, partnership, association or business trust, in his or her capacity as
21 such, from signing, delivering or issuing any financial, accounting or related statement, or
22 report thereon relating to such corporation, partnership, association or business trust provided
23 the capacity is so designated, and provided in the signature line the title CPA or certified
24 public accountant is not designated.

25 3. No firm shall provide attest or compilation services or assume or use the title
26 certified public accountants or the abbreviation CPAs, or any other title, designation, words,
27 letters, abbreviation, sign, card or device tending to indicate that such firm is a certified public
28 accounting firm unless:

29 (1) The firm holds a valid permit [~~issued under section 326.289~~] or is a firm exempt
30 from the permit requirement under [~~subdivisions (2) and (3) of subsection 1 of~~] section
31 326.289 and complies with all other applicable provisions of that section; and

32 (2) Ownership of the firm is in accord with section 326.289 and rules promulgated by
33 the board.

34 4. Only persons holding a valid license or permit issued under section 326.280 or
35 326.289, or persons qualifying for the privilege to practice under section 326.283, and firms
36 exempt from the permit requirement under subsection 1 of section 326.289, shall assume or
37 use the title certified accountant, chartered accountant, enrolled accountant, licensed
38 accountant, registered accountant, accredited accountant or any other title or designation
39 likely to be confused with the titles certified public accountant or public accountant, or use
40 any of the abbreviations CA, LA, RA, AA or similar abbreviation likely to be confused with
41 the abbreviation CPA or PA. The title enrolled agent or EA shall only be used by individuals
42 so designated by the Internal Revenue Service. Nothing in this section shall prohibit the use
43 or issuance of a title for nonattest services provided that the organization and the title issued
44 by the organization existed prior to August 28, 2001.

45 5. (1) Nonlicensees shall not use language in any statement relating to the financial
46 affairs of a person or entity that is conventionally used by certified public accountants in
47 reports on financial statements. Nonlicensees may use the following safe harbor language:

48 (a) For compilations:

49 "I (We) have prepared the accompanying (financial statements) of (name of entity) as
50 of (time period) for the (period) then ended. This presentation is limited to preparing in the
51 form of a financial statement information that is the representation of management (owners).
52 I (We) have not audited or reviewed the accompanying financial statements and accordingly
53 do not express an opinion or any other form of assurance on them."

54 (b) For reviews:

55 "I (We) reviewed the accompanying (financial statements) of (name of entity) as of
56 (time period) for the (period) then ended. These financial statements (information) are (is)
57 the responsibility of the company's management. I (We) have not audited the accompanying
58 financial statements and accordingly do not express an opinion or any other form of assurance
59 on them."

60 (2) Only persons or firms holding a valid license or permit issued under section
61 326.280 or 326.289 shall assume or use any title or designation that includes the words
62 accountant or accounting in connection with any other language, including the language of a
63 report, that implies that the person or firm holds a license or permit or has special competence
64 as an accountant or auditor; provided, however, that this subsection shall not prohibit any
65 officer, partner, principal, member, manager or employee of any firm or organization from
66 affixing such person's own signature to any statement in reference to the financial affairs of
67 the firm or organization with any wording designating the position, title or office that the
68 person holds therein nor prohibit any act of a public official or employee in the performance
69 of the person's duties as such. Nothing in this subsection shall prohibit the singular use of
70 "accountant" or "accounting" for nonattest purposes.

71 6. Licensees signing or authorizing someone to sign reports on financial statements
72 when performing attest or compilation services shall provide those services in accordance
73 with professional standards as determined by the board by rule.

74 7. No licensee or firm holding a permit under sections 326.280 to 326.289 shall use a
75 professional or firm name or designation that is misleading about the legal form of the firm,
76 or about the persons who are partners, principals, officers, members, managers or
77 shareholders of the firm, or about any other matter.

78 8. None of the foregoing provisions of this section shall apply to a person or firm
79 holding a certification, designation, degree or license granted in a foreign country entitling the
80 holder to engage in the practice of public accounting or its equivalent in the country whose
81 activities in this state are limited to the provision of professional services to persons or firms
82 who are residents of, governments of, or business entities of the country in which the person
83 holds the entitlement, who performs no attest or compilation services and who issues no
84 reports with respect to the financial statements of any other persons, firms or governmental
85 units in this state, and who does not use in this state any title or designation other than the one
86 under which the person practices in such country, followed by a translation of such title or
87 designation into the English language, if it is in a different language, and by the name of such
88 country.

89 9. No licensee shall perform attest or compilation services through any certified
90 public accounting firm that does not hold a valid permit issued under section 326.289.

91 10. Nothing herein shall prohibit a practicing attorney or firm of attorneys from
92 preparing or presenting records or documents customarily prepared by an attorney or firm of
93 attorneys in connection with the attorney's professional work in the practice of law.

94 11. Nothing herein shall prohibit any trustee, executor, administrator, referee or
95 commissioner from signing and certifying financial reports incident to his or her duties in that
96 capacity.

97 12. Nothing herein shall prohibit any director or officer of a corporation, partner or a
98 partnership, sole proprietor of a business enterprise, member of a joint venture, member of a
99 committee appointed by stockholders, creditors or courts, or an employee of any of the
100 foregoing, in his or her capacity as such, from signing, delivering or issuing any financial,
101 accounting or related statement, or report thereon, relating to the corporation, partnership,
102 business enterprise, joint venture or committee, provided the capacity is designated on the
103 statement or report.

104 13. (1) A licensee shall not for a commission recommend or refer to a client any
105 product or service, or for a commission recommend or refer any product or service to be
106 supplied by a client, or receive a commission, when the licensee also performs for that client:

107 (a) Attest services; or

108 (b) A compilation of a financial statement when the licensee expects, or reasonably
109 may expect, that a third party will use the financial statement and the licensee's compilation
110 report does not disclose a lack of independence; or

111 (c) An examination of prospective financial information.

112

113 Such prohibition applies during the period in which the licensee is engaged to perform any of
114 the services listed above and the period covered by any historical financial statements
115 involved in such listed services.

116 (2) A licensee who is not prohibited by this section from performing services for or
117 receiving a commission and who is paid or expects to be paid a commission shall disclose in
118 writing that fact to any person or entity to whom the licensee recommends or refers a product
119 or service to which the commission relates.

120 (3) Any licensee who accepts a referral fee for recommending or referring any service
121 of a licensee to any person or entity or who pays a referral fee to obtain a client shall disclose
122 in writing the acceptance or payment to the client.

123 14. (1) A licensee shall not:

124 (a) Perform for a contingent fee any professional services for, or receive a fee from, a
125 client for whom the licensee or the licensees's firm performs:

126 a. Attest services;

127 b. A compilation of a financial statement when the licensee expects, or reasonably
128 might expect, that a third party will use the financial statement and the licensee's compilation
129 report does not disclose a lack of independence; or

130 c. An examination of prospective financial information;

131 (b) Prepare an original tax return or claim for a tax refund for a contingent fee for any
132 client; or

133 (c) Prepare an amended tax return or claim for a tax refund for a contingent fee for
134 any client, unless permitted by board rule.

135 (2) The prohibition in subdivision (1) of this subsection applies during the period in
136 which the licensee is engaged to perform any of those services and the period covered by any
137 historical financial statements involved in any services.

138 (3) A contingent fee is a fee established for the performance of any service pursuant
139 to an arrangement in which no fee will be charged unless a specified finding or result is
140 attained, or in which the amount of the fee is otherwise dependent upon the finding or result
141 of the service. Solely for purposes of this section, fees are not regarded as being contingent if
142 fixed by courts or other public authorities, or, in tax matters, if determined based on the
143 results of judicial proceedings or the findings of governmental agencies. A licensee's fees
144 may vary depending, for example, on the complexity of services rendered.

145 15. Any person who violates any provision of subsections 1 to 5 of this section shall
146 be guilty of a class A misdemeanor. Whenever the board has reason to believe that any
147 person has violated this section it may certify the facts to the attorney general of this state or
148 bring other appropriate proceedings.

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

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

7 (2) "**Accredited degree program from a school of interior design**", a degree from
8 **any school or other institution which teaches interior design and whose curricula for the**
9 **degree in question have been, at the time in question, certified as accredited by the**
10 **Council for Interior Design Accreditation or an accreditation body recognized by the**
11 **United States Department of Education;**

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

16 ~~[(3)]~~ (4) "Accredited school of landscape architecture", any school or other institution
17 which teaches landscape architecture and whose curricula on the subjects in question are or
18 have been at the times in question certified as accredited by the Landscape Architecture
19 Accreditation Board of the American Society of Landscape Architects;

20 ~~[(4)]~~ (5) "Architect", any person authorized pursuant to the provisions of this chapter
21 to practice architecture in Missouri, as the practice of architecture is defined in section
22 327.091;

23 ~~[(5)]~~ (6) "Board", the Missouri board for architects, professional engineers,
24 professional land surveyors ~~[and]~~, professional landscape architects, **and licensed interior**
25 **designers**;

26 ~~[(6)]~~ (7) "Corporation", any general business corporation, professional corporation or
27 limited liability company;

28 ~~[(7)]~~ (8) "Design coordination", the review and coordination of technical submissions
29 prepared by others including, as appropriate and without limitation, architects, professional
30 engineers, professional land surveyors, professional landscape architects, **licensed interior**
31 **designers**, and other consultants;

32 ~~[(8)]~~ (9) "Design survey", a survey which includes all activities required to gather
33 information to support the sound conception, planning, design, construction, maintenance,
34 and operation of design projects, but excludes the surveying of real property for the
35 establishment of land boundaries, rights-of-way, easements, and the dependent or
36 independent surveys or resurveys of the public land survey system;

37 ~~[(9)]~~ (10) "Incidental practice", the performance of other professional services
38 licensed under this chapter that are related to a licensee's professional service, but are
39 secondary and substantially less in scope and magnitude when compared to the professional
40 services usually and normally performed by the licensee practicing in their licensed
41 profession. This incidental professional service shall be safely and competently performed by
42 the licensee without jeopardizing the health, safety, and welfare of the public. The licensee
43 shall be qualified by education, training, and experience as determined by the board and in
44 sections 327.091, 327.181, 327.272, ~~[and]~~ 327.600, **and 327.700** and applicable board rules
45 to perform such incidental professional service;

46 (11) **"Licensed interior designer", any person authorized pursuant to the**
47 **provisions of this chapter to practice as a licensed interior designer in Missouri, as the**
48 **practice of licensed interior design is defined in section 327.700;**

49 ~~[(10)]~~ (12) "Licensee", a person licensed to practice any profession regulated under
50 this chapter or a corporation authorized to practice any such profession;

51 ~~[(11)]~~ (13) "Partnership", any partnership or limited liability partnership;

52 ~~[(12)]~~ **(14)** "Person", any individual, corporation, firm, partnership, association or
53 other entity authorized to do business;

54 ~~[(13)]~~ **(15)** "Professional engineer", any person authorized pursuant to the provisions
55 of this chapter to practice as a professional engineer in Missouri, as the practice of
56 engineering is defined in section 327.181;

57 ~~[(14)]~~ **(16)** "Professional land surveyor", any person authorized pursuant to the
58 provisions of this chapter to practice as a professional land surveyor in Missouri as the
59 practice of land surveying is defined in section 327.272;

60 ~~[(15)]~~ **(17)** "Professional landscape architect", any person authorized pursuant to the
61 provisions of this chapter to practice as a professional landscape architect in Missouri as the
62 practice of **professional** landscape architecture is defined in section 327.600;

63 ~~[(16)]~~ **(18)** "Responsible charge", the independent direct control of a licensee's work
64 and personal supervision of such work pertaining to the practice of architecture, engineering,
65 land surveying, ~~[or]~~ landscape architecture, **or interior design.**

 327.031. 1. The "Missouri Board for Architects, Professional Engineers, Professional
2 Land Surveyors ~~[and]~~, Professional Landscape Architects, **and Licensed Interior Designers**"
3 is hereby established and shall consist of ~~[fifteen]~~ **seventeen** members: a chairperson, who
4 may be either an architect, a professional engineer, a professional land surveyor, ~~[or]~~ a
5 professional landscape architect, **or a licensed interior designer**; three architects, who shall
6 constitute the architectural division of the board; four professional engineers, who shall
7 constitute its professional engineering division; three professional land surveyors, who shall
8 constitute its professional land surveying division; three professional landscape architects,
9 who shall constitute its professional landscape architectural division; **two licensed interior**
10 **designers, who shall constitute its licensed interior design division**; and a voting public
11 member.

12 2. After receiving his or her commission and before entering upon the discharge of
13 his or her official duties, each member of the board shall take, subscribe to and file in the
14 office of the secretary of state the official oath required by the constitution.

15 3. The chairperson shall be the administrative and executive officer of the board, and
16 it shall be his or her duty to supervise and expedite the work of the board and its divisions,
17 and, at his or her election, when a tie exists between the divisions of the board, to break the tie
18 by recording his or her vote for or against the action upon which the divisions are in
19 disagreement. Each member of the architectural division shall have one vote when voting on
20 an action pending before the board; each member of the professional engineering division
21 shall have one vote when voting on an action pending before the board; each member of the
22 professional land surveying division shall have one vote when voting on an action pending
23 before the board; ~~[and]~~ each member of the professional landscape architectural division shall

24 have one vote when voting on an action pending before the board; **and each member of the**
25 **licensed interior design division shall have one vote when voting on an action pending**
26 **before the board.** Every motion or proposed action upon which the divisions of the board
27 are tied shall be deemed lost, and the chairperson shall so declare, unless the chairperson shall
28 elect to break the tie as provided in this section. [~~Eight~~] **Nine** voting members of the board,
29 including at least one member of each division, shall constitute a quorum, respectively, for the
30 transaction of board business.

31 4. Each division of the board shall, at its first meeting in each even-numbered year,
32 elect one of its members as division chairperson for a term of two years. Two voting
33 members of each division of the board shall constitute a quorum for the transaction of
34 division business. The chairpersons of the architectural division, professional engineering
35 division, professional land surveying division, [~~and~~] professional landscape architectural
36 division, **and licensed interior design division** so elected shall be vice chairpersons of the
37 board[~~, and~~]. When the chairperson of the board is an architect, the chairperson of the
38 architectural division shall be the ranking vice chairperson[~~, and~~]; when the chairperson of the
39 board is a professional engineer, the chairperson of the professional engineering division shall
40 be the ranking vice chairperson[~~, and~~]; when the chairperson of the board is a professional land
41 surveyor, the chairperson of the professional land surveying division shall be the ranking vice
42 chairperson[~~, and~~]; when the chairperson of the board is a professional landscape architect,
43 the chairperson of the professional landscape architectural division shall be the ranking vice
44 chairperson; **and when the chairperson of the board is a licensed interior designer, the**
45 **chairperson of the licensed interior design division shall be the ranking vice**
46 **chairperson.** The chairperson of each division shall be the administrative and executive
47 officer of his or her division, and it shall be his or her duty to supervise and expedite the work
48 of the division, and, in case of a tie vote on any matter, the chairperson shall, at his or her
49 election, break the tie by his or her vote. Every motion or question pending before the
50 division upon which a tie exists shall be deemed lost, and so declared by the chairperson of
51 the division, unless the chairperson shall elect to break such tie by his or her vote.

52 5. **(1)** Any person appointed to the board, except a public member, shall be a
53 currently licensed architect, licensed professional engineer, licensed professional land
54 surveyor [~~or~~], licensed professional landscape architect, **or licensed interior designer** in
55 Missouri, as the vacancy on the board may require, who has been a resident of Missouri for at
56 least five years, who has been engaged in active practice as an architect, professional
57 engineer, professional land surveyor [~~or~~], professional landscape architect, **or licensed**
58 **interior designer**, as the case may be, for at least ten consecutive years as a Missouri licensee
59 immediately preceding such person's appointment, and who is and has been a citizen of the
60 United States for at least five years immediately preceding such person's appointment.

61 **(2) (a)** Active service as a faculty member while holding the rank of assistant
62 professor or higher in an accredited school of engineering shall be regarded as active practice
63 of engineering, for the purposes of this chapter.

64 **(b)** Active service as a faculty member, after meeting the qualifications required by
65 section 327.314, while holding the rank of assistant professor or higher in an accredited
66 school of engineering and teaching land surveying courses shall be regarded as active practice
67 of land surveying for the purposes of this chapter.

68 **(c)** Active service as a faculty member while holding the rank of assistant professor or
69 higher in an accredited school of landscape architecture shall be regarded as active practice of
70 landscape architecture, for the purposes of this chapter.

71 **(d)** Active service as a faculty member while holding the rank of assistant professor
72 or higher in an accredited school of architecture shall be regarded as active practice of
73 architecture for the purposes of this chapter; provided, however, that no faculty member of an
74 accredited school of architecture shall be eligible for appointment to the board unless such
75 person has had at least three years' experience in the active practice of architecture other than
76 in teaching.

77 **(e) Active service as a faculty member while holding the rank of assistant**
78 **professor or higher in an accredited school of interior design shall be regarded as active**
79 **practice of licensed interior design for the purposes of this chapter, provided that no**
80 **faculty member of an accredited school of interior design shall be eligible for**
81 **appointment to the board unless such person has had at least three years of experience**
82 **in the active practice of licensed interior design other than in teaching.**

83 **(3)** The public member shall be, at the time of appointment, a citizen of the United
84 States; a resident of this state for a period of one year and a registered voter; a person who is
85 not and never was a member of any profession licensed or regulated pursuant to this chapter
86 or the spouse of such person; and a person who does not have and never has had a material,
87 financial interest in either the providing of the professional services regulated by this chapter,
88 or an activity or organization directly related to any profession licensed or regulated pursuant
89 to this chapter. All members, including public members, shall be chosen from lists submitted
90 by the director of the division of professional registration. The duties of the public member
91 shall not include the determination of the technical requirements to be met for licensure or
92 whether any person meets such technical requirements or of the technical competence or
93 technical judgment of a licensee or a candidate for licensure.

94 6. The governor shall appoint the chairperson and the other members of the board
95 when a vacancy occurs either by the expiration of a term or otherwise, and each board
96 member shall serve until such member's successor is appointed and has qualified. The
97 position of chairperson shall rotate sequentially with an architect, then professional engineer,

98 then professional land surveyor, **then licensed interior designer, and** then professional
99 landscape architect, and shall be a licensee who has previously served as a member of the
100 board. The appointment of the chairperson shall be for a term of four years which shall be
101 deemed to have begun on the date of his or her appointment and shall end upon the
102 appointment of the chairperson's successor. The chairperson shall not serve more than one
103 term. All other appointments, except to fill an unexpired term, shall be for terms of four
104 years; but no person shall serve on the board for more than two consecutive four-year terms,
105 and each four-year term shall be deemed to have begun on the date of the expiration of the
106 term of the board member who is being replaced or reappointed, as the case may be. Any
107 appointment to the board which is made when the senate is not in session shall be submitted
108 to the senate for its advice and consent at its next session following the date of the
109 appointment.

110 7. In the event that a vacancy is to occur on the board because of the expiration of a
111 term, then ninety days prior to the expiration, or as soon as feasible after a vacancy otherwise
112 occurs, the president of the American Institute of Architects/Missouri if the vacancy to be
113 filled requires the appointment of an architect, the president of the Missouri Society of
114 Professional Engineers if the vacancy to be filled requires the appointment of a professional
115 engineer, the president of the Missouri Society of Professional Surveyors if the vacancy to be
116 filled requires the appointment of a professional land surveyor, ~~and~~ the president of the
117 Missouri Association of Landscape Architects if the vacancy to be filled requires the
118 appointment of a professional landscape architect, **and the president or other chief**
119 **executive of any Missouri chapter of the International Interior Design Association if the**
120 **vacancy to be filled requires the appointment of a licensed interior designer**, shall submit
121 to the director of the division of professional registration a list of five architects ~~or~~, five
122 professional engineers, ~~or~~ five professional land surveyors, ~~or~~ five professional landscape
123 architects, **or five licensed interior designers**, as the case may require, qualified and willing
124 to fill the vacancy in question, with the recommendation that the governor appoint one of the
125 five persons so listed; and with the list of names so submitted, the president **or other chief**
126 **executive** of the appropriate organization shall include in a letter of transmittal a description
127 of the method by which the names were chosen. This subsection shall not apply to public
128 member vacancies.

129 8. The board may sue and be sued as the Missouri board for architects, professional
130 engineers, professional land surveyors ~~and~~, professional landscape architects, **and licensed**
131 **interior designers**, and its members need not be named as parties. Members of the board
132 shall not be personally liable either jointly or severally for any act or acts committed in the
133 performance of their official duties as board members, nor shall any board member be
134 personally liable for any court costs which accrue in any action by or against the board.

135 **9. Upon appointment by the governor and confirmation by the senate of the two**
136 **licensed interior designers to be first appointed to the interior design division of the**
137 **board, the interior design council shall be abolished and all of its powers, duties, and**
138 **responsibilities shall be transferred and imposed upon the board pursuant to this**
139 **section. Every act performed by or under the authority of the board shall be deemed to**
140 **have the same force and effect as if performed by the interior design council pursuant to**
141 **the authority granted to the interior design council prior to August 28, 2026. All rules of**
142 **the interior design council shall continue in effect and shall be deemed to be duly**
143 **adopted by the board until such rules are revised, amended, or repealed by the board as**
144 **provided by law, of which such action shall be taken by the board on or before January**
145 **1, 2027.**

 327.041. 1. The board shall have the duty and the power to carry out the purposes
2 and to enforce and administer the provisions of this chapter, to require, by summons or
3 subpoena, with the vote of two-thirds of the voting board members, the attendance and
4 testimony of witnesses, and the production of drawings, plans, plats, specifications, books,
5 papers or any document representing any matter under hearing or investigation, pertaining to
6 the issuance, probation, suspension or revocation of certificates of registration or certificates
7 of authority provided for in this chapter, or pertaining to the unlawful practice of architecture,
8 professional engineering, professional land surveying [~~and~~], professional landscape
9 architecture, **or licensed interior design.**

10 2. The board shall, within the scope and purview of the provisions of this chapter,
11 prescribe the duties of its officers and employees and adopt, publish and enforce the rules and
12 regulations of professional conduct which shall establish and maintain appropriate standards
13 of competence and integrity in the professions of architecture, professional engineering,
14 professional land surveying [~~and~~], professional landscape architecture, **and licensed interior**
15 **design**, and adopt, publish and enforce procedural rules and regulations as may be considered
16 by the board to be necessary or proper for the conduct of the board's business and the
17 management of its affairs, and for the effective administration and interpretation of the
18 provisions of this chapter. Any rule or portion of a rule, as that term is defined in section
19 536.010, that is created under the authority delegated in this chapter shall become effective
20 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
21 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
22 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date
23 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
24 rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid
25 and void.

26 3. Rules promulgated by the board pursuant to sections 327.272 to 327.635 shall be
27 consistent with and shall not supersede the rules promulgated by the department of natural
28 resources pursuant to chapter 60.

 327.081. 1. All funds received pursuant to the provisions of this chapter shall be
2 deposited in the state treasury to the credit of the "State Board for Architects, Professional
3 Engineers, Professional Land Surveyors ~~and~~, Professional Landscape Architects, **and**
4 **Licensed Interior Designers Fund**" which is hereby established. All expenditures authorized
5 by this chapter shall be paid from funds appropriated to the board by the general assembly
6 from this fund.

7 2. The provisions of section 33.080 to the contrary notwithstanding, money in this
8 fund shall not be transferred and placed to the credit of general revenue until the amount in
9 the fund at the end of the biennium exceeds two times the amount of the appropriation from
10 the board's funds for the preceding fiscal year or, if the board requires by rule permit renewal
11 less frequently than yearly, then three times the appropriation from the board's funds for the
12 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the
13 fund which exceeds the appropriate multiple of the appropriations from the board's funds for
14 the preceding fiscal year.

15 **3. Upon appointment by the governor and confirmation by the senate of the two**
16 **licensed interior designers to be first appointed to the interior design division of the**
17 **board, all moneys in the interior designer council fund shall be transferred to the state**
18 **board for architects, professional engineers, professional land surveyors, professional**
19 **landscape architects, and licensed interior designers fund. The interior designer council**
20 **fund shall be abolished upon the transfer of all moneys in the fund to the state board for**
21 **architects, professional engineers, professional land surveyors, professional landscape**
22 **architects, and licensed interior designers fund.**

 327.381. The board may license, in its discretion, any architect, professional engineer,
2 professional land surveyor, or professional landscape architect **who is licensed, or any**
3 **interior designer who is licensed, certified, or registered**, in another state or territory of the
4 United States, province of Canada, or in another country, when such applicant has
5 qualifications which are at least equivalent to the requirements for licensure as an architect,
6 professional engineer, professional land surveyor, ~~or~~ professional landscape architect, **or**
7 **licensed interior designer** in this state, and provided further that the board may establish by
8 rule the conditions under which it shall require any such applicant to take any examination it
9 considers necessary, and provided further that any such application is accompanied by the
10 required fee.

 327.411. 1. Each architect and each professional engineer and each professional land
2 surveyor and each professional landscape architect **and each licensed interior designer** shall

3 have a personal seal in a form prescribed by the board, and he or she shall affix the seal to all
4 final technical submissions. Technical submissions shall include, but are not limited to,
5 drawings, specifications, plats, surveys, exhibits, reports, and certifications of construction
6 prepared by the licensee, or under such licensee's immediate personal supervision. Such
7 licensee shall either prepare or personally supervise the preparation of all documents sealed
8 by the licensee, and such licensee shall be held personally responsible for the contents of all
9 such documents sealed by such licensee, whether prepared or drafted by another licensee or
10 not.

11 2. The personal seal of an architect or professional engineer or professional land
12 surveyor or professional landscape architect **or licensed interior designer** shall be the legal
13 equivalent of the licensee's signature whenever and wherever used, and the owner of the seal
14 shall be responsible for the architectural, engineering, land surveying, ~~or~~ landscape
15 architectural, **or interior design** documents, as the case may be, when the licensee places his
16 or her personal seal on such technical submissions to be used in connection with, any
17 architectural or engineering project, survey, ~~or~~ landscape architectural project, **or interior**
18 **alteration or construction project, as such term is defined in section 327.700.** Licensees
19 shall undertake to perform architectural, professional engineering, professional land
20 surveying ~~and~~, professional landscape architectural, **and licensed interior design**
21 services only when they are qualified by education, training, and experience in the specific
22 technical areas involved.

23 3. Notwithstanding any provision of this section, any architect, professional engineer,
24 professional land surveyor, ~~or~~ professional landscape architect, **or licensed interior**
25 **designer** may, but is not required to, attach a statement over his or her signature,
26 authenticated by his or her personal seal, specifying the particular technical submissions, or
27 portions thereof, intended to be authenticated by the seal, and disclaiming any responsibility
28 for all other technical submissions relating to or intended to be used for any part or parts of
29 the architectural or engineering project ~~or~~, survey ~~or~~, landscape architectural project, **or**
30 **interior alteration or construction project, as such term is defined in section 327.700.**

31 4. Nothing in this section, or any rule or regulation of the board shall require any
32 professional to seal preliminary or incomplete documents.

327.441. 1. The board may refuse to issue any license or certificate of authority
2 required pursuant to this chapter for one or any combination of causes stated in subsection 2
3 of this section. The board shall notify the applicant in writing of the reasons for the refusal
4 and shall advise the applicant of the applicant's right to file a complaint with the
5 administrative hearing commission as provided by chapter 621.

6 2. The board may cause a complaint to be filed with the administrative hearing
7 commission as provided by chapter 621 against any holder of any license or certificate of

8 authority required by this chapter or any person who has failed to renew or has surrendered
9 such person's license or certificate of authority, for any one or any combination of the
10 following causes:

11 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage
12 to an extent that such use impairs a person's ability to perform the work of any profession
13 licensed or regulated by this chapter;

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

19 (3) Use of fraud, deception, misrepresentation or bribery in securing any license or
20 certificate of authority issued pursuant to this chapter or in obtaining permission to take any
21 examination given or required pursuant to this chapter;

22 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation
23 by fraud, deception or misrepresentation;

24 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or
25 dishonesty in the performance of the functions or duties of any profession licensed or
26 regulated by this chapter;

27 (6) Violation of, or assisting or enabling any person to violate, any provision of this
28 chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

29 (7) Impersonation of any person holding a license or certificate of authority, or
30 allowing any person to use his or her license or certificate of authority, or diploma from any
31 school;

32 (8) Disciplinary action against the holder of a license or a certificate of authority, or
33 other right to practice any profession regulated by this chapter granted by another state,
34 territory, federal agency or country upon grounds for which revocation or suspension is
35 authorized in this state;

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

38 (10) Assisting or enabling any person to practice or offer to practice any profession
39 licensed or regulated by this chapter who is not licensed and currently eligible to practice
40 pursuant to this chapter. **The provisions of this subdivision shall not apply to prohibit**
41 **assisting or enabling any person who is not licensed under this chapter to perform or**
42 **offer to perform services within the practice of licensed interior design;**

43 (11) Issuance of a professional license or a certificate of authority based upon a
44 material mistake of fact;

45 (12) Failure to display a valid license or certificate of authority if so required by this
46 chapter or any rule promulgated pursuant to this chapter;

47 (13) Violation of any professional trust or confidence;

48 (14) Use of any advertisement or solicitation which is false, misleading or deceptive
49 to the general public or persons to whom the advertisement or solicitation is primarily
50 directed.

51 3. After the filing of such complaint, the proceedings shall be conducted in
52 accordance with the provisions of chapter 621. Upon a finding by the administrative hearing
53 commission that the grounds, provided in subsection 2 of this section, for disciplinary action
54 are met, the board may, singly or in combination, censure or place the person named in the
55 complaint on probation on such terms and conditions as the board deems appropriate for a
56 period not to exceed five years, or may suspend, for a period not to exceed three years, or
57 order a civil penalty under section 327.077, or revoke the license or certificate of authority of
58 the person named in the complaint.

327.442. 1. At such time as the final trial proceedings are concluded whereby a
2 licensee, or any person who has failed to renew or has surrendered his or her certificate of
3 licensure or authority, has been **finally** adjudicated and found guilty, or has entered a plea of
4 guilty or nolo contendere, in a [~~felony~~] **criminal** prosecution pursuant to the laws of [~~this~~]
5 **any** state, [~~the laws of any other state, territory, or the laws~~] of the United States [~~of America~~],
6 **or of any country** for any offense [~~reasonably~~] **directly** related to the [~~qualifications,~~
7 ~~functions, or~~] duties [~~of a licensee pursuant to this chapter or any felony offense, an essential~~
8 ~~element of which is fraud, dishonesty, or an act of violence, or for any felony offense~~
9 ~~involving moral turpitude,~~] **and responsibilities of the occupation, as set forth in section**
10 **324.012, regardless of** whether or not sentence is imposed, the board for architects,
11 professional engineers, professional land surveyors [~~and~~], professional landscape architects,
12 **and licensed interior designers** may hold a disciplinary hearing to singly or in combination
13 censure or place the licensee named in the complaint on probation on such terms and
14 conditions as the board deems appropriate for a period not to exceed five years, or may
15 suspend, for a period not to exceed three years, or revoke the license or certificate.

16 2. Anyone who has been revoked or denied a license or certificate to practice in
17 another state may automatically be denied a license or certificate to practice in this state.
18 However, the board for architects, professional engineers, professional land surveyors [~~and~~],
19 professional landscape architects, **and licensed interior designers** may establish other
20 qualifications by which a person may ultimately be qualified and licensed to practice in
21 Missouri.

327.451. 1. Any person who believes that an architect or a professional engineer or a
2 professional land surveyor or a professional landscape architect **or a licensed interior**

3 **designer** has acted or failed to act so that his or her license or certificate of authority should,
4 pursuant to the provisions of this chapter, be suspended or revoked, or who believes that any
5 applicant for a license or certificate of authority pursuant to the provisions of this chapter is
6 not entitled to a license or a certificate of authority, may file a written affidavit with the
7 executive director of the board which the affiant shall sign and swear to and in which the
8 affiant shall clearly set forth the reasons for the affiant's charge or charges that the license or
9 certificate **of authority** of an architect or professional engineer or professional land surveyor
10 or professional landscape architect **or licensed interior designer** should be suspended or
11 revoked or not renewed or that a license or certificate **of authority** should not be issued to an
12 applicant.

13 2. If the affidavit so filed does not contain statements of fact which if true would
14 authorize, pursuant to the provisions of this chapter, suspension or revocation of the accused's
15 license or certificate **of authority**, or does not contain statements of fact which if true would
16 authorize, pursuant to the provisions of this chapter, the refusal of the renewal of an existing
17 license or certificate **of authority** or the refusal of a license or certificate **of authority** to an
18 applicant, the board shall either dismiss the charge or charges or, within its discretion, cause
19 an investigation to be made of the charges contained in the affidavit, after which investigation
20 the board shall either dismiss the charge or charges or proceed against the accused by written
21 complaint as provided in subsection 3 of this section.

22 3. If the affidavit contains statements of fact which if true would authorize pursuant to
23 the provisions of this chapter the revocation or suspension of an accused's license or
24 certificate **of authority**, the board shall cause an investigation to be made of the charge or
25 charges contained in the affidavit and unless the investigation discloses the falsity of the facts
26 upon which the charge or charges in the affidavit are based, the board shall file with and in the
27 administrative hearing commission a written complaint against the accused setting forth the
28 cause or causes for which the accused's license or certificate of authority should be suspended
29 or revoked. Thereafter, the board shall be governed by and shall proceed in accordance with
30 the provisions of chapter 621.

31 4. If the charges contained in the affidavit filed with the board would constitute a
32 cause or causes for which pursuant to the provisions of this chapter an accused's license or
33 certificate of authority should not be renewed or a cause or causes for which pursuant to the
34 provisions of this chapter a certificate should not be issued, the board shall cause an
35 investigation to be made of the charge or charges and unless the investigation discloses the
36 falsity of the facts upon which the charge or charges contained in the affidavit are based, the
37 board shall refuse to permit an applicant to be examined upon the applicant's qualifications
38 for licensure or shall refuse to issue or renew a license or certificate of authority, as the case
39 may require.

40 5. The provisions of this section shall not be so construed as to prevent the board on
 41 its own initiative from instituting and conducting investigations and based thereon to make
 42 written complaints in and to the administrative hearing commission.

43 6. If for any reason the provisions of chapter 621 become inapplicable to the board,
 44 then, and in that event, the board shall proceed to charge, adjudicate and otherwise act in
 45 accordance with the provisions of chapter 536.

~~[324.400.]~~ **327.700.** As used in sections ~~[324.400 to 324.439]~~ **327.700 to 327.750**, the
 2 following terms mean:

3 (1) ~~["Council", the interior design council created in section 324.406;~~

4 (2) ~~"Division", the division of professional registration;~~

5 (3) ~~"Registered interior designer", a design professional who provides services
 6 including preparation of documents and specifications relative to nonload-bearing interior
 7 construction, furniture, finishes, fixtures and equipment and who meets the criteria of
 8 education, experience and examination as provided in sections 324.400 to 324.439]~~

9 **"Building equipment", any mechanical, plumbing, electrical, or structural components,
 10 including a conveyance, designed for or located in a building or structure;**

11 (2) **"Conveyance", an elevator, dumbwaiter, vertical reciprocating conveyor,
 12 escalator, or other motorized vertical transportation system;**

13 (3) **"Interior alteration or construction project", a project, including
 14 construction, modification, renovation, rehabilitation, or historic preservation, for an
 15 interior space or area within a proposed or existing building or structure that involves
 16 changing or altering:**

17 (a) **The design function or layout of a room; or**

18 (b) **The state of permanent fixtures or equipment;**

19 (4) **"Interior nonstructural element", an interior design element that does not
 20 require structural bracing and that is not load-bearing according to any applicable
 21 building codes;**

22 (5) **"Interior technical submission", the designs, drawings, and specifications
 23 that establish the scope of the interior alteration or construction project, the standard of
 24 quality for any materials, workmanship, equipment, and construction systems of an
 25 interior alteration or construction project, and the studies and other technical reports
 26 and calculations prepared in the course of the practice of licensed interior design;**

27 (6) **"Practice of licensed interior design", the design of interior spaces as a part
 28 of an interior alteration or construction project in conformity with public health, safety,
 29 and welfare requirements, including the preparation of documents relating to building
 30 code descriptions, project egress plans that require no increase in the capacity of exits in
 31 the space affected, space planning, and finish materials, and the preparation of**

32 documents and interior technical submissions relating to an interior alteration or
33 construction project. The term "practice of licensed interior design":

34 (a) Shall include:

35 a. The programming, planning, pre-design analysis, and conceptual design of
36 any interior nonstructural elements including, but not limited to, the selection of
37 materials, except for building equipment;

38 b. The alteration or construction of any interior nonstructural elements and any
39 interior technical submissions related to such alteration or construction;

40 c. The preparation of a physical plan of space within a proposed or existing
41 building or structure, including:

42 (i) Determinations of circulation systems or patterns;

43 (ii) Determinations of the location of exit requirements based on occupancy
44 loads; and

45 (iii) Assessments and analyses of any interior safety factors to comply with
46 applicable building codes related to interior nonstructural elements;

47 d. The application of all federal, state, and local building codes and accessibility
48 standards, as applicable to interior technical submissions for interior nonstructural
49 elements;

50 e. The rendering of designs, plans, drawings, specifications, contract documents,
51 or other interior technical submissions; and

52 f. The administration of the construction of interior nonstructural elements and
53 contracts relating to interior nonstructural elements in the interior alteration or
54 construction of a proposed or existing building or structure; and

55 (b) Shall not include:

56 a. Services or work that constitute the practice of architecture, as provided in
57 section 327.091, except as otherwise provided for in this chapter;

58 b. Services or work that constitute the practice of professional engineering, as
59 provided in section 327.181;

60 c. Services or work that constitute the practice of professional land surveying, as
61 provided in section 327.272;

62 d. Services or work that constitute the practice of professional landscape
63 architecture, as defined in section 327.600;

64 e. Altering or affecting the structural system and seismic system of a building,
65 including changing the building's live or dead load on the structural system;

66 f. Changes to the building envelope, including exterior walls, exterior wall
67 coverings, exterior wall openings, exterior windows or doors, architectural trim,
68 balconies and similar projections, bay or oriel windows, roof assemblies and rooftop

69 structures, and glass and glazing for exterior use in both vertical, horizontal, and sloped
70 applications in buildings and structures;

71 g. Altering or affecting the mechanical, plumbing, heating, air conditioning,
72 ventilation, electrical, vertical transportation, fire sprinkler, or fire alarm systems, and
73 any building elements, spaces, or areas that are for the purpose of containing such
74 systems;

75 h. Changes beyond the exit access component of a means of egress system;

76 i. Construction that materially affects any life safety systems pertaining to fire
77 safety or fire protection of structural elements, smoke evacuation and
78 compartmentalization systems, or fire-rated vertical shafts in multi-story structures;

79 j. Changes to the existing use group for an occupancy;

80 k. Changes to the construction classification of the building or structure
81 according to any applicable building codes;

82 l. Creating or modifying any atriums, floor openings, community spaces, or
83 vertical openings; or

84 m. Any person who renders services within the practice of licensed interior
85 design in connection with the construction, remodeling, or repairing of any privately
86 owned building described in item (i), (ii), or (iii) of this subparagraph, and who indicates
87 on any drawings, specifications, estimates, reports, or other documents furnished in
88 connection with the services within the practice of licensed interior design that the
89 person is not a licensed interior designer:

90 (i) A dwelling house;

91 (ii) A multiple family dwelling house, flat, or apartment containing not more
92 than two families; or

93 (iii) Any one building or structure, except for those buildings or structures used
94 exclusively for agricultural purposes, which provides for the employment, assembly,
95 housing, sleeping, or eating of not more than nine persons, contains less than two
96 thousand square feet, and is not part of another building or structure;

97 (7) "Professional design firm", a partnership, limited partnership, or limited
98 liability partnership consisting of partners licensed to practice the professions regulated
99 by this chapter for the purposes of providing services or work constituting the practice
100 of licensed interior design along with the practice of architecture, as provided in section
101 327.091, the practice of professional engineering, as provided in section 327.181, the
102 practice of professional land surveying, as provided in section 327.272, or the practice of
103 professional landscape architecture, as defined in section 327.600, or a general business
104 corporation, professional corporation, or limited liability company with a certificate of

105 **authority issued pursuant to this chapter that provides services or work constituting the**
106 **practice of licensed interior design.**

~~[324.402.]~~ **327.705.** The state or any county, municipality, or other political
2 subdivision shall not require the use of a ~~[registered]~~ **licensed** interior designer for any
3 residential building, residential remodeling, residential rehabilitation, or residential
4 construction purposes.

~~[324.403.]~~ **327.710.** **1.** No person may use the name or title, ~~[registered]~~ **licensed**
2 interior designer, in this state unless that person is ~~[registered]~~ **licensed** as required by
3 sections ~~[324.400 to 324.439]~~ **327.700 to 327.750.**

4 **2.** A licensed interior designer shall undertake to perform services within the
5 **practice of licensed interior design only when he or she is qualified by education,**
6 **training, and experience in the specific technical areas involved.**

7 **3.** Licensed interior designers shall be in responsible charge of interior design
8 technical submissions that can affect the health, safety, and welfare of the public within
9 their scope of practice. Licensed interior designers shall not take responsible charge
10 over interior technical submissions prepared by another person unless the licensed
11 interior designer reviewing such interior technical submissions actually exercises
12 personal supervision and direct control over the interior technical submissions. Nothing
13 in ~~[sections 324.400 to 324.439]~~ **this chapter** shall be construed as limiting or preventing the
14 practice of a person's **interior design** profession or restricting a person from providing
15 ~~[interior design]~~ services **within the practice of licensed interior design**, provided such
16 person does not indicate to the public that such person is ~~[registered]~~ **licensed** as an interior
17 designer pursuant to the provisions of sections ~~[324.400 to 324.439]~~ **327.700 to 327.750.**

18 **4.** **Nothing in this chapter shall be construed as in any way precluding an**
19 **architect from performing any of the services included within the practice of licensed**
20 **interior design.**

~~[324.409.]~~ **327.720.** **1.** To be a ~~[registered]~~ **licensed** interior designer, a person:

2 (1) Shall take and pass or have passed the examination administered by the ~~[National]~~
3 Council for Interior Design Qualification or an equivalent examination approved by the
4 ~~[division]~~ **board**. In addition to proof of passage of the examination, the application shall
5 provide substantial evidence to the ~~[division]~~ **board** that the applicant:

6 (a) Is a graduate of a five-year or four-year **accredited degree program from a**
7 **school of interior design** ~~[program from an accredited institution]~~ and has completed at least
8 two years of diversified and appropriate interior design experience; or

9 (b) ~~[Has completed at least three years of an interior design curriculum from an~~
10 ~~accredited institution and has completed at least three years of diversified and appropriate~~
11 ~~interior design experience; or~~

12 ~~(e)~~ Is a graduate of a two-year **accredited degree program from a school of** interior
13 design ~~[program from an accredited institution]~~ and has completed at least four years of
14 diversified and appropriate interior design experience; or

15 (2) May qualify who is currently ~~[registered]~~ **licensed** pursuant to sections 327.091 to
16 327.171, and section 327.401 pertaining to the practice of architecture ~~[and registered with~~
17 ~~the division. Such applicant shall give authorization to the division in order to verify current~~
18 ~~registration with sections 327.091 to 327.171 and section 327.401 pertaining to the practice of~~
19 ~~architecture]~~.

20 2. **An applicant whose curriculum or transcript has been approved by the board**
21 **shall be exempt from the requirement to provide substantial evidence that the applicant**
22 **meets the requirements of paragraph (a) or (b) of subdivision (1) of subsection 1 of this**
23 **section.**

24 3. The ~~[division]~~ **board** shall verify if an applicant has complied with the provisions
25 of this section and has paid the required fees, then the ~~[division]~~ **board** shall recommend such
26 applicant be ~~[registered]~~ **licensed** as a ~~[registered]~~ **licensed** interior designer by the ~~[division]~~
27 **board.**

~~[324.415.]~~ **327.725.** Applications for ~~[registration]~~ **licensure** as a ~~[registered]~~
2 **licensed** interior designer shall be typewritten on forms prescribed by the ~~[division]~~ **board**
3 and furnished to the applicant. The application shall contain the applicant's statements
4 showing the applicant's education, experience, results of previous interior design certification,
5 registration, or licensing examinations, if any, and such other pertinent information as the
6 ~~[division]~~ **board** may require, or architect's **license or** registration number and such other
7 pertinent information as the ~~[division]~~ **board** may require. Each application shall contain a
8 statement that is made under oath or affirmation and that the representations are true and
9 correct to the best knowledge and belief of the person signing the application. The person
10 shall be subject to the penalties for making a false affidavit or declaration and shall be
11 accompanied by the required fee.

~~[324.418.]~~ **327.730.** 1. The ~~[certificate of registration]~~ **license** issued biennially to a
2 ~~[registered]~~ **licensed** interior designer pursuant to sections ~~[324.400 to 324.439]~~ **327.700 to**
3 **327.750** shall be renewed on or before the ~~[certificate]~~ **license** renewal date accompanied by
4 the required fee. The ~~[certificate of registration]~~ **license** of a ~~[registered]~~ **licensed** interior
5 designer which is not renewed within three months after the ~~[certificate]~~ **license** renewal date
6 shall be suspended automatically, subject to the right of the holder to have the suspended
7 ~~[certificate of registration]~~ **license** reinstated within nine months of the date of suspension if
8 the person pays the required reinstatement fee. Any ~~[certificate of registration]~~ **license**
9 suspended and not reinstated within nine months of the suspension date shall expire and be
10 void and the holder of such ~~[certificate]~~ **license** shall have no rights or privileges provided to

11 holders of valid ~~[certificates]~~ **licenses**. Any person whose ~~[certificate of registration]~~ **license**
 12 has expired may, upon demonstration of current qualifications and payment of required fees,
 13 be ~~[reregistered]~~ **relicensed** or reauthorized under the person's original ~~[certificate of~~
 14 ~~registration]~~ **license** number.

15 2. Each application for the renewal or reinstatement of a ~~[registration]~~ **license** shall be
 16 on a form furnished to the applicant and shall be accompanied by the required fees ~~[and proof~~
 17 ~~of current completion of at least one unit every two years of approved or verifiable continuing~~
 18 ~~education in interior design or architecture, immediately prior to such renewal or~~
 19 ~~reinstatement. Ten contact hours constitutes one continuing education unit. Five contact~~
 20 ~~hours of teaching in interior design or architecture constitutes one continuing education unit.~~
 21 ~~One college course credit in interior design or architecture constitutes one continuing~~
 22 ~~education unit].~~

23 **3. The board shall establish, by rule, continuing education requirements as a**
 24 **condition to renewing or reinstating the license of an interior designer that are**
 25 **substantially equivalent to the continuing education requirements for architects.**

~~[324.427.]~~ **327.735.** It is unlawful for any person to advertise or indicate to the public
 2 that the person is a ~~[registered]~~ **licensed** interior designer in this state, unless such person is
 3 ~~[registered]~~ **licensed** as a ~~[registered]~~ **licensed** interior designer by the ~~[division]~~ **board** and is
 4 in good standing pursuant to sections ~~[324.400 to 324.439]~~ **327.700 to 327.750**.

~~[324.430.]~~ **327.740.** No person may use the designation ~~[registered]~~ **licensed** interior
 2 designer in Missouri, unless the ~~[division]~~ **board** has issued a current ~~[certificate of~~
 3 ~~registration]~~ **license** certifying that the person has been duly ~~[registered]~~ **licensed** as a
 4 ~~[registered]~~ **licensed** interior designer in Missouri and unless such ~~[registration]~~ **license** has
 5 been renewed or reinstated as provided in section ~~[324.418]~~ **327.730**.

~~[324.433.]~~ **327.745.** The right to use the title of ~~[registered]~~ **licensed** interior designer
 2 shall be deemed a personal right, based upon the qualifications of the individual, evidenced
 3 by the person's current ~~[certificate of registration]~~ **license** and such ~~[certificate]~~ **license** is not
 4 transferable; except that, a ~~[registered]~~ **licensed** interior designer may perform the ~~[interior~~
 5 ~~designer's profession]~~ **practice of licensed interior design** through, or as a member of, or as
 6 an employee of, a partnership or corporation.

~~[324.439.]~~ **327.750.** ~~[After twenty four months after August 28, 1998,]~~ Any person
 2 who violates any provision of sections ~~[324.400 to 324.439]~~ **327.700 to 327.750** shall be
 3 guilty of a class A misdemeanor.

331.084. 1. The board may apply to the administrative hearing commission for
 2 **an emergency suspension or restriction of a license issued under this chapter if:**

3 **(1) The holder of the license is the subject of a pending criminal indictment,**
4 **criminal information, or other criminal charge related to the duties and responsibilities**
5 **of the licensed occupation; and**

6 **(2) There is reasonable cause for the board to believe that the public health,**
7 **safety, or welfare is at imminent risk of harm from the holder of the license.**

8 **2. The board shall submit to the administrative hearing commission supporting**
9 **affidavits and certified court records, together with a complaint alleging the facts in**
10 **support of the board's request for an emergency suspension or restriction of a license,**
11 **and shall supply the administrative hearing commission with the last home or business**
12 **addresses on file with the board for the licensee. Within one business day of the filing of**
13 **the complaint, the administrative hearing commission shall return a service packet to**
14 **the board. The service packet shall include the board's complaint and any affidavits or**
15 **records the board intends to rely on that have been filed with the administrative hearing**
16 **commission. The service packet may contain other information in the discretion of the**
17 **administrative hearing commission. Within twenty-four hours of receiving the packet,**
18 **the board shall either personally serve the licensee the service packet or leave a copy of**
19 **the service packet at all of the licensee's current addresses on file with the board.**

20 **3. Within five days of the board's filing of the complaint, the administrative**
21 **hearing commission shall review the information submitted by the board and shall issue**
22 **its findings of fact and conclusions of law. If the administrative hearing commission**
23 **finds that there is reasonable cause for the board to believe that the public health, safety,**
24 **or welfare is at imminent risk of harm from the holder of the license, the administrative**
25 **hearing commission shall enter the order requested by the board. The order shall be**
26 **effective upon personal service or by leaving a copy at all of the licensee's current**
27 **addresses on file with the board.**

28 **4. (1) The administrative hearing commission shall hold an evidentiary hearing**
29 **on the record within forty-five days of the board's filing of the complaint, or upon final**
30 **adjudication of any criminal charges filed against the licensee, as appropriate, to**
31 **determine if cause for discipline exists under the provisions of this chapter and to**
32 **determine whether the initial order entered by the commission shall continue in effect.**
33 **Prior to the hearing, the licensee may file affidavits and certified court records for**
34 **consideration by the administrative hearing commission. The administrative hearing**
35 **commission may grant a request for a continuance but shall in any event hold the**
36 **hearing within one hundred twenty days of the board's initial filing. The board shall be**
37 **granted leave to amend its complaint if it is more than thirty days prior to the hearing,**
38 **or within thirty days prior to the hearing upon a showing of good cause.**

39 **(2) If no cause for discipline is found following an evidentiary hearing, the**
40 **administrative hearing commission shall issue findings of fact, conclusions of law, and**
41 **an order terminating the commission's initial order imposing an emergency suspension**
42 **or restriction of the license.**

43 **(3) If the administrative hearing commission finds cause for discipline following**
44 **an evidentiary hearing, the commission shall issue findings of fact and conclusions of**
45 **law and order the emergency suspension or restriction to remain in full force and effect**
46 **pending a disciplinary hearing before the board. The board shall hold a hearing**
47 **following the certification of the record by the administrative hearing commission and**
48 **may impose discipline otherwise authorized by state law.**

49 **5. Any action under this section shall be in addition to and not in lieu of any**
50 **discipline otherwise in the board's power to impose and may be brought concurrently**
51 **with other actions.**

52 **6. If the administrative hearing commission does not grant an initial order**
53 **imposing an emergency suspension or restriction of the license as described in**
54 **subsection 3 of this section, the board shall remove all reference to such emergency**
55 **suspension or restriction from its public records.**

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 **(3) Adopt Rules and bylaws;**

30 **(4) Maintain its financial records in accordance with the bylaws;**

31 **(5) Meet and take such actions as are consistent with the provisions of this**
32 **Compact, the Commission's Rules, and the bylaws;**

33 **(6) Initiate and conclude legal proceedings or actions in the name of the**
34 **Commission, provided that the standing of any State Licensing Authority to sue or be**
35 **sued under applicable law shall not be affected;**

36 **(7) Maintain and certify records and information provided to a Participating**
37 **State as the authenticated business records of the Commission, and designate a person**
38 **to do so on the Commission's behalf;**

39 **(8) Purchase and maintain insurance and bonds;**

40 **(9) Borrow, accept, or contract for services of personnel, including, but not**
41 **limited to, employees of a Participating State;**

42 **(10) Conduct an annual financial review;**

43 **(11) Hire employees, elect or appoint officers, fix compensation, define duties,**
44 **grant such individuals appropriate authority to carry out the purposes of the Compact,**
45 **and establish the Commission's personnel policies and programs relating to conflicts of**
46 **interest, qualifications of personnel, and other related personnel matters;**

47 **(12) As set forth in the Commission Rules, charge a fee to a Licensee for the**
48 **grant of a Compact Privilege in a Remote State and thereafter, as may be established by**
49 **Commission Rule, charge the Licensee a Compact Privilege renewal fee for each**
50 **renewal period in which that Licensee exercises or intends to exercise the Compact**
51 **Privilege in that Remote State. Nothing herein shall be construed to prevent a Remote**
52 **State from charging a Licensee a fee for a Compact Privilege or renewals of a Compact**
53 **Privilege, or a fee for the Jurisprudence Requirement if the Remote State imposes such**
54 **a requirement for the grant of a Compact Privilege;**

55 **(13) Accept any and all appropriate gifts, donations, grants of money, other**
56 **sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and**

57 **dispose of the same; provided that at all times the Commission shall avoid any**
58 **appearance of impropriety and/or conflict of interest;**

59 **(14) Lease, purchase, retain, own, hold, improve, or use any property, real,**
60 **personal, or mixed, or any undivided interest therein;**

61 **(15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise**
62 **dispose of any property real, personal, or mixed;**

63 **(16) Establish a budget and make expenditures;**

64 **(17) Borrow money;**

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

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

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

73 **(21) Establish and elect an Executive Board;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

115 **(k) Legal advice;**

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

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

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

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

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

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

133 **(3) The Commission may levy on and collect an annual assessment from each**
134 **Participating State and impose fees on Licensees of Participating States when a**
135 **Compact Privilege is granted, to cover the cost of the operations and activities of the**
136 **Commission and its staff, which must be in a total amount sufficient to cover its annual**
137 **budget as approved each fiscal year for which sufficient revenue is not provided by**
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, the Commission's Rules and**
155 **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.**
- 2 **332.740. 1. The Commission shall promulgate reasonable Rules in order to**
3 **effectively and efficiently implement and administer the purposes and provisions of the**
4 **Compact. A Commission Rule shall be invalid and have no force or effect only if a court**
5 **of competent jurisdiction holds that the Rule is invalid because the Commission**
6 **exercised its rulemaking authority in a manner that is beyond the scope and purposes of**
7 **the Compact, or the powers granted hereunder, or based upon another applicable**
8 **standard of review.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

72 **13. The Commission or an authorized committee of the Commission may direct**
73 **revisions to a previously adopted Rule for purposes of correcting typographical errors,**
74 **errors in format, errors in consistency, or grammatical errors. Public notice of any**
75 **revisions shall be posted on the website of the Commission. The revision shall be subject**
76 **to challenge by any person for a period of thirty (30) days after posting. The revision**
77 **may be challenged only on grounds that the revision results in a material change to a**
78 **Rule. A challenge shall be made in writing and delivered to the Commission prior to the**
79 **end of the notice period. If no challenge is made, the revision will take effect without**

80 further action. If the revision is challenged, the revision may not take effect without the
81 approval of the Commission.

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

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

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

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

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

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

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

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

34 **Authority or Authorities, as applicable, and each of the Participating States' State**
35 **Licensing Authority or Authorities, as applicable.**

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

39 **6. Upon the termination of a State's participation in this Compact, that State**
40 **shall immediately provide notice to all Licensees of the State, including Licensees of**
41 **other Participating States issued a Compact Privilege to practice within that State, of**
42 **such termination. The terminated State shall continue to recognize all Compact**
43 **Privileges then in effect in that State for a minimum of one hundred eighty (180) days**
44 **after the date of said notice of termination.**

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

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

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

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

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

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

68 **(3) A Participating State may initiate legal action against the Commission in the**
69 **U.S. District Court for the District of Columbia or the federal district where the**
70 **Commission has its principal offices to enforce compliance with the provisions of the**

71 **Compact and its promulgated Rules. The relief sought may include both injunctive**
72 **relief and damages. In the event judicial enforcement is necessary, the prevailing party**
73 **shall be awarded all costs of such litigation, including reasonable attorney's fees.**

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

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

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

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

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

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

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

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

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

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

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

35 **(3) Upon the enactment of a statute withdrawing from this Compact, the State**
36 **shall immediately provide notice of such withdrawal to all Licensees within that State.**
37 **Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing**
38 **State shall continue to recognize all Compact Privileges to practice within that State**
39 **granted pursuant to this Compact for a minimum of one hundred eighty (180) days after**
40 **the date of such notice of withdrawal.**

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

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

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

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

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

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

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

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

8 **334.1800. 1. Sections 334.1800 to 334.1860 shall be known and may be cited as**
9 **the "Physician Assistant Licensure Compact".**

10 **2. In order to strengthen access to Medical Services, and in recognition of the**
11 **advances in the delivery of Medical Services, the Participating States of the PA**
12 **Licensure Compact have allied in common purpose to develop a comprehensive process**
13 **that complements the existing authority of State Licensing Boards to license and**
14 **discipline physician assistants and seeks to enhance the portability of a License to**
15 **practice as a physician assistant while safeguarding the safety of patients. This**
16 **Compact allows Medical Services to be provided by physician assistants, via the mutual**
17 **recognition of the Licensee's Qualifying License by other Compact Participating States.**
18 **This Compact also adopts the prevailing standard for physician assistant licensure and**
19 **affirms that the practice and delivery of Medical Services by the physician assistant**
20 **occurs where the patient is located at the time of the patient encounter, and therefore**
21 **requires the physician assistant to be under the jurisdiction of the State Licensing Board**
22 **where the patient is located. State Licensing Boards that participate in this Compact**
23 **retain the jurisdiction to impose Adverse Action against a Compact Privilege in that**
24 **State issued to a physician assistant through the procedures of this Compact. The PA**
25 **Licensure Compact will alleviate burdens for military families by allowing active duty**
26 **military personnel and their spouses to obtain a Compact Privilege based on having an**
27 **unrestricted License in good standing from a Participating State.**

28 **334.1805. In this Compact:**

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

34 **(2) "Compact Privilege" means the authorization granted by a Remote State to**
35 **allow a Licensee from another Participating State to practice as a physician assistant to**
36 **provide Medical Services and other licensed activity to a patient located in the Remote**
37 **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 result
216 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 U.S. District Court for the District of Columbia or the
42 federal district where the Commission has its principal offices. The prevailing member
43 shall be awarded all costs of such litigation, including reasonable attorney's fees.

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

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

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

54 3. (1) Upon request by a Participating State, the Commission shall attempt to
55 resolve disputes related to this Compact that arise among Participating States and
56 between participating and non-Participating States.

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

59 4. (1) The Commission, in the reasonable exercise of its discretion, shall enforce
60 the provisions of this Compact and Rules of the Commission.

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

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

71 **5. (1) A Participating State may initiate legal action against the Commission in**
72 **the U.S. District Court for the District of Columbia or the federal district where the**
73 **Commission has its principal offices to enforce compliance with the provisions of the**
74 **Compact and its Rules. The relief sought may include both injunctive relief and**
75 **damages. In the event judicial enforcement is necessary, the prevailing party shall be**
76 **awarded all costs of such litigation, including reasonable attorney's fees.**

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

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

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

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

 335.081. So long as the person involved does not represent or hold himself or herself
2 out as a nurse licensed to practice in this state, no provision of sections 335.011 to 335.096
3 shall be construed as prohibiting:

4 (1) The practice of any profession for which a license is required and issued pursuant
5 to the laws of this state by a person duly licensed to practice that profession;

6 (2) The services rendered by technicians, nurses' aides or their equivalent trained and
7 employed in public or private hospitals and licensed long-term care facilities except the
8 services rendered in licensed long-term care facilities shall be limited to administering
9 medication, excluding **the administration of medications by an injectable route** other than:

10 **(a) Insulin; and**

11 **(b) Subcutaneous injectable medications, provided that any such medication was**
12 **prescribed by the physician for the long-term care facility resident who receives the**
13 **medication;**

14 (3) The providing of nursing care by friends or members of the family of the person
15 receiving such care;

16 (4) The incidental care of the sick, aged, or infirm by domestic servants or persons
17 primarily employed as housekeepers;

18 (5) The furnishing of nursing assistance in the case of an emergency situation;

19 (6) The practice of nursing under proper supervision:

20 (a) As a part of the course of study by students enrolled in approved schools of
21 professional nursing or in schools of practical nursing;

22 (b) By graduates of accredited nursing programs pending the results of the first
23 licensing examination or ninety days after graduation, whichever first occurs;

24 (c) A graduate nurse who is prevented from attending the first licensing examination
25 following graduation by reason of active duty in the military may practice as a graduate nurse
26 pending the results of the first licensing examination scheduled by the board following the
27 release of such graduate nurse from active military duty or pending the results of the first
28 licensing examination taken by the graduate nurse while involved in active military service
29 whichever comes first;

30 (7) The practice of nursing in this state by any legally qualified nurse duly licensed to
31 practice in another state whose engagement requires such nurse to accompany and care for a
32 patient temporarily residing in this state for a period not to exceed six months;

33 (8) The practice of any legally qualified nurse who is employed by the government of
34 the United States or any bureau, division or agency thereof, while in the discharge of his or
35 her official duties or to the practice of any legally qualified nurse serving in the Armed Forces
36 of the United States while stationed within this state;

37 (9) Nonmedical nursing care of the sick with or without compensation when done in
38 connection with the practice of the religious tenets of any church by adherents thereof, as long
39 as they do not engage in the practice of nursing as defined in sections 335.011 to 335.096;

40 (10) The practice of any legally qualified and licensed nurse of another state, territory,
41 or foreign country whose responsibilities include transporting patients into, out of, or through
42 this state while actively engaged in patient transport that does not exceed forty-eight hours in
43 this state.

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

2 (1) "Advanced macro social worker", the applications of social work theory,
3 knowledge, methods, principles, values, and ethics; and the professional use of self to
4 community and organizational systems, systemic and macrocosm issues, and other indirect
5 nonclinical services; specialized knowledge and advanced practice skills in case management,
6 information and referral, nonclinical assessments, counseling, outcome evaluation, mediation,
7 nonclinical supervision, nonclinical consultation, expert testimony, education, outcome
8 evaluation, research, advocacy, social planning and policy development, community
9 organization, and the development, implementation and administration of policies,

10 programs, and activities. A licensed advanced macro social worker may not treat mental or
11 emotional disorders or provide psychotherapy without the direct supervision of a licensed
12 clinical social worker, or diagnose a mental disorder;

13 (2) "Clinical social work", the application of social work theory, knowledge, values,
14 methods, principles, and techniques of case work, group work, client-centered advocacy,
15 community organization, administration, planning, evaluation, consultation, research,
16 psychotherapy and counseling methods and techniques to persons, families and groups in
17 assessment, diagnosis, treatment, prevention and amelioration of mental and emotional
18 conditions;

19 (3) "Committee", the state committee for social workers established in section
20 337.622;

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

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

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

24 (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;

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

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

- 2 (1) The interpretation, implementation, and evaluation of medical prescription orders,
3 including any legend drugs under 21 U.S.C. Section 353, and the receipt, transmission, or
4 handling of such orders or facilitating the dispensing of such orders;
- 5 (2) The designing, initiating, implementing, and monitoring of a medication
6 therapeutic plan in accordance with the provisions of this section;
- 7 (3) The compounding, dispensing, labeling, and administration of drugs and devices
8 pursuant to medical prescription orders;
- 9 (4) The ordering and administration of vaccines approved or authorized by the U.S.
10 Food and Drug Administration, **as of January 1, 2026, or thereafter**, excluding vaccines for
11 cholera, monkeypox, Japanese encephalitis, typhoid, rabies, yellow fever, tick-borne
12 encephalitis, anthrax, tuberculosis, dengue, Hib, polio, rotavirus, smallpox, ~~and~~ or any
13 vaccine ~~[approved after January 1, 2023]~~ **that is not jointly included by joint rules**
14 **promulgated by the board of pharmacy and the state board of registration for the**
15 **healing arts**, to persons at least seven years of age or the age recommended by the Centers
16 for Disease Control and Prevention, whichever is older, pursuant to joint promulgation of
17 rules established by the board of pharmacy and the state board of registration for the healing
18 arts unless rules are established under a state of emergency as described in section 44.100;
- 19 (5) The participation in drug selection according to state law and participation in drug
20 utilization reviews;
- 21 (6) The proper and safe storage of drugs and devices and the maintenance of proper
22 records thereof;
- 23 (7) Consultation with patients and other health care practitioners, and veterinarians
24 and their clients about legend drugs, about the safe and effective use of drugs and devices;
- 25 (8) The prescribing and dispensing of any nicotine replacement therapy product under
26 section 338.665;
- 27 (9) The dispensing of HIV postexposure prophylaxis pursuant to section 338.730; and
28 (10) The offering or performing of those acts, services, operations, or transactions
29 necessary in the conduct, operation, management and control of a pharmacy.

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

32 3. This chapter shall not be construed to prohibit the use of auxiliary personnel under
33 the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties.
34 This assistance in no way is intended to relieve the pharmacist from his or her responsibilities

35 for compliance with this chapter and he or she will be responsible for the actions of the
36 auxiliary personnel acting in his or her assistance.

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

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

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

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

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

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

61 10. The state board of registration for the healing arts, under section 334.125, and the
62 state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the
63 use of protocols for medication therapy services. Such rules shall require protocols to include
64 provisions allowing for timely communication between the pharmacist and the protocol
65 physician or similar body authorized by this section, and any other patient protection
66 provisions deemed appropriate by both boards. In order to take effect, such rules shall be
67 approved by a majority vote of a quorum of each board. Neither board shall separately
68 promulgate rules regulating the use of protocols for medication therapy services. Any rule or
69 portion of a rule, as that term is defined in section 536.010, that is created under the authority
70 delegated in this section shall become effective only if it complies with and is subject to all of
71 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter

72 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
73 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
74 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
75 proposed or adopted after August 28, 2007, shall be invalid and void.

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

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

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

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

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

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

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

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

106 17. A pharmacist shall inform the patient that the administration of a vaccine will be
107 entered into the ShowMeVax system, as administered by the department of health and senior
108 services. The patient shall attest to the inclusion of such information in the system by signing

109 a form provided by the pharmacist. If the patient indicates that he or she does not want such
110 information entered into the ShowMeVax system, the pharmacist shall provide a written
111 report within fourteen days of administration of a vaccine to the patient's health care provider,
112 if provided by the patient, containing:

- 113 (1) The identity of the patient;
- 114 (2) The identity of the vaccine or vaccines administered;
- 115 (3) The route of administration;
- 116 (4) The anatomic site of the administration;
- 117 (5) The dose administered; and
- 118 (6) The date of administration.

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

**338.312. 1. As used in this section, unless the context requires otherwise, the
2 following terms mean:**

3 (1) **"Declared state disaster or emergency", a disaster or emergency event for
4 which a governor's state of emergency proclamation has been issued or that the
5 President of the United States has declared to be a major disaster or emergency;**

6 (2) **"Disaster period", the period of time that begins ten days before a governor's
7 proclamation of a state of emergency or the declaration by the President of the United
8 States of a major disaster or emergency, whichever occurs first, and extending for a
9 period of sixty calendar days following the end of the period specified in the
10 proclamation or declaration or sixty calendar days from the proclamation or
11 declaration if no end is provided. The governor may extend the disaster period as
12 warranted;**

13 (3) **"Pharmacy", the same meaning given to the term in section 338.210.**

14 2. **Notwithstanding any provision of law to contrary, the board of pharmacy
15 shall have the authority to waive compliance with any Missouri rules and regulations for
16 a licensed pharmacy that is domiciled or headquartered in this state when such
17 pharmacy is dispensing, shipping, or delivering prescription drugs into another state or
18 United States territory that is experiencing a declared state disaster or emergency,
19 provided that:**

20 (1) **The pharmacy is a licensed pharmacy in good standing under this chapter
21 and is authorized to ship prescription drugs into the state or territory in question;**

22 (2) **The pharmacy is responding to an active declared state disaster or
23 emergency;**

24 **(3) The pharmacy complies with all emergency rules and regulations for**
25 **pharmacies established by the state or territory for the duration of the disaster period;**

26 **(4) The pharmacy complies with all applicable federal laws and regulations; and**

27 **(5) The waiver applies only to prescription drugs dispensed, shipped, or**
28 **delivered to residents or health care facilities located within the geographic area**
29 **specified in the declared state disaster or emergency.**

30 **3. The board of pharmacy may promulgate rules to implement the provisions of**
31 **this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**
32 **is created under the authority delegated in this section shall become effective only if it**
33 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
34 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
35 **vested with the general assembly pursuant to chapter 536 to review, to delay the**
36 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
37 **then the grant of rulemaking authority and any rule proposed or adopted after August**
38 **28, 2026, shall be invalid and void.**

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

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

21 3. The board may permit out-of-state wholesale drug distributors, drug outsourcers,
22 third-party logistics [~~provider~~] **providers**, or out-of-state pharmacy distributors to be licensed

23 as required by sections 338.210 to 338.370 on the basis of reciprocity to the extent that the
24 entity both:

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

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

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

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

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

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

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.

537.033. 1. As used in this section, unless the context clearly indicates otherwise, the
2 following words and terms shall have the meanings indicated:

3 (1) "Design professional", an architect, landscape architect, professional land
4 surveyor, ~~or~~ professional engineer, **or licensed interior designer** licensed under the
5 provisions of chapter 327 or any **professional design firm, as defined in section 327.700, or**
6 corporation authorized to practice architecture, landscape architecture, land surveying, or
7 engineering under section 327.401 while acting within their scope of practice;

8 (2) "Lessons learned", internal meetings, classes, publications in any medium,
9 presentations, lectures, or other means of teaching and communicating after substantial
10 completion of the project which are conducted solely and exclusively by and with the
11 employees, partners, and coworkers of the design professional who prepared the project's
12 design for the purpose of learning best practices and reducing errors and omissions in design
13 documents and procedures. Lessons learned shall not include presentations, lectures,
14 teaching, or communication made to or by third parties who are not employees, partners, and
15 coworkers of the design professional whose work is being evaluated and discussed;

16 (3) "Peer review process", a process through which design professionals evaluate,
17 maintain, or monitor the quality and utilization of architectural, landscape architectural, land
18 surveying, ~~or~~ engineering, **or interior design** services, prepare internal lessons learned, or
19 exercise any combination of such responsibilities;

20 (4) "Substantial completion", the construction of the project covered by the design
21 professional's design documents has reached substantial completion, as that term is defined in
22 section 436.327.

23 2. A peer review process shall only be performed by a design professional licensed in
24 any jurisdiction in the United States in the same profession as would be required under
25 chapter 327 to prepare the design documents being reviewed, or in a case requiring multiple
26 professions, by a person or persons holding the proper licenses. A peer review process may
27 be performed by one or more design professionals appointed by the partners, shareholders,
28 board of directors, chief executive officer, quality control director, or employed design
29 professionals **of a professional design firm, as such term is defined in section 327.700, or**
30 of a partnership or of a corporation authorized under section 327.401 to practice architecture,
31 landscape architecture, land surveying, or engineering, or by the owner of a sole
32 proprietorship engaged in one or more of such professions. Any individual identified in
33 this subsection and performing a peer review shall be deemed a peer reviewer.

34 3. Each peer reviewer described in this subsection shall be immune from civil liability
35 for such acts so long as the acts are performed in good faith, without malice, and are
36 reasonably related to the scope of inquiry of the peer review process. The immunity in this
37 subsection is intended to cover only outside peer reviews by a third-party design professional
38 who is not an employee, coworker, or partner of the design professional whose design is
39 being peer reviewed before substantial completion of the project and who has no other role in
40 the project besides performing the peer review.

41 4. This section does not provide immunity to any in-house peer reviewer when
42 performed by employees, coworkers, or partners of the design professional who prepares the
43 design, nor are any such documents or peer review comments, other than lessons learned,
44 inadmissible into evidence in any judicial or administrative action.

45 5. Except for documents related to lessons learned, the interviews, memoranda,
46 proceedings, findings, deliberations, reports, and minutes of the peer review process, or the
47 existence of the same, concerning the professional services provided to a client or member of
48 the public are subject to discovery, subpoena, or other means of legal compulsion for their
49 release to any person or entity and shall be admissible into evidence in any judicial or
50 administrative action for failure to provide appropriate architectural, landscape architectural,
51 land surveying, ~~or~~ engineering, **or interior design** services, subject to applicable rules of
52 the court or tribunal. Except as otherwise provided in this section, no person who was in
53 attendance at, or participated in, any lessons learned process or proceedings shall be permitted
54 or required to disclose any information acquired in connection with or in the course of such
55 proceeding, or to disclose any opinion, recommendation, or evaluation made in a lessons
56 learned process or proceeding; provided, however, that information otherwise discoverable or

57 admissible from original sources is not to be construed as immune from discovery or use in
58 any proceeding merely because it was presented during a lessons learned process or
59 proceeding nor is a member, employee, or agent involved in any such process or proceeding,
60 or other person appearing before a peer reviewer, to be prevented from testifying as to matters
61 within his or her personal knowledge and in accordance with the other provisions of this
62 section, but such witness cannot be questioned about a lessons learned process or proceeding
63 or about opinions formed as a result of such process or proceeding. The disclosure of any
64 memoranda, proceedings, reports, or minutes of a lessons learned proceeding to any person or
65 entity, including but not limited to governmental agencies, professional accrediting agencies,
66 or other design professionals, whether proper or improper, shall not waive or have any effect
67 upon its confidentiality, nondiscoverability, or nonadmissibility.

68 6. Nothing in this section shall limit authority otherwise provided by law of the
69 Missouri board for architects, professional engineers, professional land surveyors, ~~and~~
70 **professional landscape architects, and licensed interior designers** to obtain information by
71 subpoena or other authorized process from a peer reviewer or to require disclosure of
72 otherwise confidential information relating to matters and investigations within the
73 jurisdiction of such licensing board.

621.045. 1. The administrative hearing commission shall conduct hearings and make
2 findings of fact and conclusions of law in those cases when, under the law, a license issued by
3 any of the following agencies may be revoked or suspended or when the licensee may be
4 placed on probation or when an agency refuses to permit an applicant to be examined upon
5 his or her qualifications or refuses to issue or renew a license of an applicant who has passed
6 an examination for licensure or who possesses the qualifications for licensure without
7 examination:

8 Missouri State Board of Accountancy
9 Missouri State Board for Architects, Professional Engineers, Professional Land
10 Surveyors ~~and~~, **Professional Landscape Architects, and Licensed Interior Designers**
11 Board of Barber Examiners
12 Board of Cosmetology
13 Board of Chiropody and Podiatry
14 Board of Chiropractic Examiners
15 Missouri Dental Board
16 Board of Embalmers and Funeral Directors
17 Board of Registration for the Healing Arts
18 Board of Nursing
19 Board of Optometry
20 Board of Pharmacy

21 Missouri Real Estate Commission
22 Missouri Veterinary Medical Board
23 Supervisor of Liquor Control
24 Department of Health and Senior Services
25 Department of Commerce and Insurance
26 Department of Mental Health
27 Board of Private Investigator Examiners.

28 2. If in the future there are created by law any new or additional administrative
29 agencies which have the power to issue, revoke, suspend, or place on probation any license,
30 then those agencies are under the provisions of this law.

31 3. The administrative hearing commission is authorized to conduct hearings and make
32 findings of fact and conclusions of law in those cases brought by the Missouri state board for
33 architects, professional engineers, professional land surveyors ~~and~~, **professional** landscape
34 architects, **and licensed interior designers** against unlicensed persons under section 327.076.

35 4. Notwithstanding any other provision of this section to the contrary, after August
36 28, 1995, in order to encourage settlement of disputes between any agency described in
37 subsection 1 or 2 of this section and its licensees, any such agency shall:

38 (1) Provide the licensee with a written description of the specific conduct for which
39 discipline is sought and a citation to the law and rules allegedly violated, together with copies
40 of any documents which are the basis thereof and the agency's initial settlement offer, or file a
41 contested case against the licensee;

42 (2) If no contested case has been filed against the licensee, allow the licensee at least
43 sixty days, from the date of mailing, to consider the agency's initial settlement offer and to
44 contact the agency to discuss the terms of such settlement offer;

45 (3) If no contested case has been filed against the licensee, advise the licensee that the
46 licensee may, either at the time the settlement agreement is signed by all parties, or within
47 fifteen days thereafter, submit the agreement to the administrative hearing commission for
48 determination that the facts agreed to by the parties to the settlement constitute grounds for
49 denying or disciplining the license of the licensee; and

50 (4) In any contact under this subsection by the agency or its counsel with a licensee
51 who is not represented by counsel, advise the licensee that the licensee has the right to consult
52 an attorney at the licensee's own expense.

53 5. If the licensee desires review by the administrative hearing commission under
54 subdivision (3) of subsection 4 of this section at any time prior to the settlement becoming
55 final, the licensee may rescind and withdraw from the settlement and any admissions of fact
56 or law in the agreement shall be deemed withdrawn and not admissible for any purposes
57 under the law against the licensee. Any settlement submitted to the administrative hearing

58 commission shall not be effective and final unless and until findings of fact and conclusions
59 of law are entered by the administrative hearing commission that the facts agreed to by the
60 parties to the settlement constitute grounds for denying or disciplining the license of the
61 licensee.

62 6. When a holder of a license, registration, permit, or certificate of authority issued by
63 the division of professional registration or a board, commission, or committee of the division
64 of professional registration against whom an affirmative decision is sought has failed to plead
65 or otherwise respond in the contested case and adequate notice has been given under sections
66 536.067 and 621.100 upon a properly pled writing filed to initiate the contested case under
67 this chapter or chapter 536, a default decision shall be entered against the licensee without
68 further proceedings. The default decision shall grant such relief as requested by the division
69 of professional registration, board, committee, commission, or office in the writing initiating
70 the contested case as allowed by law. Upon motion stating facts constituting a meritorious
71 defense and for good cause shown, a default decision may be set aside. The motion shall be
72 made within a reasonable time, not to exceed thirty days after entry of the default decision.
73 "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to
74 impede the administrative process.

**Section 1. In the event that any section, provision, clause, phrase, or word of this
2 act or the application thereof is declared invalid under the Constitution of the United
3 States or the Constitution of the State of Missouri, it is the intent of the general assembly
4 that the remaining sections of this act remain in force and effect as far as they are
5 capable of being carried into execution as intended by the general assembly. The
6 general assembly hereby declares that it would have passed each section, provision,
7 clause, phrase, or word thereof, irrespective of the fact that any one or more sections,
8 provisions, clauses, phrases, or words of this act or the application of this act would be
9 declared unenforceable, unconstitutional, or invalid.**

~~1234.406. — 1. There is hereby created within the division of
2 professional registration a council to be known as the "Interior Design
3 Council". The council shall consist of four interior designers and one public
4 member appointed by the director of the division. The director shall give due
5 consideration to the recommendations by state organizations of the interior
6 design profession for the appointment of the interior design members to the
7 council. Council members shall be appointed to serve a term of four years;
8 except that of the members first appointed, one interior design member and the
9 public member shall be appointed for terms of four years, one member shall be
10 appointed for a term of three years, one member shall be appointed for a term
11 of two years and one member shall be appointed for a term of one year. No
12 member of the council shall serve more than two terms.~~

13 2. ~~Each council member, other than the public member, shall be a~~
 14 ~~citizen of the United States, a resident of the state of Missouri for at least one~~
 15 ~~year, meet the qualifications for professional registration, practice interior~~
 16 ~~design as the person's principal livelihood and, except for the first members~~
 17 ~~appointed, be registered pursuant to sections 324.400 to 324.439 as an interior~~
 18 ~~designer.~~

19 3. ~~The public member shall be, at the time of such person's~~
 20 ~~appointment, a citizen of the United States, a registered voter, a person who is~~
 21 ~~not and never was a member of the profession regulated by sections 324.400 to~~
 22 ~~324.439 or the spouse of such a person and a person who does not have and~~
 23 ~~never has had a material financial interest in the providing of the professional~~
 24 ~~services regulated by sections 324.400 to 324.439. The duties of the public~~
 25 ~~member shall not include the determination of the technical requirements for~~
 26 ~~the registration of persons as interior designers.~~

27 4. ~~The provisions of section 324.028 pertaining to members of certain~~
 28 ~~state boards and commissions shall apply to all members of the council.~~

29 5. ~~Members of the council may be removed from office for cause.~~
 30 ~~Upon the death, resignation or removal from office of any member of the~~
 31 ~~council, the appointment to fill the vacancy shall be for the unexpired portion~~
 32 ~~of the term so vacated and shall be filled in the same manner as the first~~
 33 ~~appointment and due notice be given to the state organizations of the interior~~
 34 ~~design profession prior to the appointment.~~

35 6. ~~Each member of the council may receive as compensation an~~
 36 ~~amount set by the division not to exceed fifty dollars per day and shall be~~
 37 ~~reimbursed for the member's reasonable and necessary expenses incurred in~~
 38 ~~the official performance of the member's duties as a member of the council.~~
 39 ~~The director shall establish by rule guidelines for payment.~~

40 7. ~~The council shall meet at least twice each year and guide, advise,~~
 41 ~~and make recommendations to the division on matters within the scope of~~
 42 ~~sections 324.400 to 324.439. The organization of the council shall be~~
 43 ~~established by the members of the council.]~~

[324.412. ~~The division shall:~~

2 (1) ~~Employ, within the limits of the appropriations for that purpose,~~
 3 ~~such employees as are necessary to carry out the provisions of sections~~
 4 ~~324.400 to 324.439;~~

5 (2) ~~Exercise all budgeting, purchasing, reporting and other related~~
 6 ~~management functions;~~

7 (3) ~~Recommend prosecution for violations of sections 324.400 to~~
 8 ~~324.439 to the appropriate prosecuting or circuit attorney;~~

9 (4) ~~Promulgate such rules and regulations as are necessary to~~
 10 ~~administer the provisions of sections 324.400 to 324.439. Any rule or portion~~
 11 ~~of a rule, as that term is defined in section 536.010, that is promulgated to~~
 12 ~~administer and enforce sections 324.400 to 324.439, shall become effective~~
 13 ~~only if the agency has fully complied with all of the requirements of chapter~~
 14 ~~536, including but not limited to, section 536.028, if applicable, after August~~
 15 ~~28, 1998. If the provisions of section 536.028 apply, the provisions of this~~
 16 ~~section are nonseverable and if any of the powers vested with the general~~

17 assembly pursuant to section 536.028 to review, to delay the effective date, or
18 to disapprove and annul a rule or portion of a rule are held unconstitutional or
19 invalid, the purported grant of rulemaking authority and any rule so proposed
20 and contained in the order of rulemaking shall be invalid and void, except that
21 nothing in this section shall affect the validity of any rule adopted and
22 promulgated prior to August 28, 1998.]

2 [~~324.421. The division shall register without examination any interior
3 designer certified, licensed or registered in a foreign country if the applicant
4 has qualifications which are at least equivalent to the requirements for
5 registration as a registered interior designer in this state and such applicant
6 pays the required fees.~~]

2 [~~324.424. 1. The division shall set the amount of the fees authorized
3 by sections 324.400 to 324.439 by rules and regulations. The fees shall be set
4 at a level to produce revenue which shall not substantially exceed the cost and
5 expense of administering sections 324.400 to 324.439. All fees required
6 pursuant to sections 324.400 to 324.439 shall be paid to and collected by the
7 division of professional registration and transmitted to the department of
8 revenue for deposit in the state treasury to the credit of the "Interior Designer
9 Council Fund", which is hereby created.~~

9 2. ~~Notwithstanding the provisions of section 33.080 to the contrary,
10 money in the fund shall not be transferred and placed to the credit of general
11 revenue until the amount in the fund at the end of the biennium exceeds three
12 times the amount of the appropriation to the council for the preceding fiscal
13 year. The amount, if any, in the fund which shall lapse is the amount in the
14 fund which exceeds the appropriate multiple of the appropriations to the
15 council for the preceding fiscal year.]~~

2 [~~324.436. 1. The division may refuse to issue any certificate required
3 pursuant to sections 324.400 to 324.439, or renew or reinstate any such
4 certificate, for any one or any combination of the reasons stated in subsection 2
5 of this section. The division shall notify the applicant in writing of the reasons
6 for the refusal and shall advise the applicant of the person's right to file a
7 complaint with the administrative hearing commission as provided in chapter
8 621.~~

8 2. ~~The division may cause a complaint to be filed with the
9 administrative hearing commission as provided by chapter 621 against any
10 holder of a certificate of registration required by sections 324.400 to 324.439
11 or any person who has failed to renew or has surrendered the person's
12 certificate of registration for any one or combination of the following reasons:~~

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

18 (2) ~~Use of fraud, deception, misrepresentation or bribery in securing
19 any certificate of registration issued pursuant to sections 324.400 to 324.439 or~~

20 in obtaining permission to take any examination given or required pursuant to
 21 sections 324.400 to 324.439;
 22 (3) ~~Obtaining or attempting to obtain any fee, charge, tuition or other~~
 23 ~~compensation by fraud, deception or misrepresentation;~~
 24 (4) ~~Incompetency, misconduct, gross negligence, fraud,~~
 25 ~~misrepresentation or dishonesty in the performance of the functions or~~
 26 ~~duties of the profession regulated by sections 324.400 to 324.439;~~
 27 (5) ~~Violation of, or assisting or enabling any person to violate, any~~
 28 ~~provision of sections 324.400 to 324.439, or of any lawful rule or regulation~~
 29 ~~adopted pursuant to such sections;~~
 30 (6) ~~Impersonation of any person holding a certificate of registration or~~
 31 ~~authority, permit or license or allowing any person to use the person's~~
 32 ~~certificate or diploma from any school;~~
 33 (7) ~~Disciplinary action against the holder of a certificate of registration~~
 34 ~~or other right to perform the profession regulated by sections 324.400 to~~
 35 ~~324.439 granted by another state, territory, federal agency or country upon~~
 36 ~~grounds for which revocation or suspension is authorized in this state;~~
 37 (8) ~~A person is finally adjudged insane or incompetent by a court of~~
 38 ~~competent jurisdiction;~~
 39 (9) ~~Issuance of a certificate of registration based upon a material~~
 40 ~~mistake of fact;~~
 41 (10) ~~Use of any advertisement or solicitation which is false,~~
 42 ~~misleading or deceptive to the general public or persons to whom the~~
 43 ~~advertisement or solicitation is primarily directed, as it relates to the interior~~
 44 ~~design profession.~~
 45 3. ~~After the filing of a complaint pursuant to subsection 2 of this~~
 46 ~~section, the proceedings shall be conducted in accordance with the provisions~~
 47 ~~of chapter 536 and chapter 621. Upon a finding by the administrative hearing~~
 48 ~~commission that the grounds, provided in subsection 2 of this section, for~~
 49 ~~disciplinary action are met, the division shall censure or place the person~~
 50 ~~named in the complaint on probation for a period not to exceed five years or~~
 51 ~~may suspend the person's certificate for a period not to exceed three years or~~
 52 ~~may revoke the person's certificate of registration.]~~

Section B. The repeal of sections 324.406 and 324.424 shall become effective upon
 2 notification to the revisor from the director of the division of professional registration of the
 3 department of commerce and insurance of the appointment and confirmation of two members
 4 to the interior design division of the Missouri board for architects, professional engineers,
 5 professional land surveyors, professional landscape architects, and licensed interior designers.

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