

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 70**  
**102ND GENERAL ASSEMBLY**

0690H.05C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 191.500, 191.505, 191.510, 191.515, 191.520, 191.525, 191.530, 191.535, 191.540, 191.545, 191.550, 191.600, 191.828, 191.831, 195.100, 334.043, 334.100, 334.506, 334.613, 334.735, 334.747, 335.203, 335.212, 335.215, 335.218, 335.221, 335.224, 335.227, 335.230, 335.233, 335.236, 335.239, 335.242, 335.245, 335.248, 335.251, 335.254, 335.257, 337.510, 337.615, 337.644, and 337.665, RSMo, and to enact in lieu thereof sixty-three new sections relating to professions requiring licensure.

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

Section A. Sections 191.500, 191.505, 191.510, 191.515, 191.520, 191.525, 191.530,  
2 191.535, 191.540, 191.545, 191.550, 191.600, 191.828, 191.831, 195.100, 334.043, 334.100,  
3 334.506, 334.613, 334.735, 334.747, 335.203, 335.212, 335.215, 335.218, 335.221, 335.224,  
4 335.227, 335.230, 335.233, 335.236, 335.239, 335.242, 335.245, 335.248, 335.251, 335.254,  
5 335.257, 337.510, 337.615, 337.644, and 337.665, RSMo, are repealed and sixty-three new  
6 sections enacted in lieu thereof, to be known as sections 191.430, 191.435, 191.440, 191.445,  
7 191.450, 191.600, 191.828, 191.831, 195.100, 334.043, 334.100, 334.506, 334.613, 334.735,  
8 334.747, 334.1600, 334.1605, 334.1610, 334.1615, 334.1620, 334.1625, 334.1630, 334.1635,  
9 334.1640, 334.1645, 334.1650, 334.1655, 334.1660, 334.1665, 334.1670, 334.1675,  
10 334.1680, 334.1685, 334.1690, 334.1695, 334.1700, 334.1705, 334.1710, 334.1715,  
11 334.1720, 335.203, 335.205, 337.510, 337.550, 337.615, 337.644, 337.665, 337.1000,  
12 337.1005, 337.1010, 337.1015, 337.1020, 337.1025, 337.1030, 337.1035, 337.1040,

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

13 337.1045, 337.1050, 337.1055, 337.1060, 337.1065, 337.1070, and 337.1075, to read as  
14 follows:

191.430. 1. There is hereby established within the department of health and  
2 senior services the "Health Professional Loan Repayment Program" to provide  
3 forgivable loans for the purpose of repaying existing loans related to applicable  
4 educational expenses for health care, mental health, and public health professionals.  
5 The department of health and senior services shall be the administrative agency for the  
6 implementation of the program established by this section.

7 2. The department of health and senior services shall prescribe the form and the  
8 time and method of filing applications and supervise the processing, including oversight  
9 and monitoring of the program, and shall promulgate rules to implement the provisions  
10 of sections 191.430 to 191.450. Any rule or portion of a rule, as that term is defined in  
11 section 536.010, that is created under the authority delegated in this section shall  
12 become effective only if it complies with and is subject to all of the provisions of chapter  
13 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable  
14 and if any of the powers vested with the general assembly pursuant to chapter 536 to  
15 review, to delay the effective date, or to disapprove and annul a rule are subsequently  
16 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
17 adopted after August 28, 2023, shall be invalid and void.

18 3. The director of the department of health and senior services shall have the  
19 discretion to determine the health professionals and practitioners who will receive  
20 forgivable health professional loans from the department to pay their existing loans.  
21 The director shall make such determinations each fiscal year based on evidence  
22 associated with the greatest needs in the best interests of the public. The health care,  
23 mental health, and public health professionals or disciplines funded in any given year  
24 shall be contingent upon consultation with the office of workforce development in the  
25 department of higher education and workforce development and the department of  
26 mental health, or their successor agencies.

27 4. The department of health and senior services shall enter into a contract with  
28 each selected applicant who receives a health professional loan under this section. Each  
29 selected applicant shall apply the loan award to his or her educational debt. The  
30 contract shall detail the methods of forgiveness associated with a service obligation and  
31 the terms associated with the principal and interest accruing on the loan at the time of  
32 the award. The contract shall contain details concerning how forgiveness is earned,  
33 including when partial forgiveness is earned through a service obligation, and the terms  
34 and conditions associated with repayment of the loans for any obligation not served.

35           **5. All health professional loans shall be made from funds appropriated by the**  
36 **general assembly to the health professional loan incentive fund established in section**  
37 **191.445.**

**191.435. The department of health and senior services shall designate counties,**  
2 **communities, or sections of areas in the state as areas of defined need for health care,**  
3 **mental health, and public health services. If a county, community, or section of an area**  
4 **has been designated or determined as a professional shortage area, a shortage area, or a**  
5 **health care, mental health, or public health professional shortage area by the federal**  
6 **Department of Health and Human Services or its successor agency, the department of**  
7 **health and senior services shall designate it as an area of defined need under this section.**  
8 **If the director of the department of health and senior services determines that a county,**  
9 **community, or section of an area has an extraordinary need for health care professional**  
10 **services without a corresponding supply of such professionals, the department of health**  
11 **and senior services may designate it as an area of defined need under this section.**

**191.440. 1. The department of health and senior services shall enter into a**  
2 **contract with each individual qualifying for a forgivable loan under sections 191.430 to**  
3 **191.450. The written contract between the department and the individual shall contain,**  
4 **but not be limited to, the following:**

5           **(1) An agreement that the state agrees to award a loan and the individual agrees**  
6 **to serve for a period equal to two years, or a longer period as the individual may agree**  
7 **to, in an area of defined need as designated by the department, with such service period**  
8 **to begin on the date identified on the signed contract;**

9           **(2) A provision that any financial obligations arising out of a contract entered**  
10 **into and any obligation of the individual that is conditioned thereon is contingent upon**  
11 **funds being appropriated for loans;**

12           **(3) The area of defined need where the person will practice;**

13           **(4) A statement of the damages to which the state is entitled for the individual's**  
14 **breach of the contract; and**

15           **(5) Such other statements of the rights and liabilities of the department and of**  
16 **the individual not inconsistent with sections 191.430 to 191.450.**

17           **2. The department of health and senior services may stipulate specific practice**  
18 **sites, contingent upon department-generated health care, mental health, and public**  
19 **health professional need priorities, where applicants shall agree to practice for the**  
20 **duration of their participation in the program.**

**191.445. There is hereby created in the state treasury the "Health Professional**  
2 **Loan Incentive Fund", which shall consist of any appropriations made by the general**  
3 **assembly, all funds recovered from an individual under section 191.450, and all funds**

4 generated by loan repayments received under sections 191.430 to 191.450. The state  
5 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,  
6 the state treasurer may approve disbursements. The fund shall be a dedicated fund and,  
7 upon appropriation, moneys in this fund shall be used solely by the department of  
8 health and senior services to provide loans under sections 191.430 to 191.450.  
9 Notwithstanding the provisions of section 33.080 to the contrary, any moneys  
10 remaining in the fund at the end of the biennium shall not revert to the credit of the  
11 general revenue fund. The state treasurer shall invest moneys in the fund in the same  
12 manner as other funds are invested. Any interest and moneys earned on such  
13 investments shall be credited to the fund.

191.450. 1. An individual who enters into a written contract with the  
2 department of health and senior services, as described in section 191.440, and who fails  
3 to maintain an acceptable employment status shall be liable to the state for any amount  
4 awarded as a loan by the department directly to the individual who entered into the  
5 contract that has not yet been forgiven.

6 2. An individual fails to maintain an acceptable employment status under this  
7 section when the contracted individual involuntarily or voluntarily terminates  
8 qualifying employment, is dismissed from such employment before completion of the  
9 contractual service obligation within the specific time frame outlined in the contract, or  
10 fails to respond to requests made by the department.

11 3. If an individual breaches the written contract of the individual by failing to  
12 begin or complete such individual's service obligation, the state shall be entitled to  
13 recover from the individual an amount equal to the sum of:

14 (1) The total amount of the loan awarded by the department or, if the  
15 department had already awarded partial forgiveness at the time of the breach, the  
16 amount of the loan not yet forgiven;

17 (2) The interest on the amount that would be payable if at the time the loan was  
18 awarded it was a loan bearing interest at the maximum prevailing rate as determined by  
19 the Treasurer of the United States;

20 (3) An amount equal to any damages incurred by the department as a result of  
21 the breach; and

22 (4) Any legal fees or associated costs incurred by the department or the state of  
23 Missouri in the collection of damages.

191.600. 1. Sections 191.600 to 191.615 establish a loan repayment program for  
2 graduates of approved medical schools, schools of osteopathic medicine, schools of dentistry  
3 and accredited chiropractic colleges who practice in areas of defined need and shall be known  
4 as the "Health Professional Student Loan Repayment Program". Sections 191.600 to 191.615

5 shall apply to graduates of accredited chiropractic colleges when federal guidelines for  
6 chiropractic shortage areas are developed.

7         2. The "Health Professional Student Loan and Loan Repayment Program Fund" is  
8 hereby created in the state treasury. All funds recovered from an individual pursuant to  
9 section 191.614 and all funds generated by loan repayments and penalties received pursuant  
10 to section 191.540 shall be credited to the fund. The moneys in the fund shall be used by the  
11 department of health and senior services to provide loan repayments pursuant to section  
12 191.611 in accordance with sections 191.600 to 191.614 [~~and to provide loans pursuant to~~  
13 ~~sections 191.500 to 191.550~~].

191.828. 1. The following departments shall conduct on-going evaluations of the  
2 effect of the initiatives enacted by the following sections:

3         (1) The department of commerce and insurance shall evaluate the effect of revising  
4 section 376.782 and sections 143.999, 208.178, 374.126, and 376.891 to 376.894;

5         (2) The department of health and senior services shall evaluate the effect of revising  
6 sections 105.711 and [~~sections 191.520 and~~] 191.600 and enacting section 191.411, and  
7 sections 167.600 to 167.621, 191.231, 208.177, 431.064, and 660.016. In collaboration with  
8 the state board of registration for the healing arts, the state board of nursing, and the state  
9 board of pharmacy, the department of health and senior services shall also evaluate the effect  
10 of revising section 195.070, section 334.100, and section 335.016, and of sections 334.104  
11 and 334.112, and section 338.095 and 338.198;

12         (3) The department of social services shall evaluate the effect of revising section  
13 198.090, and sections 208.151, 208.152 and 208.215, and section 383.125, and of sections  
14 167.600 to 167.621, 208.177, 208.178, 208.179, 208.181, and 211.490;

15         (4) The office of administration shall evaluate the effect of revising sections 105.711  
16 and 105.721;

17         (5) The Missouri consolidated health care plan shall evaluate the effect of section  
18 103.178; and

19         (6) The department of mental health shall evaluate the effect of section 191.831 as it  
20 relates to substance abuse treatment and of section 191.835.

21         2. The department of revenue and office of administration shall make biannual reports  
22 to the general assembly and the governor concerning the income received into the health  
23 initiatives fund and the level of funding required to operate the programs and initiatives  
24 funded by the health initiatives fund at an optimal level.

191.831. 1. There is hereby established in the state treasury a "Health Initiatives  
2 Fund", to which shall be deposited all revenues designated for the fund under subsection 8 of  
3 section 149.015, and subsection 3 of section 149.160, and section 167.609, and all other funds  
4 donated to the fund or otherwise deposited pursuant to law. The state treasurer shall

5 administer the fund. Money in the fund shall be appropriated to provide funding for  
6 implementing the new programs and initiatives established by sections 105.711 and 105.721.  
7 The moneys in the fund may further be used to fund those programs established by sections  
8 191.411~~],~~~~191.520]~~ and 191.600, sections 208.151 and 208.152, and sections 103.178,  
9 143.999, 167.600 to 167.621, 188.230, 191.211, 191.231, 191.825 to 191.839, 192.013,  
10 208.177, 208.178, 208.179 and 208.181, 211.490, 285.240, 337.093, 374.126, 376.891 to  
11 376.894, 431.064, 660.016, 660.017 and 660.018; in addition, not less than fifteen percent of  
12 the proceeds deposited to the health initiative fund pursuant to sections 149.015 and 149.160  
13 shall be appropriated annually to provide funding for the C-STAR substance abuse  
14 rehabilitation program of the department of mental health, or its successor program, and a C-  
15 STAR pilot project developed by the director of the division of alcohol and drug abuse and  
16 the director of the department of corrections as an alternative to incarceration, as provided in  
17 subsections 2, 3, and 4 of this section. Such pilot project shall be known as the "Alt-care"  
18 program. In addition, some of the proceeds deposited to the health initiatives fund pursuant to  
19 sections 149.015 and 149.160 shall be appropriated annually to the division of alcohol and  
20 drug abuse of the department of mental health to be used for the administration and oversight  
21 of the substance abuse traffic ~~[offenders]~~ **offender** program defined in section 302.010 ~~and~~  
22 ~~section 577.001].~~ The provisions of section 33.080 to the contrary notwithstanding, money in  
23 the health initiatives fund shall not be transferred at the close of the biennium to the general  
24 revenue fund.

25       2. The director of the division of alcohol and drug abuse and the director of the  
26 department of corrections shall develop and administer a pilot project to provide a  
27 comprehensive substance abuse treatment and rehabilitation program as an alternative to  
28 incarceration, hereinafter referred to as "Alt-care". Alt-care shall be funded using money  
29 provided under subsection 1 of this section through the Missouri Medicaid program, the C-  
30 STAR program of the department of mental health, and the division of alcohol and drug  
31 abuse's purchase-of-service system. Alt-care shall offer a flexible combination of clinical  
32 services and living arrangements individually adapted to each client and her children. Alt-  
33 care shall consist of the following components:

- 34       (1) Assessment and treatment planning;
- 35       (2) Community support to provide continuity, monitoring of progress and access to  
36 services and resources;
- 37       (3) Counseling from individual to family therapy;
- 38       (4) Day treatment services which include accessibility seven days per week,  
39 transportation to and from the Alt-care program, weekly drug testing, leisure activities,  
40 weekly events for families and companions, job and education preparedness training, peer  
41 support and self-help and daily living skills; and

42 (5) Living arrangement options which are permanent, substance-free and conducive  
43 to treatment and recovery.

44 3. Any female who is pregnant or is the custodial parent of a child or children under  
45 the age of twelve years, and who has pleaded guilty to or found guilty of violating the  
46 provisions of chapter 195, and whose controlled substance abuse was a precipitating or  
47 contributing factor in the commission of the offense, and who is placed on probation may be  
48 required, as a condition of probation, to participate in Alt-care, if space is available in the  
49 pilot project area. Determinations of eligibility for the program, placement, and continued  
50 participation shall be made by the division of alcohol and drug abuse, in consultation with the  
51 department of corrections.

52 4. The availability of space in Alt-care shall be determined by the director of the  
53 division of alcohol and drug abuse in conjunction with the director of the department of  
54 corrections. If the sentencing court is advised that there is no space available, the court shall  
55 consider other authorized dispositions.

195.100. 1. It shall be unlawful to distribute any controlled substance in a  
2 commercial container unless such container bears a label containing an identifying symbol for  
3 such substance in accordance with federal laws.

4 2. It shall be unlawful for any manufacturer of any controlled substance to distribute  
5 such substance unless the labeling thereof conforms to the requirements of federal law and  
6 contains the identifying symbol required in subsection 1 of this section.

7 3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed  
8 to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such  
9 narcotic or dangerous drug to any person other than the patient.

10 4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a  
11 wholesaler sells or dispenses a controlled substance in a package prepared by him or her, the  
12 manufacturer or wholesaler shall securely affix to each package in which that drug is  
13 contained a label showing in legible English the name and address of the vendor and the  
14 quantity, kind, and form of controlled substance contained therein. No person except a  
15 pharmacist for the purpose of filling a prescription under this chapter, shall alter, deface, or  
16 remove any label so affixed.

17 5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance  
18 on a prescription issued by a physician, physician assistant, dentist, podiatrist, veterinarian, or  
19 advanced practice registered nurse, the pharmacist or practitioner shall affix to the container  
20 in which such drug is sold or dispensed a label showing his or her own name and address of  
21 the pharmacy or practitioner for whom he or she is lawfully acting; the name of the patient or,  
22 if the patient is an animal, the name of the owner of the animal and the species of the animal;  
23 the name of the physician, physician assistant, dentist, podiatrist, advanced practice registered

24 nurse, or veterinarian by whom the prescription was written; [~~the name of the collaborating~~  
25 ~~physician if the prescription is written by an advanced practice registered nurse or a physician~~  
26 ~~assistant,]~~ and such directions as may be stated on the prescription. No person shall alter,  
27 deface, or remove any label so affixed.

334.043. [~~Upon the applicant paying a fee equivalent to the required examination fee~~  
2 ~~and furnishing the board with all locations of previous practice and licensure in chronological~~  
3 ~~order, the board shall, under regulations prescribed by it, admit without examination qualified~~  
4 ~~persons who meet the requirements of this state including, but not limited to, sections~~  
5 ~~334.031, 334.035 and 334.040, and who hold certificates of licensure in any state or territory~~  
6 ~~of the United States or the District of Columbia authorizing them to practice in the same~~  
7 ~~manner and to the same extent as physicians and surgeons are authorized to practice by this~~  
8 ~~chapter. Within the limits of this section, the board is authorized and empowered to negotiate~~  
9 ~~reciprocal compacts with licensing boards of other states for admission of licensed~~  
10 ~~practitioners from Missouri in other states]~~ 1. For purposes of this section, the following  
11 terms mean:

12 (1) "Board", the state board of registration for the healing arts in the state of  
13 Missouri;

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

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

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

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

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



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

40           **3. The board shall:**

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

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

53           **4. (1) The board shall not waive any examination, educational, or experience**  
54 **requirements for any applicant who has had his or her license revoked by an oversight**  
55 **body outside the state; who is currently under investigation, who has a complaint**  
56 **pending, or who is currently under disciplinary action, except as provided in subdivision**  
57 **(2) of this subsection, with an oversight body outside the state; who does not hold a**  
58 **license in good standing with an oversight body outside the state; who has a criminal**  
59 **record that would disqualify him or her for licensure in Missouri; or who does not hold**  
60 **a valid current license in the other jurisdiction on the date the board receives his or her**  
61 **application under this section.**

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

66           **5. Nothing in this section shall prohibit the board from denying a license to an**  
67 **applicant under this section for any reason described in section 334.100.**

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

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

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

18           2. The board may cause a complaint to be filed with the administrative hearing  
19 commission as provided by chapter 621 against any holder of any certificate of registration or  
20 authority, permit or license required by this chapter or any person who has failed to renew or  
21 has surrendered the person's certificate of registration or authority, permit or license for any  
22 one or any combination of the following causes:

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

26           (2) The person has been finally adjudicated and found guilty, or entered a plea of  
27 guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the  
28 United States, for any offense reasonably related to the qualifications, functions or duties of  
29 any profession licensed or regulated pursuant to this chapter, for any offense involving fraud,  
30 dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not  
31 sentence is imposed;

32           (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of  
33 registration or authority, permit or license issued pursuant to this chapter or in obtaining  
34 permission to take any examination given or required pursuant to this chapter;

35 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or  
36 unprofessional conduct in the performance of the functions or duties of any profession  
37 licensed or regulated by this chapter, including, but not limited to, the following:

38 (a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation  
39 by fraud, deception or misrepresentation; willfully and continually overcharging or  
40 overtreating patients; or charging for visits to the physician's office which did not occur  
41 unless the services were contracted for in advance, or for services which were not rendered or  
42 documented in the patient's records;

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

45 (c) Willfully and continually performing inappropriate or unnecessary treatment,  
46 diagnostic tests or medical or surgical services;

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

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

51 (f) Performing or prescribing medical services which have been declared by board  
52 rule to be of no medical or osteopathic value;

53 (g) Final disciplinary action by any professional medical or osteopathic association or  
54 society or licensed hospital or medical staff of such hospital in this or any other state or  
55 territory, whether agreed to voluntarily or not, and including, but not limited to, any removal,  
56 suspension, limitation, or restriction of the person's license or staff or hospital privileges,  
57 failure to renew such privileges or license for cause, or other final disciplinary action, if the  
58 action was in any way related to unprofessional conduct, professional incompetence,  
59 malpractice or any other violation of any provision of this chapter;

60 (h) Signing a blank prescription form; or dispensing, prescribing, administering or  
61 otherwise distributing any drug, controlled substance or other treatment without sufficient  
62 examination including failing to establish a valid physician-patient relationship pursuant to  
63 section 334.108, or for other than medically accepted therapeutic or experimental or  
64 investigative purposes duly authorized by a state or federal agency, or not in the course of  
65 professional practice, or not in good faith to relieve pain and suffering, or not to cure an  
66 ailment, physical infirmity or disease, except as authorized in section 334.104;

67 (i) Exercising influence within a physician-patient relationship for purposes of  
68 engaging a patient in sexual activity;

69 (j) Being listed on any state or federal sexual offender registry;

70 (k) Terminating the medical care of a patient without adequate notice or without  
71 making other arrangements for the continued care of the patient;

72 (l) Failing to furnish details of a patient's medical records to other treating physicians  
73 or hospitals upon proper request; or failing to comply with any other law relating to medical  
74 records;

75 (m) Failure of any applicant or licensee to cooperate with the board during any  
76 investigation;

77 (n) Failure to comply with any subpoena or subpoena duces tecum from the board or  
78 an order of the board;

79 (o) Failure to timely pay license renewal fees specified in this chapter;

80 (p) Violating a probation agreement, order, or other settlement agreement with this  
81 board or any other licensing agency;

82 (q) Failing to inform the board of the physician's current residence and business  
83 address;

84 (r) Advertising by an applicant or licensee which is false or misleading, or which  
85 violates any rule of the board, or which claims without substantiation the positive cure of any  
86 disease, or professional superiority to or greater skill than that possessed by any other  
87 physician. An applicant or licensee shall also be in violation of this provision if the applicant  
88 or licensee has a financial interest in any organization, corporation or association which issues  
89 or conducts such advertising;

90 (s) Any other conduct that is unethical or unprofessional involving a minor;

91 (5) Any conduct or practice which is or might be harmful or dangerous to the mental  
92 or physical health of a patient or the public; or incompetency, gross negligence or repeated  
93 negligence in the performance of the functions or duties of any profession licensed or  
94 regulated by this chapter. For the purposes of this subdivision, "repeated negligence" means  
95 the failure, on more than one occasion, to use that degree of skill and learning ordinarily used  
96 under the same or similar circumstances by the member of the applicant's or licensee's  
97 profession;

98 (6) Violation of, or attempting to violate, directly or indirectly, or assisting or  
99 enabling any person to violate, any provision of this chapter or chapter 324, or of any lawful  
100 rule or regulation adopted pursuant to this chapter or chapter 324;

101 (7) Impersonation of any person holding a certificate of registration or authority,  
102 permit or license or allowing any person to use his or her certificate of registration or  
103 authority, permit, license or diploma from any school;

104 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,  
105 censure, probation or other final disciplinary action against the holder of or applicant for a  
106 license or other right to practice any profession regulated by this chapter by another state,  
107 territory, federal agency or country, whether or not voluntarily agreed to by the licensee or  
108 applicant, including, but not limited to, the denial of licensure, surrender of the license,

109 allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine  
110 while subject to an investigation or while actually under investigation by any licensing  
111 authority, medical facility, branch of the Armed Forces of the United States of America,  
112 insurance company, court, agency of the state or federal government, or employer;

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

115 (10) Assisting or enabling any person to practice or offer to practice any profession  
116 licensed or regulated by this chapter who is not registered and currently eligible to practice  
117 pursuant to this chapter; or knowingly performing any act which in any way aids, assists,  
118 procures, advises, or encourages any person to practice medicine who is not registered and  
119 currently eligible to practice pursuant to this chapter. A physician who works in accordance  
120 with standing orders or protocols or in accordance with the provisions of section 334.104  
121 shall not be in violation of this subdivision;

122 (11) Issuance of a certificate of registration or authority, permit or license based upon  
123 a material mistake of fact;

124 (12) Failure to display a valid certificate or license if so required by this chapter or  
125 any rule promulgated pursuant to this chapter;

126 (13) Violation of the drug laws or rules and regulations of this state, including but not  
127 limited to any provision of chapter 195, any other state, or the federal government;

128 (14) Knowingly making, or causing to be made, or aiding, or abetting in the making  
129 of, a false statement in any birth, death or other certificate or document executed in  
130 connection with the practice of the person's profession;

131 (15) Knowingly making a false statement, orally or in writing to the board;

132 (16) Soliciting patronage in person or by agents or representatives, or by any other  
133 means or manner, under the person's own name or under the name of another person or  
134 concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as  
135 to the need or necessity for or appropriateness of health care services for all patients, or the  
136 qualifications of an individual person or persons to diagnose, render, or perform health care  
137 services;

138 (17) Using, or permitting the use of, the person's name under the designation of  
139 "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the  
140 commercial exploitation of any goods, wares or merchandise;

141 (18) Knowingly making or causing to be made a false statement or misrepresentation  
142 of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter  
143 208 or chapter 630 or for payment from Title XVIII or Title XIX of the Social Security Act;

144 (19) Failure or refusal to properly guard against contagious, infectious or  
145 communicable diseases or the spread thereof; maintaining an unsanitary office or

146 performing professional services under unsanitary conditions; or failure to report the  
147 existence of an unsanitary condition in the office of a physician or in any health care facility  
148 to the board, in writing, within thirty days after the discovery thereof;

149 (20) Any candidate for licensure or person licensed to practice as a physical therapist,  
150 paying or offering to pay a referral fee or~~], notwithstanding section 334.010 to the contrary,~~  
151 ~~practicing or offering to practice professional physical therapy independent of the prescription~~  
152 ~~and direction of a person licensed and registered as a physician and surgeon pursuant to this~~  
153 ~~chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an~~  
154 ~~advanced practice registered nurse under chapter 335, or any licensed and registered~~  
155 ~~physician, dentist, podiatrist, or advanced practice registered nurse practicing in another~~  
156 ~~jurisdiction, whose license is in good standing] **evaluating or treating a patient in a**~~  
157 **manner inconsistent with section 334.506;**

158 (21) Any candidate for licensure or person licensed to practice as a physical therapist,  
159 treating or attempting to treat ailments or other health conditions of human beings other than  
160 by professional physical therapy and as authorized by sections 334.500 to 334.620;

161 (22) Any person licensed to practice as a physician or surgeon, requiring, as a  
162 condition of the physician-patient relationship, that the patient receive prescribed drugs,  
163 devices or other professional services directly from facilities of that physician's office or other  
164 entities under that physician's ownership or control. A physician shall provide the patient  
165 with a prescription which may be taken to the facility selected by the patient and a physician  
166 knowingly failing to disclose to a patient on a form approved by the advisory commission for  
167 professional physical therapists as established by section 334.625 which is dated and signed  
168 by a patient or guardian acknowledging that the patient or guardian has read and understands  
169 that the physician has a pecuniary interest in a physical therapy or rehabilitation service  
170 providing prescribed treatment and that the prescribed treatment is available on a competitive  
171 basis. This subdivision shall not apply to a referral by one physician to another physician  
172 within a group of physicians practicing together;

173 (23) A pattern of personal use or consumption of any controlled substance unless it is  
174 prescribed, dispensed or administered by another physician who is authorized by law to do so;

175 (24) Habitual intoxication or dependence on alcohol, evidence of which may include  
176 more than one alcohol-related enforcement contact as defined by section 302.525;

177 (25) Failure to comply with a treatment program or an aftercare program entered into  
178 as part of a board order, settlement agreement or licensee's professional health program;

179 (26) Revocation, suspension, limitation, probation, or restriction of any kind  
180 whatsoever of any controlled substance authority, whether agreed to voluntarily or not, or  
181 voluntary termination of a controlled substance authority while under investigation;

182 (27) For a physician to operate, conduct, manage, or establish an abortion facility, or  
183 for a physician to perform an abortion in an abortion facility, if such facility comes under the  
184 definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, and such  
185 facility has failed to obtain or renew a license as an ambulatory surgical center.

186 3. Collaborative practice arrangements, protocols and standing orders shall be in  
187 writing and signed and dated by a physician prior to their implementation.

188 4. After the filing of such complaint before the administrative hearing commission,  
189 the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a  
190 finding by the administrative hearing commission that the grounds, provided in subsection 2  
191 of this section, for disciplinary action are met, the board may, singly or in combination, warn,  
192 censure or place the person named in the complaint on probation on such terms and  
193 conditions as the board deems appropriate for a period not to exceed ten years, or may  
194 suspend the person's license, certificate or permit for a period not to exceed three years, or  
195 restrict or limit the person's license, certificate or permit for an indefinite period of time, or  
196 revoke the person's license, certificate, or permit, or administer a public or private reprimand,  
197 or deny the person's application for a license, or permanently withhold issuance of a license or  
198 require the person to submit to the care, counseling or treatment of physicians designated by  
199 the board at the expense of the individual to be examined, or require the person to attend such  
200 continuing educational courses and pass such examinations as the board may direct.

201 5. In any order of revocation, the board may provide that the person may not apply for  
202 reinstatement of the person's license for a period of time ranging from two to seven years  
203 following the date of the order of revocation. All stay orders shall toll this time period.

204 6. Before restoring to good standing a license, certificate or permit issued pursuant to  
205 this chapter which has been in a revoked, suspended or inactive state for any cause for more  
206 than two years, the board may require the applicant to attend such continuing medical  
207 education courses and pass such examinations as the board may direct.

208 7. In any investigation, hearing or other proceeding to determine a licensee's or  
209 applicant's fitness to practice, any record relating to any patient of the licensee or applicant  
210 shall be discoverable by the board and admissible into evidence, regardless of any statutory or  
211 common law privilege which such licensee, applicant, record custodian or patient might  
212 otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold  
213 records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground  
214 of privilege between such licensee, applicant or record custodian and a patient.

215 8. The act of lawfully dispensing, prescribing, administering, or otherwise  
216 distributing ivermectin tablets or hydroxychloroquine sulfate tablets for human use shall  
217 not be grounds for denial, suspension, revocation, or other disciplinary action by the board.

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

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

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

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

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

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

23           (1) ~~[Contact the patient's current approved health care provider within seven days of~~  
24 ~~initiating physical therapy services under this subsection;]~~ **A physical therapist shall refer**  
25 **to an approved health care provider any patient whose condition at the time of**  
26 **evaluation or treatment is determined to be beyond the scope of practice of physical**  
27 **therapy. The physical therapist shall not provide physical therapy services or treatment**  
28 **after this referral has been made.**

29           (2) ~~[Not change an existing physical therapy referral available to the physical~~  
30 ~~therapist without approval of the patient's current approved health care provider;]~~ **A physical**  
31 **therapist shall refer to an approved health care provider any patient who does not**  
32 **demonstrate measurable or functional improvement after ten visits or thirty days,**  
33 **whichever occurs first. The physical therapist shall not provide further therapy services**  
34 **or treatment after this referral has been made.**

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



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

42 ~~(5) Notify the patient's current approved health care provider prior to the continuation~~  
43 ~~of treatment if treatment rendered under this subsection is to continue beyond thirty days.~~

44 ~~The physical therapist shall provide such notification for each successive period of thirty~~  
45 ~~days.]~~ **(a) A physical therapist shall consult with an approved health care provider if,**  
46 **after every ten visits or thirty days, whichever occurs first, the patient has demonstrated**  
47 **measurable or functional improvement from the course of physical therapy services or**  
48 **treatment provided and the physical therapist believes that continuation of the course of**  
49 **physical therapy services or treatment is reasonable and necessary based on the physical**  
50 **therapist's evaluation of the patient. The physical therapist shall not provide further**  
51 **physical therapy services or treatment until the consultation has occurred.**

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

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

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

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

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

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

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

66 **(c) Continued physical therapy services or treatment following the consultation**  
67 **with and approval by an approved health care provider shall proceed in accordance**  
68 **with any feedback, advice, opinion, or direction of the approved health care provider.**  
69 **The physical therapist shall notify the consulting approved health care provider of**  
70 **continuing physical therapy services or treatment and the patient's progress at least**  
71 **every ten visits or thirty days after the initial consultation unless the consulting**  
72 **approved health care provider directs otherwise.**

73           **(d) The provisions of this subdivision shall not apply to physical therapy services**  
74 **performed within a primary or secondary school for individuals within ages not in**  
75 **excess of twenty-one years.**

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

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

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

334.613. 1. The board may refuse to issue or renew a license to practice as a physical  
2 therapist or physical therapist assistant for one or any combination of causes stated in  
3 subsection 2 of this section. The board shall notify the applicant in writing of the reasons for  
4 the refusal 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. As an alternative to a refusal  
6 to issue or renew a license to practice as a physical therapist or physical therapist assistant, the  
7 board may, at its discretion, issue a license which is subject to probation, restriction, or  
8 limitation to an applicant for licensure for any one or any combination of causes stated in  
9 subsection 2 of this section. The board's order of probation, limitation, or restriction shall  
10 contain a statement of the discipline imposed, the basis therefor, the date such action shall  
11 become effective, and a statement that the applicant has thirty days to request in writing a  
12 hearing before the administrative hearing commission. If the board issues a probationary,

13 limited, or restricted license to an applicant for licensure, either party may file a written  
14 petition with the administrative hearing commission within thirty days of the effective date of  
15 the probationary, limited, or restricted license seeking review of the board's determination. If  
16 no written request for a hearing is received by the administrative hearing commission within  
17 the thirty-day period, the right to seek review of the board's decision shall be considered as  
18 waived.

19         2. The board may cause a complaint to be filed with the administrative hearing  
20 commission as provided by chapter 621 against any holder of a license to practice as a  
21 physical therapist or physical therapist assistant who has failed to renew or has surrendered  
22 his or her license for any one or any combination of the following causes:

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

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

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

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

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

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

44                 (c) Willfully and continually performing inappropriate or unnecessary treatment or  
45 services;

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

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

- 50 (f) Performing services which have been declared by board rule to be of no physical  
51 therapy value;
- 52 (g) Final disciplinary action by any professional association, professional society,  
53 licensed hospital or medical staff of the hospital, or physical therapy facility in this or any  
54 other state or territory, whether agreed to voluntarily or not, and including but not limited to  
55 any removal, suspension, limitation, or restriction of the person's professional employment,  
56 malpractice, or any other violation of any provision of this chapter;
- 57 (h) Administering treatment without sufficient examination, or for other than  
58 medically accepted therapeutic or experimental or investigative purposes duly authorized by a  
59 state or federal agency, or not in the course of professional physical therapy practice;
- 60 (i) Engaging in or soliciting sexual relationships, whether consensual or  
61 nonconsensual, while a physical therapist or physical therapist assistant/patient relationship  
62 exists; making sexual advances, requesting sexual favors, or engaging in other verbal conduct  
63 or physical contact of a sexual nature with patients or clients;
- 64 (j) Terminating the care of a patient without adequate notice or without making other  
65 arrangements for the continued care of the patient;
- 66 (k) Failing to furnish details of a patient's physical therapy records to treating  
67 physicians, other physical therapists, or hospitals upon proper request; or failing to comply  
68 with any other law relating to physical therapy records;
- 69 (l) Failure of any applicant or licensee, other than the licensee subject to the  
70 investigation, to cooperate with the board during any investigation;
- 71 (m) Failure to comply with any subpoena or subpoena duces tecum from the board or  
72 an order of the board;
- 73 (n) Failure to timely pay license renewal fees specified in this chapter;
- 74 (o) Violating a probation agreement with this board or any other licensing agency;
- 75 (p) Failing to inform the board of the physical therapist's or physical therapist  
76 assistant's current telephone number, residence, and business address;
- 77 (q) Advertising by an applicant or licensee which is false or misleading, or which  
78 violates any rule of the board, or which claims without substantiation the positive cure of any  
79 disease, or professional superiority to or greater skill than that possessed by any other  
80 physical therapist or physical therapist assistant. An applicant or licensee shall also be in  
81 violation of this provision if the applicant or licensee has a financial interest in any  
82 organization, corporation, or association which issues or conducts such advertising;
- 83 (5) Any conduct or practice which is or might be harmful or dangerous to the mental  
84 or physical health of a patient or the public; or incompetency, gross negligence, or repeated  
85 negligence in the performance of the functions or duties of a physical therapist or physical  
86 therapist assistant. For the purposes of this subdivision, "repeated negligence" means the

87 failure, on more than one occasion, to use that degree of skill and learning ordinarily used  
88 under the same or similar circumstances by the member of the applicant's or licensee's  
89 profession;

90 (6) Violation of, or attempting to violate, directly or indirectly, or assisting or  
91 enabling any person to violate, any provision of this chapter, or of any lawful rule adopted  
92 under this chapter;

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

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

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

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

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

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

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

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

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

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

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

137 (18) Any candidate for licensure or person licensed to practice as a physical therapist  
138 or physical therapist assistant paying or offering to pay a referral fee or~~], notwithstanding~~  
139 ~~section 334.010 to the contrary, practicing or offering to practice professional physical~~  
140 ~~therapy independent of the prescription and direction of a person licensed and registered as a~~  
141 ~~physician and surgeon under this chapter, as a physician assistant under this chapter, as a~~  
142 ~~chiropractor under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter~~  
143 ~~330, as an advanced practice registered nurse under chapter 335, or any licensed and~~  
144 ~~registered physician, chiropractor, dentist, podiatrist, or advanced practice registered nurse~~  
145 ~~practicing in another jurisdiction, whose license is in good standing]~~ **evaluating or treating a**  
146 **patient in a manner inconsistent with section 334.506;**

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

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

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

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

160 (23) Any candidate for licensure or person licensed to practice as a physical therapist  
161 or physical therapist assistant who requests, receives, participates or engages directly or  
162 indirectly in the division, transferring, assigning, rebating or refunding of fees received for  
163 professional services or profits by means of a credit or other valuable consideration such as  
164 wages, an unearned commission, discount or gratuity with any person who referred a patient,  
165 or with any relative or business associate of the referring person;

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

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

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

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

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

197 competent practice as a physical therapist or physical therapist assistant with reasonable skill  
198 and safety to patients;

199 (e) In any proceeding under this subdivision neither the record of proceedings nor the  
200 orders entered by the board shall be used against a physical therapist or physical therapist  
201 assistant in any other proceeding. Proceedings under this subdivision shall be conducted by  
202 the board without the filing of a complaint with the administrative hearing commission;

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

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

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

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

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

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

218 (5) Administer a public or private reprimand;

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

221 (7) Permanently withhold issuance of a license;

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

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

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

231 5. Before restoring to good standing a license issued under this chapter which has  
232 been in a revoked, suspended, or inactive state for any cause for more than two years, the



233 board may require the applicant to attend such continuing medical education courses and pass  
234 such examinations as the board may direct.

235         6. In any investigation, hearing or other proceeding to determine a physical  
236 therapist's, physical therapist assistant's or applicant's fitness to practice, any record relating to  
237 any patient of the physical therapist, physical therapist assistant, or applicant shall be  
238 discoverable by the board and admissible into evidence, regardless of any statutory or  
239 common law privilege which such physical therapist, physical therapist assistant, applicant,  
240 record custodian, or patient might otherwise invoke. In addition, no such physical therapist,  
241 physical therapist assistant, applicant, or record custodian may withhold records or testimony  
242 bearing upon a physical therapist's, physical therapist assistant's, or applicant's fitness to  
243 practice on the grounds of privilege between such physical therapist, physical therapist  
244 assistant, applicant, or record custodian and a patient.

334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

2         (1) "Applicant", any individual who seeks to become licensed as a physician  
3 assistant;

4         (2) "Certification" or "registration", a process by a certifying entity that grants  
5 recognition to applicants meeting predetermined qualifications specified by such certifying  
6 entity;

7         (3) "Certifying entity", the nongovernmental agency or association which certifies or  
8 registers individuals who have completed academic and training requirements;

9         (4) "Collaborative practice arrangement", written agreements, jointly agreed upon  
10 protocols, or standing orders, all of which shall be in writing, for the delivery of health care  
11 services;

12         (5) "Department", the department of commerce and insurance or a designated agency  
13 thereof;

14         (6) "License", a document issued to an applicant by the board acknowledging that the  
15 applicant is entitled to practice as a physician assistant;

16         (7) "Physician assistant", a person who has graduated from a physician assistant  
17 program accredited by the Accreditation Review Commission on Education for the Physician  
18 Assistant or its successor agency, prior to 2001, or the Committee on Allied Health Education  
19 and Accreditation or the Commission on Accreditation of Allied Health Education Programs,  
20 who has passed the certifying examination administered by the National Commission on  
21 Certification of Physician Assistants and has active certification by the National Commission  
22 on Certification of Physician Assistants who provides health care services delegated by a  
23 licensed physician. A person who has been employed as a physician assistant for three years  
24 prior to August 28, 1989, who has passed the National Commission on Certification of

25 Physician Assistants examination, and has active certification of the National Commission on  
26 Certification of Physician Assistants;

27 (8) "Recognition", the formal process of becoming a certifying entity as required by  
28 the provisions of sections 334.735 to 334.749.

29 2. The scope of practice of a physician assistant shall consist only of the following  
30 services and procedures:

31 (1) Taking patient histories;

32 (2) Performing physical examinations of a patient;

33 (3) Performing or assisting in the performance of routine office laboratory and patient  
34 screening procedures;

35 (4) Performing routine therapeutic procedures;

36 (5) Recording diagnostic impressions and evaluating situations calling for attention of  
37 a physician to institute treatment procedures;

38 (6) Instructing and counseling patients regarding mental and physical health using  
39 procedures reviewed and approved by a collaborating physician;

40 (7) Assisting the supervising physician in institutional settings, including reviewing  
41 of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and  
42 ordering of therapies, using procedures reviewed and approved by a licensed physician;

43 (8) Assisting in surgery; and

44 (9) Performing such other tasks not prohibited by law under the collaborative practice  
45 arrangement with a licensed physician as the physician assistant has been trained and is  
46 proficient to perform.

47 3. Physician assistants shall not perform or prescribe abortions.

48 4. Physician assistants shall not prescribe any drug, medicine, device or therapy  
49 unless pursuant to a collaborative practice arrangement in accordance with the law, nor  
50 prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the  
51 measurement of visual power or visual efficiency of the human eye, nor administer or monitor  
52 general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures.  
53 Prescribing of drugs, medications, devices or therapies by a physician assistant shall be  
54 pursuant to a collaborative practice arrangement which is specific to the clinical conditions  
55 treated by the supervising physician and the physician assistant shall be subject to the  
56 following:

57 (1) A physician assistant shall only prescribe controlled substances in accordance  
58 with section 334.747;

59 (2) The types of drugs, medications, devices or therapies prescribed by a physician  
60 assistant shall be consistent with the scopes of practice of the physician assistant and the  
61 collaborating physician;

62 (3) All prescriptions shall conform with state and federal laws and regulations and  
63 shall include the name, address and telephone number of the physician assistant [~~and the~~  
64 ~~supervising physician~~];

65 (4) A physician assistant, or advanced practice registered nurse as defined in section  
66 335.016 may request, receive and sign for noncontrolled professional samples and may  
67 distribute professional samples to patients; and

68 (5) A physician assistant shall not prescribe any drugs, medicines, devices or  
69 therapies the collaborating physician is not qualified or authorized to prescribe.

70 5. A physician assistant shall clearly identify himself or herself as a physician  
71 assistant and shall not use or permit to be used in the physician assistant's behalf the terms  
72 "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or  
73 surgeon. No physician assistant shall practice or attempt to practice without physician  
74 collaboration or in any location where the collaborating physician is not immediately  
75 available for consultation, assistance and intervention, except as otherwise provided in this  
76 section, and in an emergency situation, nor shall any physician assistant bill a patient  
77 independently or directly for any services or procedure by the physician assistant; except that,  
78 nothing in this subsection shall be construed to prohibit a physician assistant from enrolling  
79 with a third-party plan or the department of social services as a MO HealthNet or Medicaid  
80 provider while acting under a collaborative practice arrangement between the physician and  
81 physician assistant.

82 6. The licensing of physician assistants shall take place within processes established  
83 by the state board of registration for the healing arts through rule and regulation. The board  
84 of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing  
85 and renewal procedures, collaboration, collaborative practice arrangements, fees, and  
86 addressing such other matters as are necessary to protect the public and discipline the  
87 profession. An application for licensing may be denied or the license of a physician assistant  
88 may be suspended or revoked by the board in the same manner and for violation of the  
89 standards as set forth by section 334.100, or such other standards of conduct set by the board  
90 by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be  
91 required to be licensed as physician assistants. All applicants for physician assistant licensure  
92 who complete a physician assistant training program after January 1, 2008, shall have a  
93 master's degree from a physician assistant program.

94 7. At all times the physician is responsible for the oversight of the activities of, and  
95 accepts responsibility for, health care services rendered by the physician assistant.

96 8. A physician may enter into collaborative practice arrangements with physician  
97 assistants. Collaborative practice arrangements, which shall be in writing, may delegate to a  
98 physician assistant the authority to prescribe, administer, or dispense drugs and provide

99 treatment which is within the skill, training, and competence of the physician assistant.  
100 Collaborative practice arrangements may delegate to a physician assistant, as defined in  
101 section 334.735, the authority to administer, dispense, or prescribe controlled substances  
102 listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone.  
103 Schedule III narcotic controlled substances and Schedule II - hydrocodone prescriptions shall  
104 be limited to a one hundred twenty-hour supply without refill. Such collaborative practice  
105 arrangements shall be in the form of a written arrangement, jointly agreed-upon protocols, or  
106 standing orders for the delivery of health care services.

107 9. The written collaborative practice arrangement shall contain at least the following  
108 provisions:

109 (1) Complete names, home and business addresses, zip codes, and telephone numbers  
110 of the collaborating physician and the physician assistant;

111 (2) A list of all other offices or locations, other than those listed in subdivision (1) of  
112 this subsection, where the collaborating physician has authorized the physician assistant to  
113 prescribe;

114 (3) A requirement that there shall be posted at every office where the physician  
115 assistant is authorized to prescribe, in collaboration with a physician, a prominently displayed  
116 disclosure statement informing patients that they may be seen by a physician assistant and  
117 have the right to see the collaborating physician;

118 (4) All specialty or board certifications of the collaborating physician and all  
119 certifications of the physician assistant;

120 (5) The manner of collaboration between the collaborating physician and the  
121 physician assistant, including how the collaborating physician and the physician assistant  
122 will:

123 (a) Engage in collaborative practice consistent with each professional's skill, training,  
124 education, and competence;

125 (b) Maintain geographic proximity, as determined by the board of registration for the  
126 healing arts; and

127 (c) Provide coverage during absence, incapacity, infirmity, or emergency of the  
128 collaborating physician;

129 (6) A list of all other written collaborative practice arrangements of the collaborating  
130 physician and the physician assistant;

131 (7) The duration of the written practice arrangement between the collaborating  
132 physician and the physician assistant;

133 (8) A description of the time and manner of the collaborating physician's review of  
134 the physician assistant's delivery of health care services. The description shall include  
135 provisions that the physician assistant shall submit a minimum of ten percent of the charts

136 documenting the physician assistant's delivery of health care services to the collaborating  
137 physician for review by the collaborating physician, or any other physician designated in the  
138 collaborative practice arrangement, every fourteen days. Reviews may be conducted  
139 electronically;

140 (9) The collaborating physician, or any other physician designated in the  
141 collaborative practice arrangement, shall review every fourteen days a minimum of twenty  
142 percent of the charts in which the physician assistant prescribes controlled substances. The  
143 charts reviewed under this subdivision may be counted in the number of charts required to be  
144 reviewed under subdivision (8) of this subsection; and

145 (10) A statement that no collaboration requirements in addition to the federal law  
146 shall be required for a physician-physician assistant team working in a certified community  
147 behavioral health clinic as defined by Pub.L. 113-93, or a rural health clinic under the federal  
148 Rural Health Services Act, Pub.L. 95-210, as amended, or a federally qualified health center  
149 as defined in 42 U.S.C. Section ~~[1395 of the Public Health Service Act]~~ **1395x**, as amended.

150 10. The state board of registration for the healing arts under section 334.125 may  
151 promulgate rules regulating the use of collaborative practice arrangements.

152 11. The state board of registration for the healing arts shall not deny, revoke, suspend,  
153 or otherwise take disciplinary action against a collaborating physician for health care services  
154 delegated to a physician assistant, provided that the provisions of this section and the rules  
155 promulgated thereunder are satisfied.

156 12. Within thirty days of any change and on each renewal, the state board of  
157 registration for the healing arts shall require every physician to identify whether the physician  
158 is engaged in any collaborative practice arrangement, including collaborative practice  
159 arrangements delegating the authority to prescribe controlled substances, and also report to  
160 the board the name of each physician assistant with whom the physician has entered into such  
161 arrangement. The board may make such information available to the public. The board shall  
162 track the reported information and may routinely conduct random reviews of such  
163 arrangements to ensure that the arrangements are carried out in compliance with this chapter.

164 13. The collaborating physician shall determine and document the completion of a  
165 period of time during which the physician assistant shall practice with the collaborating  
166 physician continuously present before practicing in a setting where the collaborating  
167 physician is not continuously present. This limitation shall not apply to collaborative  
168 arrangements of providers of population-based public health services as defined by 20 CSR  
169 2150-5.100 as of April 30, 2009.

170 14. No contract or other arrangement shall require a physician to act as a  
171 collaborating physician for a physician assistant against the physician's will. A physician  
172 shall have the right to refuse to act as a supervising physician, without penalty, for a particular

173 physician assistant. No contract or other agreement shall limit the collaborating physician's  
174 ultimate authority over any protocols or standing orders or in the delegation of the physician's  
175 authority to any physician assistant. No contract or other arrangement shall require any  
176 physician assistant to collaborate with any physician against the physician assistant's will. A  
177 physician assistant shall have the right to refuse to collaborate, without penalty, with a  
178 particular physician.

179 15. Physician assistants shall file with the board a copy of their collaborating  
180 physician form.

181 16. No physician shall be designated to serve as a collaborating physician for more  
182 than six full-time equivalent licensed physician assistants, full-time equivalent advanced  
183 practice registered nurses, or full-time equivalent assistant physicians, or any combination  
184 thereof. This limitation shall not apply to physician assistant collaborative practice  
185 arrangements of hospital employees providing inpatient care service in hospitals as defined in  
186 chapter 197, or to a certified registered nurse anesthetist providing anesthesia services under  
187 the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is  
188 immediately available if needed as set out in subsection 7 of section 334.104.

189 17. No arrangement made under this section shall supercede current hospital licensing  
190 regulations governing hospital medication orders under protocols or standing orders for the  
191 purpose of delivering inpatient or emergency care within a hospital, as defined in section  
192 197.020, if such protocols or standing orders have been approved by the hospital's medical  
193 staff and pharmaceutical therapeutics committee.

334.747. 1. A physician assistant with a certificate of controlled substance  
2 prescriptive authority as provided in this section may prescribe any controlled substance  
3 listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in  
4 Schedule II, when delegated the authority to prescribe controlled substances in a collaborative  
5 practice arrangement. Such authority shall be listed on the collaborating physician form on  
6 file with the state board of healing arts. The collaborating physician shall maintain the right  
7 to limit a specific scheduled drug or scheduled drug category that the physician assistant is  
8 permitted to prescribe. Any limitations shall be listed on the collaborating physician form.  
9 Prescriptions for Schedule II medications prescribed by a physician assistant with authority to  
10 prescribe delegated in a collaborative practice arrangement are restricted to only those  
11 medications containing hydrocodone. Physician assistants shall not prescribe controlled  
12 substances for themselves or members of their families. Schedule III **narcotic** controlled  
13 substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply  
14 without refill, except that buprenorphine may be prescribed for up to a thirty-day supply  
15 without refill for patients receiving medication-assisted treatment for substance use disorders  
16 under the direction of the collaborating physician. Physician assistants who are authorized to

17 prescribe controlled substances under this section shall register with the federal Drug  
18 Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall  
19 include the Drug Enforcement Administration registration number on prescriptions for  
20 controlled substances.

21         2. The collaborating physician shall be responsible to determine and document the  
22 completion of at least one hundred twenty hours in a four-month period by the physician  
23 assistant during which the physician assistant shall practice with the collaborating physician  
24 on-site prior to prescribing controlled substances when the collaborating physician is not on-  
25 site. Such limitation shall not apply to physician assistants of population-based public health  
26 services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

27         3. A physician assistant shall receive a certificate of controlled substance prescriptive  
28 authority from the board of healing arts upon verification of the completion of the following  
29 educational requirements:

30             (1) Successful completion of an advanced pharmacology course that includes clinical  
31 training in the prescription of drugs, medicines, and therapeutic devices. A course or courses  
32 with advanced pharmacological content in a physician assistant program accredited by the  
33 Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its  
34 predecessor agency shall satisfy such requirement;

35             (2) Completion of a minimum of three hundred clock hours of clinical training by the  
36 collaborating physician in the prescription of drugs, medicines, and therapeutic devices;

37             (3) Completion of a minimum of one year of supervised clinical practice or  
38 supervised clinical rotations. One year of clinical rotations in a program accredited by the  
39 Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its  
40 predecessor agency, which includes pharmacotherapeutics as a component of its clinical  
41 training, shall satisfy such requirement. Proof of such training shall serve to document  
42 experience in the prescribing of drugs, medicines, and therapeutic devices;

43             (4) A physician assistant previously licensed in a jurisdiction where physician  
44 assistants are authorized to prescribe controlled substances may obtain a state bureau of  
45 narcotics and dangerous drugs registration if a collaborating physician can attest that the  
46 physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and  
47 provides documentation of existing federal Drug Enforcement Agency registration.

**334.1600. Sections 334.1600 to 334.1720 shall be known and may be cited as the**  
2 **"Interstate Medical Licensure Compact".**

**334.1605. In order to strengthen access to health care, and in recognition of the**  
2 **advances in the delivery of health care, the member states of the Interstate Medical**  
3 **Licensure Compact have allied in common purpose to develop a comprehensive process**  
4 **that complements the existing licensing and regulatory authority of state medical**

5 boards, provides a streamlined process that allows physicians to become licensed in  
6 multiple states, thereby enhancing the portability of a medical license and ensuring the  
7 safety of patients. The Compact creates another pathway for licensure and does not  
8 otherwise change a state's existing Medical Practice Act. The Compact also adopts the  
9 prevailing standard for licensure and affirms that the practice of medicine occurs where  
10 the patient is located at the time of the physician-patient encounter, and therefore,  
11 requires the physician to be under the jurisdiction of the state medical board where the  
12 patient is located. State medical boards that participate in the Compact retain the  
13 jurisdiction to impose an adverse action against a license to practice medicine in that  
14 state issued to a physician through the procedures in the Compact.

334.1610. In this compact:

- 2 (1) "Bylaws" means those bylaws established by the Interstate Commission  
3 pursuant to section 334.1655.
- 4 (2) "Commissioner" means the voting representative appointed by each member  
5 board pursuant to section 334.1655.
- 6 (3) "Conviction" means a finding by a court that an individual is guilty of a  
7 criminal offense through adjudication, or entry of a plea of guilt or no contest to the  
8 charge by the offender. Evidence of an entry of a conviction of a criminal offense by the  
9 court shall be considered final for purposes of disciplinary action by a member board.
- 10 (4) "Expedited License" means a full and unrestricted medical license granted  
11 by a member state to an eligible physician through the process set forth in the Compact.
- 12 (5) "Interstate Commission" means the interstate commission created pursuant  
13 to section 334.1655.
- 14 (6) "License" means authorization by a member state for a physician to engage  
15 in the practice of medicine, which would be unlawful without authorization.
- 16 (7) "Medical Practice Act" means laws and regulations governing the practice of  
17 allopathic and osteopathic medicine within a member state.
- 18 (8) "Member Board" means a state agency in a member state that acts in the  
19 sovereign interests of the state by protecting the public through licensure, regulation,  
20 and education of physicians as directed by the state government.
- 21 (9) "Member State" means a state that has enacted the Compact.
- 22 (10) "Practice of Medicine" means that clinical prevention, diagnosis, or  
23 treatment of human disease, injury, or condition requiring a physician to obtain and  
24 maintain a license in compliance with the Medical Practice Act of a member state.
- 25 (11) "Physician" means any person who:



26 (a) Is a graduate of a medical school accredited by the Liaison Committee on  
27 Medical Education, the Commission on Osteopathic College Accreditation, or a medical  
28 school listed in the International Medical Education Directory or its equivalent;

29 (b) Passed each component of the United States Medical Licensing Examination  
30 (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination  
31 (COMLEX-USA) within three attempts, or any of its predecessor examinations  
32 accepted by a state medical board as an equivalent examination for licensure purposes;

33 (c) Successfully completed graduate medical education approved by the  
34 Accreditation Council for Graduate Medical Education or the American Osteopathic  
35 Association;

36 (d) Holds specialty certification or a time-unlimited specialty certificate  
37 recognized by the American Board of Medical Specialties or the American  
38 Osteopathic Association's Bureau of Osteopathic Specialists;

39 (e) Possesses a full and unrestricted license to engage in the practice of medicine  
40 issued by a member board;

41 (f) Has never been convicted, received adjudication, deferred adjudication,  
42 community supervision, or deferred disposition for any offense by a court of  
43 appropriate jurisdiction;

44 (g) Has never held a license authorizing the practice of medicine subjected to  
45 discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding  
46 any action related to non-payment of fees related to a license;

47 (h) Has never had a controlled substance license or permit suspended or revoked  
48 by a state or the United States Drug Enforcement Administration; and

49 (i) Is not under active investigation by a licensing agency or law enforcement  
50 authority in any state, federal, or foreign jurisdiction.

51 (12) "Offense" means a felony, gross misdemeanor, or crime of moral turpitude.

52 (13) "Rule" means a written statement by the Interstate Commission  
53 promulgated pursuant to section 334.1660 of the Compact that is of general  
54 applicability, implements, interprets, or prescribes a policy or provision of the  
55 Compact, or an organizational, procedural, or practice requirement of the Interstate  
56 Commission, and has the force and effect of statutory law in a member state, and  
57 includes the amendment, repeal, or suspension of an existing rule.

58 (14) "State" means any state, commonwealth, district, or territory of the United  
59 States.

60 (15) "State of Principal License" means a member state where a physician holds  
61 a license to practice medicine and which has been designated as such by the physician  
62 for purposes of registration and participation in the Compact.

1           **334.1615. 1. A physician must meet the eligibility requirements as defined in**  
2 **subdivision (11) of section 334.1610 to receive an expedited license under the terms and**  
3 **provisions of the Compact.**

4           **2. A physician who does not meet the requirements of subdivision (11) of section**  
5 **334.1610 may obtain a license to practice medicine in a member state if the individual**  
6 **complies with all laws and requirements, other than the Compact, relating to the**  
7 **issuance of a license to practice medicine in that state.**

**334.1620. 1. A physician shall designate a member state as the state of principal**  
2 **license for purposes of registration for expedited licensure through the Compact if the**  
3 **physician possesses a full and unrestricted license to practice medicine in that state, and**  
4 **the state is:**

5           **(1) The state of principal residence for the physician, or**

6           **(2) The state where at least 25% of the practice of medicine occurs, or**

7           **(3) The location of the physician's employer, or**

8           **(4) If no state qualifies under subdivision (1), (2), or (3) of this subsection, the**  
9 **state designated as state of residence for purpose of federal income tax.**

10          **2. A physician may redesignate a member state as state of principal license at**  
11 **any time, as long as the state meets the requirements of subsection 1 of this section.**

12          **3. The Interstate Commission is authorized to develop rules to facilitate**  
13 **redesignation of another member state as the state of principal license.**

**334.1625. 1. A physician seeking licensure through the Compact shall file an**  
2 **application for an expedited license with the member board of the state selected by the**  
3 **physician as the state of principal license.**

4           **2. Upon receipt of an application for an expedited license, the member board**  
5 **within the state selected as the state of principal license shall evaluate whether the**  
6 **physician is eligible for expedited licensure and issue a letter of qualification, verifying**  
7 **or denying the physician's eligibility, to the Interstate Commission.**

8           **(1) Static qualifications, which include verification of medical education,**  
9 **graduate medical education, results of any medical or licensing examination, and other**  
10 **qualifications as determined by the Interstate Commission through rule, shall not be**  
11 **subject to additional primary source verification where already primary source verified**  
12 **by the state of principal license.**

13          **(2) The member board within the state selected as the state of principal license**  
14 **shall, in the course of verifying eligibility, perform a criminal background check of an**  
15 **applicant, including the use of the results of fingerprint or other biometric data checks**  
16 **compliant with the requirements of the Federal Bureau of Investigation, with the**

17 exception of federal employees who have suitability determination in accordance with 5  
18 C.F.R. §731.202.

19 (3) Appeal on the determination of eligibility shall be made to the member state  
20 where the application was filed and shall be subject to the law of that state.

21 3. Upon verification in subsection 2 of this section, physicians eligible for an  
22 expedited license shall complete the registration process established by the Interstate  
23 Commission to receive a license in a member state selected pursuant to subsection 1 of  
24 this section, including the payment of any applicable fees.

25 4. After receiving verification of eligibility under subsection 2 of this section and  
26 any fees under subsection 3 of this section, a member board shall issue an expedited  
27 license to the physician. This license shall authorize the physician to practice medicine  
28 in the issuing state consistent with the Medical Practice Act and all applicable laws and  
29 regulations of the issuing member board and member state.

30 5. An expedited license shall be valid for a period consistent with the licensure  
31 period in the member state and in the same manner as required for other physicians  
32 holding a full and unrestricted license within the member state.

33 6. An expedited license obtained through the Compact shall be terminated if a  
34 physician fails to maintain a license in the state of principal licensure for a non-  
35 disciplinary reason, without redesignation of a new state of principal licensure.

36 7. The Interstate Commission is authorized to develop rules regarding the  
37 application process, including payment of any applicable fees, and the issuance of an  
38 expedited license.

334.1630. 1. A member state issuing an expedited license authorizing the  
2 practice of medicine in that state may impose a fee for a license issued or renewed  
3 through the Compact.

4 2. The Interstate Commission is authorized to develop rules regarding fees for  
5 expedited licenses.

334.1635. 1. A physician seeking to renew an expedited license granted in a  
2 member state shall complete a renewal process with the Interstate Commission if the  
3 physician:

4 (1) Maintains a full and unrestricted license in a state of principal license;

5 (2) Has not been convicted, received adjudication, deferred adjudication,  
6 community supervision, or deferred disposition for any offense by a court of  
7 appropriate jurisdiction;

8 (3) Has not had a license authorizing the practice of medicine subject to  
9 discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding  
10 any action related to non-payment of fees related to a license; and

11           **(4) Has not had a controlled substance license or permit suspended or revoked**  
12 **by a state or the United States Drug Enforcement Administration.**

13           **2. Physicians shall comply with all continuing professional development or**  
14 **continuing medical education requirements for renewal of a license issued by a member**  
15 **state.**

16           **3. The Interstate Commission shall collect any renewal fees charged for the**  
17 **renewal of a license and distribute the fees to the applicable member board.**

18           **4. Upon receipt of any renewal fees collected in subsection 3 of this section, a**  
19 **member board shall renew the physician's license.**

20           **5. Physician information collected by the Interstate Commission during the**  
21 **renewal process will be distributed to all member boards.**

22           **6. The Interstate Commission is authorized to develop rules to address renewal**  
23 **of licenses obtained through the Compact.**

**334.1640. 1. The Interstate Commission shall establish a database of all**  
2 **physicians licensed, or who have applied for licensure, under section 334.1625.**

3           **2. Notwithstanding any other provision of law, member boards shall report to**  
4 **the Interstate Commission any public action or complaints against a licensed physician**  
5 **who has applied or received an expedited license through the Compact.**

6           **3. Member boards shall report disciplinary or investigatory information**  
7 **determined as necessary and proper by rule of the Interstate Commission.**

8           **4. Member boards may report any non-public complaint, disciplinary, or**  
9 **investigatory information not required by subsection 3 of this section to the Interstate**  
10 **Commission.**

11           **5. Member boards shall share complaint or disciplinary information about a**  
12 **physician upon request of another member board.**

13           **6. All information provided to the Interstate Commission or distributed by**  
14 **member boards shall be confidential, filed under seal, and used only for investigatory or**  
15 **disciplinary matters.**

16           **7. The Interstate Commission is authorized to develop rules for mandated or**  
17 **discretionary sharing of information by member boards.**

**334.1645. 1. Licensure and disciplinary records of physicians are deemed**  
2 **investigative.**

3           **2. In addition to the authority granted to a member board by its respective**  
4 **Medical Practice Act or other applicable state law, a member board may participate**  
5 **with other member boards in joint investigations of physicians licensed by the member**  
6 **boards.**

7           **3. A subpoena issued by a member state shall be enforceable in other member**  
8 **states.**

9           **4. Member boards may share any investigative, litigation, or compliance**  
10 **materials in furtherance of any joint or individual investigation initiated under the**  
11 **Compact.**

12           **5. Any member state may investigate actual or alleged violations of the statutes**  
13 **authorizing the practice of medicine in any other member state in which a physician**  
14 **holds a license to practice medicine.**

**334.1650. 1. Any disciplinary action taken by any member board against a**  
2 **physician licensed through the Compact shall be deemed unprofessional conduct which**  
3 **may be subject to discipline by other member boards, in addition to any violation of the**  
4 **Medical Practice Act or regulations in that state.**

5           **2. If a license granted to a physician by the member board in the state of**  
6 **principal license is revoked, surrendered or relinquished in lieu of discipline, or**  
7 **suspended, then all licenses issued to the physician by member boards shall**  
8 **automatically be placed, without further action necessary by any member board, on**  
9 **the same status. If the member board in the state of principal license subsequently**  
10 **reinstates the physician's license, a license issued to the physician by any other member**  
11 **board shall remain encumbered until that respective member board takes action to**  
12 **reinstate the license in a manner consistent with the Medical Practice Act of that state.**

13           **3. If disciplinary action is taken against a physician by a member board not in**  
14 **the state of principal license, any other member board may deem the action conclusive**  
15 **as to matter of law and fact decided, and:**

16           **(1) Impose the same or lesser sanction(s) against the physician so long as such**  
17 **sanctions are consistent with the Medical Practice Act of that state; or**

18           **(2) Pursue separate disciplinary action against the physician under its respective**  
19 **Medical Practice Act, regardless of the action taken in other member states.**

20           **4. If a license granted to a physician by a member board is revoked, surrendered**  
21 **or relinquished in lieu of discipline, or suspended, then any license(s) issued to the**  
22 **physician by any other member board(s) shall be suspended, automatically and**  
23 **immediately without further action necessary by the other member board(s), for ninety**  
24 **(90) days upon entry of the order by the disciplining board, to permit the member board**  
25 **(s) to investigate the basis for the action under the Medical Practice Act of that state. A**  
26 **member board may terminate the automatic suspension of the license it issued prior to**  
27 **the completion of the ninety (90) day suspension period in a manner consistent with the**  
28 **Medical Practice Act of that state.**

334.1655. 1. The member states hereby create the "Interstate Medical Licensure Compact Commission".

2. The purpose of the Interstate Commission is the administration of the Interstate Medical Licensure Compact, which is a discretionary state function.

3. The Interstate Commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in the Compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the Compact.

4. The Interstate Commission shall consist of two voting representatives appointed by each member state who shall serve as Commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board. A Commissioner shall be a(n):

(1) Allopathic or osteopathic physician appointed to a member board;

(2) Executive director, executive secretary, or similar executive of a member board; or

(3) Member of the public appointed to a member board.

5. The Interstate Commission shall meet at least once each calendar year. A portion of this meeting shall be a business meeting to address such matters as may properly come before the Commission, including the election of officers. The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states.

6. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

7. Each Commissioner participating at a meeting of the Interstate Commission is entitled to one vote. A majority of Commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission. A Commissioner shall not delegate a vote to another Commissioner. In the absence of its Commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of subsection 4 of this section.

8. The Interstate Commission shall provide public notice of all meetings and all meetings shall be open to the public. The Interstate Commission may close a meeting, in

37 full or in portion, where it determines by a two-thirds vote of the Commissioners present  
38 that an open meeting would be likely to:

39 (1) Relate solely to the internal personnel practice and procedures of the  
40 Interstate Commission;

41 (2) Discuss matters specifically exempted from disclosure by federal statute;

42 (3) Discuss trade secrets, commercial, or financial information that is privileged  
43 or confidential;

44 (4) Involve accusing a person of a crime, or formally censuring a person;

45 (5) Discuss information of a personal nature where disclosure would constitute a  
46 clearly unwarranted invasion of personal privacy;

47 (6) Discuss investigative records compiled for law enforcement purposes; or

48 (7) Specifically relate to the participation in a civil action or other legal  
49 proceeding.

50 9. The Interstate Commission shall keep minutes which shall fully describe all  
51 matters discussed in a meeting and shall provide a full and accurate summary of actions  
52 taken, including record of any roll call votes.

53 10. The Interstate Commission shall make its information and official records, to  
54 the extent not otherwise designated in the Compact or by its rules, available to the  
55 public for inspection.

56 11. The Interstate Commission shall establish an executive committee, which  
57 shall include officers, members, and others as determined by the bylaws. The executive  
58 committee shall have the power to act on behalf of the Interstate Commission, with the  
59 exception of rulemaking, during periods when the Interstate Commission is not in  
60 session. When acting on behalf of the Interstate Commission, the executive committee  
61 shall oversee the administration of the Compact including enforcement and compliance  
62 with the provisions of the Compact, its bylaws and rules, and other such duties as  
63 necessary.

64 12. The Interstate Commission shall establish other committees for governance  
65 and administration of the Compact.

334.1660. The powers and duties of the Interstate Commission shall be to:

2 (1) Oversee and maintain the administration of the Compact;

3 (2) Promulgate rules which shall be binding to the extent and in the manner  
4 provided for in the Compact;

5 (3) Issue, upon the request of a member state or member board, advisory  
6 opinions concerning the meaning or interpretation of the Compact, its bylaws, rules,  
7 and actions;

- 8           **(4) Enforce compliance with Compact provisions, the rules promulgated by the**  
9 **Interstate Commission, and the bylaws, using all necessary and proper means, including**  
10 **but not limited to the use of judicial process;**
- 11           **(5) Establish and appoint committees including, but not limited to, an executive**  
12 **committee as required by section 334.1655, which shall have the power to act on behalf**  
13 **of the Interstate Commission in carrying out its powers and duties;**
- 14           **(6) Pay, or provide for the payment of the expenses related to the establishment,**  
15 **organization, and ongoing activities of the Interstate Commission;**
- 16           **(7) Establish and maintain one or more offices;**
- 17           **(8) Borrow, accept, hire, or contract for services of personnel;**
- 18           **(9) Purchase and maintain insurance and bonds;**
- 19           **(10) Employ an executive director who shall have such powers to employ, select**  
20 **or appoint employees, agents, or consultants, and to determine their qualifications,**  
21 **define their duties, and fix their compensation;**
- 22           **(11) Establish personnel policies and programs relating to conflicts of interest,**  
23 **rates of compensation, and qualifications of personnel;**
- 24           **(12) Accept donations and grants of money, equipment, supplies, materials, and**  
25 **services and to receive, utilize, and dispose of it in a manner consistent with the conflict**  
26 **of interest policies established by the Interstate Commission;**
- 27           **(13) Lease, purchase, accept contributions or donations of, or otherwise to own,**  
28 **hold, improve or use, any property, real, personal, or mixed;**
- 29           **(14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise**  
30 **dispose of any property, real, personal, or mixed;**
- 31           **(15) Establish a budget and make expenditures;**
- 32           **(16) Adopt a seal and bylaws governing the management and operation of the**  
33 **Interstate Commission;**
- 34           **(17) Report annually to the legislatures and governors of the member states**  
35 **concerning the activities of the Interstate Commission during the preceding year. Such**  
36 **reports shall also include reports of financial audits and any recommendations that may**  
37 **have been adopted by the Interstate Commission;**
- 38           **(18) Coordinate education, training, and public awareness regarding the**  
39 **Compact, its implementation, and its operation;**
- 40           **(19) Maintain records in accordance with the bylaws;**
- 41           **(20) Seek and obtain trademarks, copyrights, and patents; and**
- 42           **(21) Perform such functions as may be necessary or appropriate to achieve the**  
43 **purpose of the Compact.**



334.1665. 1. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff. The total assessment must be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

2. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.

3. The Interstate Commission shall not pledge the credit of any of the member states, except by, and with the authority of, the member state.

4. The Interstate Commission shall be subject to a yearly financial audit conducted by a certified or licensed accountant and the report of the audit shall be included in the annual report of the Interstate Commission.

334.1670. 1. The Interstate Commission shall, by a majority of Commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact within twelve (12) months of the first Interstate Commission meeting.

2. The Interstate Commission shall elect or appoint annually from among its Commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission.

3. Officers selected in subsection 2 of this section shall serve without remuneration for the Interstate Commission.

4. The officers and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

5. The liability of the executive director and employees of the Interstate Commission or representatives of the Interstate Commission, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and

24 laws of that state for state officials, employees, and agents. The Interstate Commission  
25 is considered to be an instrumentality of the states for the purpose of any such action.  
26 Nothing in this subsection shall be construed to protect such person from suit or liability  
27 for damage, loss, injury, or liability caused by the intentional or willful and wanton  
28 misconduct of such person.

29         6. The Interstate Commission shall defend the executive director, its employees,  
30 and subject to the approval of the attorney general or other appropriate legal counsel of  
31 the member state represented by an Interstate Commission representative, shall defend  
32 such Interstate Commission representative in any civil action seeking to impose liability  
33 arising out of an actual or alleged act, error or omission that occurred within the scope  
34 of Interstate Commission employment, duties or responsibilities, or that the defendant  
35 had a reasonable basis for believing occurred within the scope of Interstate Commission  
36 employment, duties, or responsibilities, provided that the actual or alleged act, error, or  
37 omission did not result from intentional or willful and wanton misconduct on the part of  
38 such person.

39         7. To the extent not covered by the state involved, member state, or the Interstate  
40 Commission, the representatives or employees of the Interstate Commission shall be  
41 held harmless in the amount of a settlement or judgement, including attorney's fees and  
42 costs, obtained against such persons arising out of an actual or alleged act, error, or  
43 omission that occurred within the scope of the Interstate Commission employment,  
44 duties, or responsibilities, or that such persons had a reasonable basis for believing  
45 occurred within the scope of Interstate Commission employment, duties, or  
46 responsibilities, provided that the actual or alleged act, error, or omission did not  
47 result from intentional or willful and wanton misconduct on the part of such person.

334.1675. 1. The Interstate Commission shall promulgate reasonable rules in  
2 order to effectively and efficiently achieve the purpose of the Compact.  
3 Notwithstanding the foregoing, in the event the Interstate Commission exercises its  
4 rulemaking authority in a manner that is beyond the scope of the purposes of the  
5 Compact, or the powers granted hereunder, then such an action by the Interstate  
6 Commission shall be invalid and have no force or effect.

7         2. Rules deemed appropriate for the operations of the Interstate Commission  
8 shall be made pursuant to a rulemaking process that substantially conforms to the  
9 "Model State Administrative Procedure Act" of 2010, and subsequent amendments  
10 thereto.

11         3. Not later than thirty (30) days after a rule is promulgated, any person may file  
12 a petition for judicial review of the rule in the United States District Court for the  
13 District of Columbia or the federal district where the Interstate Commission has its

14 principal offices, provided that the filing of such a petition shall not stay or otherwise  
15 prevent the rule from becoming effective unless the court finds that the petitioner has a  
16 substantial likelihood of success. The court shall give deference to the actions of the  
17 Interstate Commission consistent with applicable law and shall not find the rule to be  
18 unlawful if the rule represents a reasonable exercise of the authority granted to the  
19 Interstate Commission.

334.1680. 1. The executive, legislative, and judicial branches of state  
2 government in each member state shall enforce the Compact and shall take all  
3 actions necessary and appropriate to effectuate the Compact's purposes and intent. The  
4 provisions of the Compact and the rules promulgated hereunder shall have standing as  
5 statutory law but shall not override existing state authority to regulate the practice of  
6 medicine.

7 2. All courts shall take judicial notice of the Compact and the rules in any  
8 judicial or administrative proceeding in a member state pertaining to the subject matter  
9 of the Compact which may affect the powers, responsibilities or actions of the Interstate  
10 Commission.

11 3. The Interstate Commission shall be entitled to receive all services of process in  
12 any such proceeding, and shall have standing to intervene in the proceeding for all  
13 purposes. Failure to provide service of process to the Interstate Commission shall  
14 render a judgment or order void as to the Interstate Commission, the Compact, or  
15 promulgated rules.

334.1685. 1. The Interstate Commission, in the reasonable exercise of its  
2 discretion, shall enforce the provisions and rules of the Compact.

3 2. The Interstate Commission may, by majority vote of the Commissioners,  
4 initiate legal action in the United States District Court for the District of Columbia, or,  
5 at the discretion of the Interstate Commission, in the federal district where the  
6 Interstate Commission has its principal offices, to enforce compliance with the  
7 provisions of the Compact, and its promulgated rules and bylaws, against a member  
8 state in default. The relief sought may include both injunctive relief and damages. In  
9 the event judicial enforcement is necessary, the prevailing party shall be awarded all  
10 costs of such litigation including reasonable attorney's fees.

11 3. The remedies herein shall not be the exclusive remedies of the Interstate  
12 Commission. The Interstate Commission may avail itself of any other remedies  
13 available under state law or regulation of a profession.

334.1690. 1. The grounds for default include, but are not limited to, failure of a  
2 member state to perform such obligations or responsibilities imposed upon it by the

3 **Compact, or the rules and bylaws of the Interstate Commission promulgated under the**  
4 **Compact.**

5 **2. If the Interstate Commission determines that a member state has defaulted in**  
6 **the performance of its obligations or responsibilities under the Compact, or the bylaws**  
7 **or promulgated rules, the Interstate Commission shall:**

8 **(1) Provide written notice to the defaulting state and other member states, of the**  
9 **nature of the default, the means of curing the default, and any action taken by the**  
10 **Interstate Commission. The Interstate Commission shall specify the conditions by**  
11 **which the defaulting state must cure its default; and**

12 **(2) Provide remedial training and specific technical assistance regarding the**  
13 **default.**

14 **3. If the defaulting state fails to cure the default, the defaulting state shall be**  
15 **terminated from the Compact upon an affirmative vote of a majority of the**  
16 **Commissioners and all rights, privileges, and benefits conferred by the Compact shall**  
17 **terminate on the effective date of termination. A cure of the default does not relieve the**  
18 **offending state of obligations or liabilities incurred during the period of the default.**

19 **4. Termination of membership in the Compact shall be imposed only after all**  
20 **other means of securing compliance have been exhausted. Notice of intent to terminate**  
21 **shall be given by the Interstate Commission to the governor, the majority and minority**  
22 **leaders of the defaulting state's legislature, and each of the member states.**

23 **5. The Interstate Commission shall establish rules and procedures to address**  
24 **licenses and physicians that are materially impacted by the termination of a member**  
25 **state, or the withdrawal of a member state.**

26 **6. The member state which has been terminated is responsible for all dues,**  
27 **obligations, and liabilities incurred through the effective date of termination including**  
28 **obligations, the performance of which extends beyond the effective date of termination.**

29 **7. The Interstate Commission shall not bear any costs relating to any state that**  
30 **has been found to be in default or which has been terminated from the Compact, unless**  
31 **otherwise mutually agreed upon in writing between the Interstate Commission and the**  
32 **defaulting state.**

33 **8. The defaulting state may appeal the action of the Interstate Commission by**  
34 **petitioning the United States District Court for the District of Columbia or the federal**  
35 **district where the Interstate Commission has its principal offices. The prevailing party**  
36 **shall be awarded all costs of such litigation including reasonable attorney's fees.**

**334.1695. 1. The Interstate Commission shall attempt, upon the request of a**  
2 **member state, to resolve disputes which are subject to the Compact and which may arise**  
3 **among member states or member boards.**

4           2. The Interstate Commission shall promulgate rules providing for both  
5 mediation and binding dispute resolution as appropriate.

**334.1700. 1. Any state is eligible to become a member of the Compact.**

2           2. The Compact shall become effective and binding upon legislative enactment of  
3 the Compact into law by no less than seven (7) states. Thereafter, it shall become  
4 effective and binding on a state upon enactment of the Compact into law by that state.

5           3. The governors of non-member states, or their designees, shall be invited to  
6 participate in the activities of the Interstate Commission on a non-voting basis prior to  
7 adoption of the Compact by all states.

8           4. The Interstate Commission may propose amendments to the Compact for  
9 enactment by the member states. No amendment shall become effective and binding  
10 upon the Interstate Commission and the member states unless and until it is enacted  
11 into law by unanimous consent of the member states.

**334.1705. 1. Once effective, the Compact shall continue in force and remain**  
2 **binding upon each and every member state; provided that a member state may**  
3 **withdraw from the Compact by specifically repealing the statute which enacted the**  
4 **Compact into law.**

5           2. Withdrawal from the Compact shall be by the enactment of a statute  
6 repealing the same, but shall not take effect until one (1) year after the effective date of  
7 such statute and until written notice of the withdrawal has been given by the  
8 withdrawing state to the governor of each other member state.

9           3. The withdrawing state shall immediately notify the chairperson of the  
10 Interstate Commission in writing upon the introduction of legislation repealing the  
11 Compact in the withdrawing state.

12           4. The Interstate Commission shall notify the other member states of the  
13 withdrawing state's intent to withdraw within sixty (60) days of its receipt of notice  
14 provided under subsection 3 of this section.

15           5. The withdrawing state is responsible for all dues, obligations and liabilities  
16 incurred through the effective date of withdrawal, including obligations, the  
17 performance of which extend beyond the effective date of withdrawal.

18           6. Reinstatement following withdrawal of a member state shall occur upon the  
19 withdrawing state reenacting the Compact or upon such later date as determined by the  
20 Interstate Commission.

21           7. The Interstate Commission is authorized to develop rules to address the  
22 impact of the withdrawal of a member state on licenses granted in other member states  
23 to physicians who designated the withdrawing member state as the state of principal  
24 license.

334.1710. 1. The Compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership of the Compact to one (1) member state.

2. Upon the dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded, and surplus funds shall be distributed in accordance with the bylaws.

334.1715. 1. The provisions of the Compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

2. The provisions of the Compact shall be liberally construed to effectuate its purposes.

3. Nothing in the Compact shall be construed to prohibit the applicability of other interstate compacts to which the member states are members.

334.1720. 1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

2. All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

3. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.

4. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

5. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

335.203. 1. There is hereby established the "Nursing Education Incentive Program" within the state board of nursing.

2. Subject to appropriation and board disbursement, grants shall be awarded through the nursing education incentive program to eligible institutions of higher education based on criteria jointly determined by the board and the department of higher education and workforce development. ~~[Grant award amounts shall not exceed one hundred fifty thousand dollars.]~~ No campus shall receive more than one grant per year.

3. To be considered for a grant, an eligible institution of higher education shall offer a program of nursing that meets the predetermined category and area of need as established by the board and the department under subsection 4 of this section.

11 4. The board and the department shall determine categories and areas of need for  
12 designating grants to eligible institutions of higher education. In establishing categories and  
13 areas of need, the board and department may consider criteria including, but not limited to:

14 (1) Data generated from licensure renewal data and the department of health and  
15 senior services; and

16 (2) National nursing statistical data and trends that have identified nursing shortages.

17 5. The board shall be the administrative agency responsible for implementation of the  
18 program established under sections 335.200 to 335.203, and shall promulgate reasonable  
19 rules for the exercise of its functions and the effectuation of the purposes of sections 335.200  
20 to 335.203. The board shall, by rule, prescribe the form, time, and method of filing  
21 applications and shall supervise the processing of such applications.

22 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
23 created under the authority delegated in this section shall become effective only if it complies  
24 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
25 This section and chapter 536 are nonseverable and if any of the powers vested with the  
26 general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
27 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
28 rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid  
29 and void.

**335.205. The board, in addition to any other duties it may have regarding  
2 licensure of nurses, shall collect, at the time of any initial license application or license  
3 renewal application, a nursing education incentive program surcharge from each person  
4 licensed or relicensed under chapter 335, in the amount of one dollar per year for  
5 practical nurses and five dollars per year for registered professional nurses. These  
6 funds shall be deposited in the state board of nursing fund described in section 335.036.**

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

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

10 (3) "Nonresident military spouse", a nonresident spouse of an active duty  
11 member of the Armed Forces of the United States who has been transferred or is  
12 scheduled to be transferred to the state of Missouri, or who has been transferred or is

13 **scheduled to be transferred to an adjacent state and is or will be domiciled in the state of**  
14 **Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;**

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

20 **2.** Each applicant for licensure as a professional counselor shall furnish evidence to  
21 the committee that the applicant is at least eighteen years of age, is a United States citizen or  
22 is legally present in the United States; and

23 (1) The applicant has completed a course of study as defined by the board rule leading  
24 to a master's, specialist's, or doctoral degree with a major in counseling, except any applicant  
25 who has held a license as a professional counselor in this state or currently holds a license as a  
26 professional counselor in another state shall not be required to have completed any courses  
27 related to career development; and

28 (2) The applicant has completed acceptable supervised counseling as defined by  
29 board rule. If the applicant has a master's degree with a major in counseling as defined by  
30 board rule, the applicant shall complete at least two years of acceptable supervised counseling  
31 experience subsequent to the receipt of the master's degree. The composition and number of  
32 hours comprising the acceptable supervised counseling experience shall be defined by board  
33 rule. An applicant may substitute thirty semester hours of post master's graduate study for  
34 one of the two required years of acceptable supervised counseling experience if such hours  
35 are clearly related to counseling;

36 (3) After August 28, 2007, each applicant shall have completed a minimum of three  
37 hours of graduate level coursework in diagnostic systems either in the curriculum leading to a  
38 degree or as post master's graduate level course work;

39 (4) Upon examination, the applicant is possessed of requisite knowledge of the  
40 profession, including techniques and applications, research and its interpretation, and  
41 professional affairs and ethics.

42 ~~[2. Any person holding a current license, certificate of registration, or permit from~~  
43 ~~another state or territory of the United States to practice as a professional counselor who does~~  
44 ~~not meet the requirements in section 324.009 and who is at least eighteen years of age, and is~~  
45 ~~a United States citizen or is legally present in the United States may be granted a license~~  
46 ~~without examination to engage in the practice of professional counseling in this state upon the~~  
47 ~~application to the board, payment of the required fee as established by the board, and~~  
48 ~~satisfying one of the following requirements:~~



49 ~~(1) Approval by the American Association of State Counseling Boards (AASCB) or~~  
50 ~~its successor organization according to the eligibility criteria established by AASCB. The~~  
51 ~~successor organization shall be defined by board rule; or~~

52 ~~(2) In good standing and currently certified by the National Board for Certified~~  
53 ~~Counselors or its successor organization and has completed acceptable supervised counseling~~  
54 ~~experience as defined by board rule. The successor organization shall be defined by board~~  
55 ~~rule.]~~

56 **3. (1) Any person who holds a valid current professional counselor license issued**  
57 **by another state, a branch or unit of the military, a territory of the United States, or the**  
58 **District of Columbia, and who has been licensed for at least one year in such other**  
59 **jurisdiction, may submit an application for a professional counselor license in Missouri**  
60 **along with proof of current licensure and proof of licensure for at least one year in the**  
61 **other jurisdiction, to the committee.**

62 **(2) The committee shall:**

63 **(a) Within six months of receiving an application described in subdivision (1) of**  
64 **this subsection, waive any examination, educational, or experience requirements for**  
65 **licensure in this state for the applicant if it determines that there were minimum**  
66 **education requirements and, if applicable, work experience and clinical supervision**  
67 **requirements in effect and the other state verifies that the person met those**  
68 **requirements in order to be licensed or certified in that state. The committee may**  
69 **require an applicant to take and pass an examination specific to the laws of this state; or**

70 **(b) Within thirty days of receiving an application described in subdivision (1) of**  
71 **this subsection from a nonresident military spouse or a resident military spouse, waive**  
72 **any examination, educational, or experience requirements for licensure in this state for**  
73 **the applicant and issue such applicant a license under this subsection if such applicant**  
74 **otherwise meets the requirements of this section.**

75 **(3) (a) The committee shall not waive any examination, educational, or**  
76 **experience requirements for any applicant who has had his or her license revoked by a**  
77 **committee outside the state; who is currently under investigation, who has a complaint**  
78 **pending, or who is currently under disciplinary action, except as provided in paragraph**  
79 **(b) of this subdivision, with a committee outside the state; who does not hold a license in**  
80 **good standing with a committee outside the state; who has a criminal record that would**  
81 **disqualify him or her for licensure in Missouri; or who does not hold a valid current**  
82 **license in the other jurisdiction on the date the committee receives his or her application**  
83 **under this section.**

84 **(b) If another jurisdiction has taken disciplinary action against an applicant, the**  
85 **committee shall determine if the cause for the action was corrected and the matter**

86 **resolved. If the matter has not been resolved by that jurisdiction, the committee may**  
87 **deny a license until the matter is resolved.**

88 **(4) Nothing in this subsection shall prohibit the committee from denying a**  
89 **license to an applicant under this subsection for any reason described in section 337.525.**

90 **(5) Any person who is licensed under the provisions of this subsection shall be**  
91 **subject to the committee's jurisdiction and all rules and regulations pertaining to the**  
92 **practice as a licensed professional counselor in this state.**

93 **(6) This subsection shall not be construed to waive any requirement for an**  
94 **applicant to pay any fees.**

95 **4.** The committee shall issue a license to each person who files an application and fee  
96 and who furnishes evidence satisfactory to the committee that the applicant has complied with  
97 the provisions of this act and has taken and passed a written, open-book examination on  
98 Missouri laws and regulations governing the practice of professional counseling as defined in  
99 section 337.500. The division shall issue a provisional professional counselor license to any  
100 applicant who meets all requirements of this section, but who has not completed the required  
101 acceptable supervised counseling experience and such applicant may reapply for licensure as  
102 a professional counselor upon completion of such acceptable supervised counseling  
103 experience.

104 **[4-] 5.** All persons licensed to practice professional counseling in this state shall pay  
105 on or before the license renewal date a renewal license fee and shall furnish to the committee  
106 satisfactory evidence of the completion of the requisite number of hours of continuing  
107 education as required by rule, including two hours of suicide assessment, referral, treatment,  
108 and management training, which shall be no more than forty hours biennially. The continuing  
109 education requirements may be waived by the committee upon presentation to the committee  
110 of satisfactory evidence of the illness of the licensee or for other good cause.

#### **337.550. SECTION 1: PURPOSE**

2 **The purpose of this Compact is to facilitate interstate practice of Licensed**  
3 **Professional Counselors with the goal of improving public access to Professional**  
4 **Counseling services. The practice of Professional Counseling occurs in the State where**  
5 **the client is located at the time of the counseling services. The Compact preserves the**  
6 **regulatory authority of States to protect public health and safety through the current**  
7 **system of State licensure.**

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

9 **A. Increase public access to Professional Counseling services by providing for**  
10 **the mutual recognition of other Member State licenses;**

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

- 12           **C. Encourage the cooperation of Member States in regulating multistate**  
13 **practice for Licensed Professional Counselors;**
- 14           **D. Support spouses of relocating Active Duty Military personnel;**
- 15           **E. Enhance the exchange of licensure, investigative, and disciplinary**  
16 **information among Member States;**
- 17           **F. Allow for the use of Telehealth technology to facilitate increased access to**  
18 **Professional Counseling services;**
- 19           **G. Support the uniformity of Professional Counseling licensure requirements**  
20 **throughout the States to promote public safety and public health benefits;**
- 21           **H. Invest all Member States with the authority to hold a Licensed Professional**  
22 **Counselor accountable for meeting all State practice laws in the State in which the client**  
23 **is located at the time care is rendered through the mutual recognition of Member State**  
24 **licenses;**
- 25           **I. Eliminate the necessity for licenses in multiple States; and**
- 26           **J. Provide opportunities for interstate practice by Licensed Professional**  
27 **Counselors who meet uniform licensure requirements.**

28           **SECTION 2. DEFINITIONS**

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

- 31           **A. "Active Duty Military" means full-time duty status in the active uniformed**  
32 **service of the United States, including members of the National Guard and Reserve on**  
33 **active duty orders pursuant to 10 U.S.C. Chapters 1209 and 1211.**
- 34           **B. "Adverse Action" means any administrative, civil, equitable or criminal**  
35 **action permitted by a State's laws which is imposed by a licensing board or other**  
36 **authority against a Licensed Professional Counselor, including actions against an**  
37 **individual's license or Privilege to Practice such as revocation, suspension, probation,**  
38 **monitoring of the licensee, limitation on the licensee's practice, or any other**  
39 **Encumbrance on licensure affecting a Licensed Professional Counselor's**  
40 **authorization to practice, including issuance of a cease and desist action.**
- 41           **C. "Alternative Program" means a non-disciplinary monitoring or practice**  
42 **remediation process approved by a Professional Counseling Licensing Board to address**  
43 **Impaired Practitioners.**
- 44           **D. "Continuing Competence/Education" means a requirement, as a condition of**  
45 **license renewal, to provide evidence of participation in, and/or completion of,**  
46 **educational and professional activities relevant to practice or area of work.**

47           **E. "Counseling Compact Commission" or "Commission" means the national**  
48 **administrative body whose membership consists of all States that have enacted the**  
49 **Compact.**

50           **F. "Current Significant Investigative Information" means:**

51           **1. Investigative Information that a Licensing Board, after a preliminary inquiry**  
52 **that includes notification and an opportunity for the Licensed Professional Counselor to**  
53 **respond, if required by State law, has reason to believe is not groundless and, if proved**  
54 **true, would indicate more than a minor infraction; or**

55           **2. Investigative Information that indicates that the Licensed Professional**  
56 **Counselor represents an immediate threat to public health and safety regardless of**  
57 **whether the Licensed Professional Counselor has been notified and had an opportunity**  
58 **to respond.**

59           **G. "Data System" means a repository of information about Licensees, including,**  
60 **but not limited to, continuing education, examination, licensure, investigative, Privilege**  
61 **to Practice and Adverse Action information.**

62           **H. "Encumbered License" means a license in which an Adverse Action restricts**  
63 **the practice of licensed Professional Counseling by the Licensee and said Adverse**  
64 **Action has been reported to the National Practitioners Data Bank (NPDB).**

65           **I. "Encumbrance" means a revocation or suspension of, or any limitation on, the**  
66 **full and unrestricted practice of Licensed Professional Counseling by a Licensing Board.**

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

69           **K. "Home State" means the Member State that is the Licensee's primary State**  
70 **of residence.**

71           **L. "Impaired Practitioner" means an individual who has a condition(s) that may**  
72 **impair their ability to practice as a Licensed Professional Counselor without some type**  
73 **of intervention and may include, but are not limited to, alcohol and drug dependence,**  
74 **mental health impairment, and neurological or physical impairments.**

75           **M. "Investigative Information" means information, records, and documents**  
76 **received or generated by a Professional Counseling Licensing Board pursuant to an**  
77 **investigation.**

78           **N. "Jurisprudence Requirement" if required by a Member State, means the**  
79 **assessment of an individual's knowledge of the laws and Rules governing the practice of**  
80 **Professional Counseling in a State.**

81           **O. "Licensed Professional Counselor" means a counselor licensed by a Member**  
82 **State, regardless of the title used by that State, to independently assess, diagnose, and**  
83 **treat behavioral health conditions.**

84           **P. "Licensee" means an individual who currently holds an authorization from**  
85 **the State to practice as a Licensed Professional Counselor.**

86           **Q. "Licensing Board" means the agency of a State, or equivalent, that is**  
87 **responsible for the licensing and regulation of Licensed Professional Counselors.**

88           **R. "Member State" means a State that has enacted the Compact.**

89           **S. "Privilege to Practice" means a legal authorization, which is equivalent to a**  
90 **license, permitting the practice of Professional Counseling in a Remote State.**

91           **T. "Professional Counseling" means the assessment, diagnosis, and treatment of**  
92 **behavioral health conditions by a Licensed Professional Counselor.**

93           **U. "Remote State" means a Member State other than the Home State, where a**  
94 **Licensee is exercising or seeking to exercise the Privilege to Practice.**

95           **V. "Rule" means a regulation promulgated by the Commission that has the force**  
96 **of law.**

97           **W. "Single State License" means a Licensed Professional Counselor license**  
98 **issued by a Member State that authorizes practice only within the issuing State and does**  
99 **not include a Privilege to Practice in any other Member State.**

100           **X. "State" means any state, commonwealth, district, or territory of the United**  
101 **States of America that regulates the practice of Professional Counseling.**

102           **Y. "Telehealth" means the application of telecommunication technology to**  
103 **deliver Professional Counseling services remotely to assess, diagnose, and treat**  
104 **behavioral health conditions.**

105           **Z. "Unencumbered License" means a license that authorizes a Licensed**  
106 **Professional Counselor to engage in the full and unrestricted practice of Professional**  
107 **Counseling.**

### 108           **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

109           **A. To Participate in the Compact, a State must currently:**

110           **1. License and regulate Licensed Professional Counselors;**

111           **2. Require Licensees to pass a nationally recognized exam approved by the**  
112 **Commission;**

113           **3. Require Licensees to have a 60 semester-hour (or 90 quarter-hour) master's**  
114 **degree in counseling or 60 semester-hours (or 90 quarter-hours) of graduate course**  
115 **work including the following topic areas:**

116           **a. Professional Counseling Orientation and Ethical Practice;**

117           **b. Social and Cultural Diversity;**

118           **c. Human Growth and Development;**

119           **d. Career Development;**

120           **e. Counseling and Helping Relationships;**

- 121           **f. Group Counseling and Group Work;**  
122           **g. Diagnosis and Treatment; Assessment and Testing;**  
123           **h. Research and Program Evaluation; and**  
124           **i. Other areas as determined by the Commission.**
- 125           **4. Require Licensees to complete a supervised postgraduate professional**  
126 **experience as defined by the Commission;**
- 127           **5. Have a mechanism in place for receiving and investigating complaints about**  
128 **Licensees.**
- 129           **B. A Member State shall:**
- 130           **1. Participate fully in the Commission's Data System, including using the**  
131 **Commission's unique identifier as defined in Rules;**
- 132           **2. Notify the Commission, in compliance with the terms of the Compact and**  
133 **Rules, of any Adverse Action or the availability of Investigative Information regarding a**  
134 **Licensee;**
- 135           **3. Implement or utilize procedures for considering the criminal history records**  
136 **of applicants for an initial Privilege to Practice. These procedures shall include the**  
137 **submission of fingerprints or other biometric-based information by applicants for the**  
138 **purpose of obtaining an applicant's criminal history record information from the**  
139 **Federal Bureau of Investigation and the agency responsible for retaining that State's**  
140 **criminal records;**
- 141           **a. A member state must fully implement a criminal background check**  
142 **requirement, within a time frame established by rule, by receiving the results of the**  
143 **Federal Bureau of Investigation record search and shall use the results in making**  
144 **licensure decisions.**
- 145           **b. Communication between a Member State, the Commission and among**  
146 **Member States regarding the verification of eligibility for licensure through the**  
147 **Compact shall not include any information received from the Federal Bureau of**  
148 **Investigation relating to a federal criminal records check performed by a Member State**  
149 **under Public Law 92-544.**
- 150           **4. Comply with the Rules of the Commission;**
- 151           **5. Require an applicant to obtain or retain a license in the Home State and meet**  
152 **the Home State's qualifications for licensure or renewal of licensure, as well as all other**  
153 **applicable State laws;**
- 154           **6. Grant the Privilege to Practice to a Licensee holding a valid Unencumbered**  
155 **License in another Member State in accordance with the terms of the Compact and**  
156 **Rules; and**

157           **7. Provide for the attendance of the State's commissioner to the Counseling**  
158 **Compact Commission meetings.**

159           **C. Member States may charge a fee for granting the Privilege to Practice.**

160           **D. Individuals not residing in a Member State shall continue to be able to apply**  
161 **for a Member State's Single State License as provided under the laws of each Member**  
162 **State. However, the Single State License granted to these individuals shall not be**  
163 **recognized as granting a Privilege to Practice Professional Counseling in any other**  
164 **Member State.**

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

167           **F. A license issued to a Licensed Professional Counselor by a Home State to a**  
168 **resident in that State shall be recognized by each Member State as authorizing a**  
169 **Licensed Professional Counselor to practice Professional Counseling, under a Privilege**  
170 **to Practice, in each Member State.**

#### 171           **SECTION 4. PRIVILEGE TO PRACTICE**

172           **A. To exercise the Privilege to Practice under the terms and provisions of the**  
173 **Compact, the Licensee shall:**

174           **1. Hold a license in the Home State;**

175           **2. Have a valid United States Social Security Number or National Practitioner**  
176 **Identifier;**

177           **3. Be eligible for a Privilege to Practice in any Member State in accordance with**  
178 **Section 4(D), (G) and (H);**

179           **4. Have not had any Encumbrance or restriction against any license or Privilege**  
180 **to Practice within the previous two (2) years;**

181           **5. Notify the Commission that the Licensee is seeking the Privilege to Practice**  
182 **within a Remote State(s);**

183           **6. Pay any applicable fees, including any State fee, for the Privilege to Practice;**

184           **7. Meet any Continuing Competence/Education requirements established by the**  
185 **Home State;**

186           **8. Meet any Jurisprudence Requirements established by the Remote State(s) in**  
187 **which the Licensee is seeking a Privilege to Practice; and**

188           **9. Report to the Commission any Adverse Action, Encumbrance, or restriction**  
189 **on license taken by any non-Member State within 30 days from the date the action is**  
190 **taken.**

191           **B. The Privilege to Practice is valid until the expiration date of the Home State**  
192 **license. The Licensee must comply with the requirements of Section 4(A) to maintain**  
193 **the Privilege to Practice in the Remote State.**

194           **C. A Licensee providing Professional Counseling in a Remote State under the**  
195 **Privilege to Practice shall adhere to the laws and regulations of the Remote State.**

196           **D. A Licensee providing Professional Counseling services in a Remote State is**  
197 **subject to that State's regulatory authority. A Remote State may, in accordance with**  
198 **due process and that State's laws, remove a Licensee's Privilege to Practice in the**  
199 **Remote State for a specific period of time, impose fines, and/or take any other necessary**  
200 **actions to protect the health and safety of its citizens. The Licensee may be ineligible for**  
201 **a Privilege to Practice in any Member State until the specific time for removal has**  
202 **passed and all fines are paid.**

203           **E. If a Home State license is encumbered, the Licensee shall lose the Privilege to**  
204 **Practice in any Remote State until the following occur:**

- 205           **1. The Home State license is no longer encumbered; and**  
206           **2. Have not had any Encumbrance or restriction against any license or Privilege**  
207 **to Practice within the previous two (2) years.**

208           **F. Once an Encumbered License in the Home State is restored to good standing,**  
209 **the Licensee must meet the requirements of Section 4(A) to obtain a Privilege to Practice**  
210 **in any Remote State.**

211           **G. If a Licensee's Privilege to Practice in any Remote State is removed, the**  
212 **individual may lose the Privilege to Practice in all other Remote States until the**  
213 **following occur:**

- 214           **1. The specific period of time for which the Privilege to Practice was removed**  
215 **has ended;**  
216           **2. All fines have been paid; and**  
217           **3. Have not had any Encumbrance or restriction against any license or Privilege**  
218 **to Practice within the previous two (2) years.**

219           **H. Once the requirements of Section 4(G) have been met, the Licensee must meet**  
220 **the requirements in Section 4(A) to obtain a Privilege to Practice in a Remote State.**

221           **SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON A**  
222 **PRIVILEGE TO PRACTICE**

223           **A. A Licensed Professional Counselor may hold a Home State license, which**  
224 **allows for a Privilege to Practice in other Member States, in only one Member State at a**  
225 **time.**

226           **B. If a Licensed Professional Counselor changes primary State of residence by**  
227 **moving between two Member States:**

- 228           **1. The Licensed Professional Counselor shall file an application for obtaining a**  
229 **new Home State license based on a Privilege to Practice, pay all applicable fees, and**



230 **notify the current and new Home State in accordance with applicable Rules adopted by**  
231 **the Commission.**

232 **2. Upon receipt of an application for obtaining a new Home State license by**  
233 **virtue of a Privilege to Practice, the new Home State shall verify that the Licensed**  
234 **Professional Counselor meets the pertinent criteria outlined in Section 4 via the Data**  
235 **System, without need for primary source verification except for:**

236 **a. a Federal Bureau of Investigation fingerprint based criminal background**  
237 **check if not previously performed or updated pursuant to applicable rules adopted by**  
238 **the Commission in accordance with Public Law 92-544;**

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

240 **c. completion of any requisite Jurisprudence Requirements of the new Home**  
241 **State.**

242 **3. The former Home State shall convert the former Home State license into a**  
243 **Privilege to Practice once the new Home State has activated the new Home State license**  
244 **in accordance with applicable Rules adopted by the Commission.**

245 **4. Notwithstanding any other provision of this Compact, if the Licensed**  
246 **Professional Counselor cannot meet the criteria in Section 4, the new Home State may**  
247 **apply its requirements for issuing a new Single State License.**

248 **5. The Licensed Professional Counselor shall pay all applicable fees to the new**  
249 **Home State in order to be issued a new Home State license.**

250 **C. If a Licensed Professional Counselor changes Primary State of Residence by**  
251 **moving from a Member State to a non-Member State, or from a non-Member State to a**  
252 **Member State, the State criteria shall apply for issuance of a Single State License in the**  
253 **new State.**

254 **D. Nothing in this Compact shall interfere with a Licensee's ability to hold a**  
255 **Single State License in multiple States, however for the purposes of this Compact, a**  
256 **Licensee shall have only one Home State license.**

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

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

260 **Active Duty Military personnel, or their spouse, shall designate a Home State**  
261 **where the individual has a current license in good standing. The individual may retain**  
262 **the Home State designation during the period the service member is on active duty.**  
263 **Subsequent to designating a Home State, the individual shall only change their Home**  
264 **State through application for licensure in the new State, or through the process outlined**  
265 **in Section 5.**

266 **SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH**

267           **A. Member States shall recognize the right of a Licensed Professional Counselor,**  
268 **licensed by a Home State in accordance with Section 3 and under Rules promulgated by**  
269 **the Commission, to practice Professional Counseling in any Member State via**  
270 **Telehealth under a Privilege to Practice as provided in the Compact and Rules**  
271 **promulgated by the Commission.**

272           **B. A Licensee providing Professional Counseling services in a Remote State**  
273 **under the Privilege to Practice shall adhere to the laws and regulations of the Remote**  
274 **State.**

275           **SECTION 8. ADVERSE ACTIONS**

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

278           **1. Take Adverse Action against a Licensed Professional Counselor's Privilege to**  
279 **Practice within that Member State, and**

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

289           **3. Only the Home State shall have the power to take Adverse Action against a**  
290 **Licensed Professional Counselor's license issued by the Home State.**

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

295           **C. The Home State shall complete any pending investigations of a Licensed**  
296 **Professional Counselor who changes primary State of residence during the course of the**  
297 **investigations. The Home State shall also have the authority to take appropriate action**  
298 **(s) and shall promptly report the conclusions of the investigations to the administrator**  
299 **of the Data System. The administrator of the coordinated licensure information system**  
300 **shall promptly notify the new Home State of any Adverse Actions.**

301           **D. A Member State, if otherwise permitted by State law, may recover from the**  
302 **affected Licensed Professional Counselor the costs of investigations and dispositions of**

303 cases resulting from any Adverse Action taken against that Licensed Professional  
304 Counselor.

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

308 F. Joint Investigations:

309 1. In addition to the authority granted to a Member State by its respective  
310 Professional Counseling practice act or other applicable State law, any Member State  
311 may participate with other Member States in joint investigations of Licensees.

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

315 G. If Adverse Action is taken by the Home State against the license of a Licensed  
316 Professional Counselor, the Licensed Professional Counselor's Privilege to Practice in all  
317 other Member States shall be deactivated until all Encumbrances have been removed  
318 from the State license. All Home State disciplinary orders that impose Adverse Action  
319 against the license of a Licensed Professional Counselor shall include a Statement that  
320 the Licensed Professional Counselor's Privilege to Practice is deactivated in all Member  
321 States during the pendency of the order.

322 H. If a Member State takes Adverse Action, it shall promptly notify the  
323 administrator of the Data System. The administrator of the Data System shall promptly  
324 notify the Home State of any Adverse Actions by Remote States.

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

327 SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT  
328 COMMISSION

329 A. The Compact Member States hereby create and establish a joint public  
330 agency known as the Counseling Compact Commission:

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

332 2. Venue is proper and judicial proceedings by or against the Commission shall  
333 be brought solely and exclusively in a court of competent jurisdiction where the  
334 principal office of the Commission is located. The Commission may waive venue and  
335 jurisdictional defenses to the extent it adopts or consents to participate in alternative  
336 dispute resolution proceedings.

337 3. Nothing in this Compact shall be construed to be a waiver of sovereign  
338 immunity.

339 B. Membership, Voting, and Meetings

- 340           **1. Each Member State shall have and be limited to one (1) delegate selected by**  
341 **that Member State's Licensing Board.**
- 342           **2. The delegate shall be either:**
- 343           **a. A current member of the Licensing Board at the time of appointment, who is a**  
344 **Licensed Professional Counselor or public member; or**
- 345           **b. An administrator of the Licensing Board.**
- 346           **3. Any delegate may be removed or suspended from office as provided by the law**  
347 **of the State from which the delegate is appointed.**
- 348           **4. The Member State Licensing Board shall fill any vacancy occurring on the**  
349 **Commission within 60 days.**
- 350           **5. Each delegate shall be entitled to one (1) vote with regard to the promulgation**  
351 **of Rules and creation of bylaws and shall otherwise have an opportunity to participate**  
352 **in the business and affairs of the Commission.**
- 353           **6. A delegate shall vote in person or by such other means as provided in the**  
354 **bylaws. The bylaws may provide for delegates' participation in meetings by telephone**  
355 **or other means of communication.**
- 356           **7. The Commission shall meet at least once during each calendar year.**  
357 **Additional meetings shall be held as set forth in the bylaws.**
- 358           **8. The Commission shall by Rule establish a term of office for delegates and may**  
359 **by Rule establish term limits.**
- 360           **C. The Commission shall have the following powers and duties:**
- 361           **1. Establish the fiscal year of the Commission;**
- 362           **2. Establish bylaws;**
- 363           **3. Maintain its financial records in accordance with the bylaws;**
- 364           **4. Meet and take such actions as are consistent with the provisions of this**  
365 **Compact and the bylaws;**
- 366           **5. Promulgate Rules which shall be binding to the extent and in the manner**  
367 **provided for in the Compact;**
- 368           **6. Bring and prosecute legal proceedings or actions in the name of the**  
369 **Commission, provided that the standing of any State Licensing Board to sue or be sued**  
370 **under applicable law shall not be affected;**
- 371           **7. Purchase and maintain insurance and bonds;**
- 372           **8. Borrow, accept, or contract for services of personnel, including, but not**  
373 **limited to, employees of a Member State;**
- 374           **9. Hire employees, elect or appoint officers, fix compensation, define duties,**  
375 **grant such individuals appropriate authority to carry out the purposes of the Compact,**

376 and establish the Commission's personnel policies and programs relating to conflicts of  
377 interest, qualifications of personnel, and other related personnel matters;

378       10. Accept any and all appropriate donations and grants of money, equipment,  
379 supplies, materials, and services, and to receive, utilize, and dispose of the same;  
380 provided that at all times the Commission shall avoid any appearance of impropriety  
381 and/or conflict of interest;

382       11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to  
383 own, hold, improve or use, any property, real, personal or mixed; provided that at all  
384 times the Commission shall avoid any appearance of impropriety;

385       12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
386 dispose of any property real, personal, or mixed;

387       13. Establish a budget and make expenditures;

388       14. Borrow money;

389       15. Appoint committees, including standing committees composed of members,  
390 State regulators, State legislators or their representatives, and consumer  
391 representatives, and such other interested persons as may be designated in this  
392 Compact and the bylaws;

393       16. Provide and receive information from, and cooperate with, law enforcement  
394 agencies;

395       17. Establish and elect an Executive Committee; and

396       18. Perform such other functions as may be necessary or appropriate to achieve  
397 the purposes of this Compact consistent with the State regulation of Professional  
398 Counseling licensure and practice.

399       D. The Executive Committee

400       1. The Executive Committee shall have the power to act on behalf of the  
401 Commission according to the terms of this Compact.

402       2. The Executive Committee shall be composed of up to eleven (11) members:

403       a. Seven voting members who are elected by the Commission from the current  
404 membership of the Commission; and

405       b. Up to four (4) ex-officio, nonvoting members from four (4) recognized  
406 national professional counselor organizations.

407       c. The ex-officio members will be selected by their respective organizations.

408       3. The Commission may remove any member of the Executive Committee as  
409 provided in bylaws.

410       4. The Executive Committee shall meet at least annually.

411       5. The Executive Committee shall have the following duties and responsibilities:

- 412           a. **Recommend to the entire Commission changes to the Rules or bylaws,**  
413 **changes to this Compact legislation, fees paid by Compact Member States such as**  
414 **annual dues, and any Commission Compact fee charged to Licensees for the Privilege to**  
415 **Practice;**
- 416           b. **Ensure Compact administration services are appropriately provided,**  
417 **contractual or otherwise;**
- 418           c. **Prepare and recommend the budget;**
- 419           d. **Maintain financial records on behalf of the Commission;**
- 420           e. **Monitor Compact compliance of Member States and provide compliance**  
421 **reports to the Commission;**
- 422           f. **Establish additional committees as necessary; and**
- 423           g. **Other duties as provided in Rules or bylaws.**
- 424           **E. Meetings of the Commission**
- 425           1. **All meetings shall be open to the public, and public notice of meetings shall be**  
426 **given in the same manner as required under the Rulemaking provisions in Section 11.**
- 427           2. **The Commission or the Executive Committee or other committees of the**  
428 **Commission may convene in a closed, non-public meeting if the Commission or**  
429 **Executive Committee or other committees of the Commission must discuss:**
- 430           a. **Non-compliance of a Member State with its obligations under the Compact;**
- 431           b. **The employment, compensation, discipline or other matters, practices or**  
432 **procedures related to specific employees or other matters related to the Commission's**  
433 **internal personnel practices and procedures;**
- 434           c. **Current, threatened, or reasonably anticipated litigation;**
- 435           d. **Negotiation of contracts for the purchase, lease, or sale of goods, services, or**  
436 **real estate;**
- 437           e. **Accusing any person of a crime or formally censuring any person;**
- 438           f. **Disclosure of trade secrets or commercial or financial information that is**  
439 **privileged or confidential;**
- 440           g. **Disclosure of information of a personal nature where disclosure would**  
441 **constitute a clearly unwarranted invasion of personal privacy;**
- 442           h. **Disclosure of investigative records compiled for law enforcement purposes;**
- 443           i. **Disclosure of information related to any investigative reports prepared by or**  
444 **on behalf of or for use of the Commission or other committee charged with**  
445 **responsibility of investigation or determination of compliance issues pursuant to the**  
446 **Compact; or**
- 447           j. **Matters specifically exempted from disclosure by federal or Member State**  
448 **statute.**

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

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

458           **F. Financing of the Commission**

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

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

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

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

473           **5. The Commission shall keep accurate accounts of all receipts and**  
474 **disbursements. The receipts and disbursements of the Commission shall be subject**  
475 **to the audit and accounting procedures established under its bylaws. However, all**  
476 **receipts and disbursements of funds handled by the Commission shall be audited yearly**  
477 **by a certified or licensed public accountant, and the report of the audit shall be included**  
478 **in and become part of the annual report of the Commission.**

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

480           **1. The members, officers, executive director, employees and representatives of**  
481 **the Commission shall be immune from suit and liability, either personally or in their**  
482 **official capacity, for any claim for damage to or loss of property or personal injury or**  
483 **other civil liability caused by or arising out of any actual or alleged act, error or**  
484 **omission that occurred, or that the person against whom the claim is made had a**  
485 **reasonable basis for believing occurred within the scope of Commission employment,**

486 duties or responsibilities; provided that nothing in this paragraph shall be construed to  
487 protect any such person from suit and/or liability for any damage, loss, injury, or  
488 liability caused by the intentional or willful or wanton misconduct of that person.

489 2. The Commission shall defend any member, officer, executive director,  
490 employee or representative of the Commission in any civil action seeking to impose  
491 liability arising out of any actual or alleged act, error, or omission that occurred within  
492 the scope of Commission employment, duties, or responsibilities, or that the person  
493 against whom the claim is made had a reasonable basis for believing occurred within the  
494 scope of Commission employment, duties, or responsibilities; provided that nothing  
495 herein shall be construed to prohibit that person from retaining his or her own counsel;  
496 and provided further, that the actual or alleged act, error, or omission did not result  
497 from that person's intentional or willful or wanton misconduct.

498 3. The Commission shall indemnify and hold harmless any member, officer,  
499 executive director, employee, or representative of the Commission for the amount of any  
500 settlement or judgment obtained against that person arising out of any actual or alleged  
501 act, error, or omission that occurred within the scope of Commission employment,  
502 duties, or responsibilities, or that such person had a reasonable basis for believing  
503 occurred within the scope of Commission employment, duties, or responsibilities,  
504 provided that the actual or alleged act, error, or omission did not result from the  
505 intentional or willful or wanton misconduct of that person.

#### 506 SECTION 10. DATA SYSTEM

507 A. The Commission shall provide for the development, maintenance, operation,  
508 and utilization of a coordinated database and reporting system containing licensure,  
509 Adverse Action, and Investigative Information on all licensed individuals in Member  
510 States.

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

- 514 1. Identifying information;
- 515 2. Licensure data;
- 516 3. Adverse Actions against a license or Privilege to Practice;
- 517 4. Non-confidential information related to Alternative Program participation;
- 518 5. Any denial of application for licensure, and the reason(s) for such denial;
- 519 6. Current Significant Investigative Information; and
- 520 7. Other information that may facilitate the administration of this Compact, as  
521 determined by the Rules of the Commission.



522 **C. Investigative Information pertaining to a Licensee in any Member State will**  
523 **only be available to other Member States.**

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

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

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

#### 534 **SECTION 11. RULEMAKING**

535 **A. The Commission shall promulgate reasonable Rules in order to effectively**  
536 **and efficiently achieve the purpose of the Compact. Notwithstanding the foregoing, in**  
537 **the event the Commission exercises its Rulemaking authority in a manner that is beyond**  
538 **the scope of the purposes of the Compact, or the powers granted hereunder, then such**  
539 **an action by the Commission shall be invalid and have no force or effect.**

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

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

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

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

553 **1. On the website of the Commission or other publicly accessible platform; and**  
554 **2. On the website of each Member State Professional Counseling Licensing**  
555 **Board or other publicly accessible platform or the publication in which each State**  
556 **would otherwise publish proposed Rules.**

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

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

560           2. The text of the proposed Rule or amendment and the reason for the proposed  
561 Rule;

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

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

566           G. Prior to adoption of a proposed Rule, the Commission shall allow persons to  
567 submit written data, facts, opinions, and arguments, which shall be made available to  
568 the public.

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

571           1. At least twenty-five (25) persons;

572           2. A State or federal governmental subdivision or agency; or

573           3. An association having at least twenty-five (25) members.

574           I. If a hearing is held on the proposed Rule or amendment, the Commission shall  
575 publish the place, time, and date of the scheduled public hearing. If the hearing is held  
576 via electronic means, the Commission shall publish the mechanism for access to the  
577 electronic hearing.

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

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

584           3. All hearings will be recorded. A copy of the recording will be made available  
585 on request.

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

589           J. Following the scheduled hearing date, or by the close of business on the  
590 scheduled hearing date if the hearing was not held, the Commission shall consider all  
591 written and oral comments received.

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

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

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

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

610           **N. The Commission or an authorized committee of the Commission may direct**  
611 **revisions to a previously adopted Rule or amendment for purposes of correcting**  
612 **typographical errors, errors in format, errors in consistency, or grammatical errors.**  
613 **Public notice of any revisions shall be posted on the website of the Commission. The**  
614 **revision shall be subject to challenge by any person for a period of thirty (30) days after**  
615 **posting. The revision may be challenged only on grounds that the revision results in a**  
616 **material change to a Rule. A challenge shall be made in writing and delivered to the**  
617 **chair of the Commission prior to the end of the notice period. If no challenge is made,**  
618 **the revision will take effect without further action. If the revision is challenged, the**  
619 **revision may not take effect without the approval of the Commission.**

620           **SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND**  
621 **ENFORCEMENT**

622           **A. Oversight**

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

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

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

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

636           **1. If the Commission determines that a Member State has defaulted in the**  
637 **performance of its obligations or responsibilities under this Compact or the**  
638 **promulgated Rules, the Commission shall:**

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

642           **b. Provide remedial training and specific technical assistance regarding the**  
643 **default.**

644           **C. If a State in default fails to cure the default, the defaulting State may be**  
645 **terminated from the Compact upon an affirmative vote of a majority of the Member**  
646 **States, and all rights, privileges and benefits conferred by this Compact may be**  
647 **terminated on the effective date of termination. A cure of the default does not relieve**  
648 **the offending State of obligations or liabilities incurred during the period of default.**

649           **D. Termination of membership in the Compact shall be imposed only after all**  
650 **other means of securing compliance have been exhausted. Notice of intent to suspend or**  
651 **terminate shall be given by the Commission to the governor, the majority and minority**  
652 **leaders of the defaulting State's legislature, and each of the Member States.**

653           **E. A State that has been terminated is responsible for all assessments,**  
654 **obligations, and liabilities incurred through the effective date of termination, including**  
655 **obligations that extend beyond the effective date of termination.**

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

659           **G. The defaulting State may appeal the action of the Commission by petitioning**  
660 **the U.S. District Court for the District of Columbia or the federal district where the**  
661 **Commission has its principal offices. The prevailing member shall be awarded all costs**  
662 **of such litigation, including reasonable attorney's fees.**

663           **H. Dispute Resolution**

664           **1. Upon request by a Member State, the Commission shall attempt to resolve**  
665 **disputes related to the Compact that arise among Member States and between member**  
666 **and non-Member States.**

667           **2. The Commission shall promulgate a Rule providing for both mediation and**  
668 **binding dispute resolution for disputes as appropriate.**

669           **I. Enforcement**

670           **1. The Commission, in the reasonable exercise of its discretion, shall enforce the**  
671 **provisions and Rules of this Compact.**

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

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

681           **SECTION 13. DATE OF IMPLEMENTATION OF THE COUNSELING**  
682 **COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND**  
683 **AMENDMENT**

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

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

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

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

699           **2. Withdrawal shall not affect the continuing requirement of the withdrawing**  
700 **State's Professional Counseling Licensing Board to comply with the investigative and**  
701 **Adverse Action reporting requirements of this act prior to the effective date of**  
702 **withdrawal.**

703           **D. Nothing contained in this Compact shall be construed to invalidate or prevent**  
704 **any Professional Counseling licensure agreement or other cooperative arrangement**  
705 **between a Member State and a non-Member State that does not conflict with the**  
706 **provisions of this Compact.**

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

#### 710           **SECTION 14. CONSTRUCTION AND SEVERABILITY**

711           **This Compact shall be liberally construed so as to effectuate the purposes**  
712 **thereof. The provisions of this Compact shall be severable and if any phrase, clause,**  
713 **sentence or provision of this Compact is declared to be contrary to the constitution of**  
714 **any Member State or of the United States or the applicability thereof to any**  
715 **government, agency, person or circumstance is held invalid, the validity of the**  
716 **remainder of this Compact and the applicability thereof to any government, agency,**  
717 **person or circumstance shall not be affected thereby. If this Compact shall be held**  
718 **contrary to the constitution of any Member State, the Compact shall remain in full force**  
719 **and effect as to the remaining Member States and in full force and effect as to the**  
720 **Member State affected as to all severable matters.**

#### 721           **SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS**

722           **A. A Licensee providing Professional Counseling services in a Remote State**  
723 **under the Privilege to Practice shall adhere to the laws and regulations, including scope**  
724 **of practice, of the Remote State.**

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

727           **C. Any laws in a Member State in conflict with the Compact are superseded to**  
728 **the extent of the conflict.**

729           **D. Any lawful actions of the Commission, including all Rules and bylaws**  
730 **properly promulgated by the Commission, are binding upon the Member States.**

731           **E. All permissible agreements between the Commission and the Member States**  
732 **are binding in accordance with their terms.**

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

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

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

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

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

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

22           **2. Each applicant for licensure as a clinical social worker shall furnish evidence to the**  
23 **committee that:**

24           (1) The applicant has a master's degree from a college or university program of social  
25 work accredited by the council of social work education or a doctorate degree from a school  
26 of social work acceptable to the committee;

27           (2) The applicant has completed at least three thousand hours of supervised clinical  
28 experience with a qualified clinical supervisor, as defined in section 337.600, in no less than  
29 twenty-four months and no more than forty-eight consecutive calendar months. For any  
30 applicant who has successfully completed at least four thousand hours of supervised clinical  
31 experience with a qualified clinical supervisor, as defined in section 337.600, within the same  
32 time frame prescribed in this subsection, the applicant shall be eligible for application of  
33 licensure at three thousand hours and shall be furnished a certificate by the state committee  
34 for social workers acknowledging the completion of said additional hours;

35           (3) The applicant has achieved a passing score, as defined by the committee, on an  
36 examination approved by the committee. The eligibility requirements for such examination  
37 shall be promulgated by rule of the committee; **and**

38           (4) The applicant is at least eighteen years of age, is a United States citizen or has  
39 status as a legal resident alien, and has not been finally adjudicated and found guilty, or  
40 entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any  
41 state, of the United States, or of any country, for any offense directly related to the duties and

42 responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not  
43 sentence has been imposed.

44 ~~[2. Any person holding a current license, certificate of registration, or permit from  
45 another state or territory of the United States or the District of Columbia to practice clinical  
46 social work who does not meet the requirements of section 324.009 and who has had no  
47 disciplinary action taken against the license, certificate of registration, or permit for the  
48 preceding five years may be granted a license to practice clinical social work in this state if  
49 the person has received a masters or doctoral degree from a college or university program of  
50 social work accredited by the council of social work education and has been licensed to  
51 practice clinical social work for the preceding five years.]~~

52 **3. (1) Any person who holds a valid current clinical social work license issued by  
53 another state, a branch or unit of the military, a territory of the United States, or the  
54 District of Columbia, and who has been licensed for at least one year in such other  
55 jurisdiction, may submit to the committee an application for a clinical social work  
56 license in Missouri along with proof of current licensure and proof of licensure for at  
57 least one year in the other jurisdiction.**

58 **(2) The committee shall:**

59 **(a) Within six months of receiving an application described in subdivision (1) of  
60 this subsection, waive any examination, educational, or experience requirements for  
61 licensure in this state for the applicant if it determines that there were minimum  
62 education requirements and, if applicable, work experience and clinical supervision  
63 requirements in effect and the other jurisdiction verifies that the person met those  
64 requirements in order to be licensed or certified in that jurisdiction. The committee  
65 may require an applicant to take and pass an examination specific to the laws of this  
66 state; or**

67 **(b) Within thirty days of receiving an application described in subdivision (1) of  
68 this subsection from a nonresident military spouse or a resident military spouse, waive  
69 any examination, educational, or experience requirements for licensure in this state for  
70 the applicant and issue such applicant a license under this subsection if such applicant  
71 otherwise meets the requirements of this subsection.**

72 **(3) (a) The committee shall not waive any examination, educational, or  
73 experience requirements for any applicant who has had his or her license revoked by an  
74 oversight body outside the state; who is currently under investigation, who has a  
75 complaint pending, or who is currently under disciplinary action, except as provided in  
76 paragraph (b) of this subdivision, with an oversight body outside the state; who does not  
77 hold a license in good standing with an oversight body outside the state; who has a  
78 criminal record that would disqualify him or her for licensure in Missouri; or who does**



79 **not hold a valid current license in the other jurisdiction on the date the committee**  
80 **receives his or her application under this section.**

81 **(b) If another jurisdiction has taken disciplinary action against an applicant, the**  
82 **committee shall determine if the cause for the action was corrected and the matter**  
83 **resolved. If the matter has not been resolved by that jurisdiction, the committee may**  
84 **deny a license until the matter is resolved.**

85 **(4) Nothing in this subsection shall prohibit the committee from denying a**  
86 **license to an applicant under this subsection for any reason described in section 337.630.**

87 **(5) Any person who is licensed under the provisions of this subsection shall be**  
88 **subject to the committee's jurisdiction and all rules and regulations pertaining to the**  
89 **practice as a licensed clinical social worker in this state.**

90 **(6) This subsection shall not be construed to waive any requirement for an**  
91 **applicant to pay any fees.**

92 **4.** The committee shall issue a license to each person who files an application and fee  
93 as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence  
94 satisfactory to the committee that the applicant has complied with the provisions of  
95 subdivisions (1) to (4) of subsection [H] 2 of this section [~~or with the provisions of subsection~~  
96 ~~2 of this section~~].

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

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

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

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

17 **(5) "Resident military spouse", a spouse of an active-duty member of the Armed**  
18 **Forces of the United States who has been transferred or is scheduled to be transferred to**  
19 **the state of Missouri or an adjacent state and who is a permanent resident of the state of**

20 **Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her**  
21 **home of record.**

22       **2.** Each applicant for licensure as a master social worker shall furnish evidence to the  
23 committee that:

24       (1) The applicant has a master's or doctorate degree in social work from an accredited  
25 social work degree program approved by the council of social work education;

26       (2) The applicant has achieved a passing score, as defined by the committee, on an  
27 examination approved by the committee. The eligibility requirements for such examination  
28 shall be determined by the state committee for social workers;

29       (3) The applicant is at least eighteen years of age, is a United States citizen or has  
30 status as a legal resident alien, and has not been finally adjudicated and found guilty, or  
31 entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any  
32 state, of the United States, or of any country, for any offense directly related to the duties and  
33 responsibilities of the occupation, as set forth in section 324.012, regardless ~~[or]~~ of whether or  
34 not sentence is imposed;

35       (4) The applicant has submitted a written application on forms prescribed by the state  
36 board; **and**

37       (5) The applicant has submitted the required licensing fee, as determined by the  
38 committee.

39       ~~[2-]~~ **3.** Any applicant who answers in the affirmative to any question on the  
40 application that relates to possible grounds for denial of licensure under section 337.630 shall  
41 submit a sworn affidavit setting forth in detail the facts which explain such answer and copies  
42 of appropriate documents related to such answer.

43       ~~[3-]~~ **4.** The committee shall issue a license to each person who files an application and  
44 fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence  
45 satisfactory to the committee that the applicant has complied with the provisions of  
46 subsection ~~[4]~~ **2** of this section. The license shall refer to the individual as a licensed master  
47 social worker and shall recognize that individual's right to practice licensed master social  
48 work as defined in section 337.600.

49       **5. (1) Any person who holds a valid current master social work license issued by**  
50 **another state, a branch or unit of the military, a territory of the United States, or the**  
51 **District of Columbia, and who has been licensed for at least one year in such other**  
52 **jurisdiction, may submit to the committee an application for a master social work**  
53 **license in Missouri along with proof of current licensure and proof of licensure for at**  
54 **least one year in the other jurisdiction.**

55       **(2) The committee shall:**

56           **(a) Within six months of receiving an application described in subdivision (1) of**  
57 **this subsection, waive any examination, educational, or experience requirements for**  
58 **licensure in this state for the applicant if it determines that there were minimum**  
59 **education requirements and, if applicable, work experience and clinical supervision**  
60 **requirements in effect and the other jurisdiction verifies that the person met those**  
61 **requirements in order to be licensed or certified in that jurisdiction. The committee**  
62 **may require an applicant to take and pass an examination specific to the laws of this**  
63 **state; or**

64           **(b) Within thirty days of receiving an application described in subdivision (1) of**  
65 **this subsection from a nonresident military spouse or a resident military spouse, waive**  
66 **any examination, educational, or experience requirements for licensure in this state for**  
67 **the applicant and issue such applicant a license under this subsection if such applicant**  
68 **otherwise meets the requirements of this subsection.**

69           **(3) (a) The committee shall not waive any examination, educational, or**  
70 **experience requirements for any applicant who has had his or her license revoked by an**  
71 **oversight body outside the state; who is currently under investigation, who has a**  
72 **complaint pending, or who is currently under disciplinary action, except as provided in**  
73 **paragraph (b) of this subdivision, with an oversight body outside the state; who does not**  
74 **hold a license in good standing with an oversight body outside the state; who has a**  
75 **criminal record that would disqualify him or her for licensure in Missouri; or who does**  
76 **not hold a valid current license in the other jurisdiction on the date the committee**  
77 **receives his or her application under this section.**

78           **(b) If another jurisdiction has taken disciplinary action against an applicant, the**  
79 **committee shall determine if the cause for the action was corrected and the matter**  
80 **resolved. If the matter has not been resolved by that jurisdiction, the committee may**  
81 **deny a license until the matter is resolved.**

82           **(4) Nothing in this subsection shall prohibit the committee from denying a**  
83 **license to an applicant under this subsection for any reason described in section 337.630.**

84           **(5) Any person who is licensed under the provisions of this subsection shall be**  
85 **subject to the committee's jurisdiction and all rules and regulations pertaining to the**  
86 **practice as a licensed master social worker in this state.**

87           **(6) This subsection shall not be construed to waive any requirement for an**  
88 **applicant to pay any fees.**

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

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

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

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

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

22           **2.** Each applicant for licensure as a baccalaureate social worker shall furnish evidence  
23 to the committee that:

24           (1) The applicant has a baccalaureate degree in social work from an accredited social  
25 work degree program approved by the council of social work education;

26           (2) The applicant has achieved a passing score, as defined by the committee, on an  
27 examination approved by the committee. The eligibility requirements for such examination  
28 shall be determined by the state committee for social work;

29           (3) The applicant is at least eighteen years of age, is a United States citizen or has  
30 status as a legal resident alien, and has not been finally adjudicated and found guilty, or  
31 entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any  
32 state, of the United States, or of any country, for any offense directly related to the duties and  
33 responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not  
34 sentence is imposed;

35           (4) The applicant has submitted a written application on forms prescribed by the state  
36 board; **and**

37           (5) The applicant has submitted the required licensing fee, as determined by the  
38 committee.

39           ~~[2-]~~ **3.** Any applicant who answers in the affirmative to any question on the  
40 application that relates to possible grounds for denial of licensure pursuant to section 337.630

41 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and  
42 copies of appropriate documents related to such answer.

43 ~~[3-]~~ 4. The committee shall issue a license to each person who files an application and  
44 fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence  
45 satisfactory to the committee that the applicant has complied with the provisions of  
46 subsection ~~[+]~~ 2 of this section.

47 ~~[4-]~~ 5. The committee shall issue a certificate to practice independently under  
48 subsection 3 of section 337.653 to any licensed baccalaureate social worker who has  
49 satisfactorily completed three thousand hours of supervised experience with a qualified  
50 baccalaureate supervisor in no less than twenty-four months and no more than forty-eight  
51 consecutive calendar months.

52 **6. (1) Any person who holds a valid current baccalaureate social work license**  
53 **issued by another state, a branch or unit of the military, a territory of the United States,**  
54 **or the District of Columbia, and who has been licensed for at least one year in such other**  
55 **jurisdiction, may submit to the committee an application for a baccalaureate social**  
56 **work license in Missouri along with proof of current licensure and proof of licensure for**  
57 **at least one year in the other jurisdiction.**

58 **(2) The committee shall:**

59 **(a) Within six months of receiving an application described in subdivision (1) of**  
60 **this subsection, waive any examination, educational, or experience requirements for**  
61 **licensure in this state for the applicant if it determines that there were minimum**  
62 **education requirements and, if applicable, work experience and clinical supervision**  
63 **requirements in effect and the other jurisdiction verifies that the person met those**  
64 **requirements in order to be licensed or certified in that jurisdiction. The committee**  
65 **may require an applicant to take and pass an examination specific to the laws of this**  
66 **state; or**

67 **(b) Within thirty days of receiving an application described in subdivision (1) of**  
68 **this subsection from a nonresident military spouse or a resident military spouse, waive**  
69 **any examination, educational, or experience requirements for licensure in this state for**  
70 **the applicant and issue such applicant a license under this subsection if such applicant**  
71 **otherwise meets the requirements of this subsection.**

72 **(3) (a) The committee shall not waive any examination, educational, or**  
73 **experience requirements for any applicant who has had his or her license revoked by an**  
74 **oversight body outside the state; who is currently under investigation, who has a**  
75 **complaint pending, or who is currently under disciplinary action, except as provided in**  
76 **paragraph (b) of this subdivision, with an oversight body outside the state; who does not**  
77 **hold a license in good standing with an oversight body outside the state; who has a**

78 **criminal record that would disqualify him or her for licensure in Missouri; or who does**  
79 **not hold a valid current license in the other jurisdiction on the date the committee**  
80 **receives his or her application under this section.**

81 **(b) If another jurisdiction has taken disciplinary action against an applicant, the**  
82 **committee shall determine if the cause for the action was corrected and the matter**  
83 **resolved. If the matter has not been resolved by that jurisdiction, the committee may**  
84 **deny a license until the matter is resolved.**

85 **(4) Nothing in this subsection shall prohibit the committee from denying a**  
86 **license to an applicant under this subsection for any reason described in section 337.630.**

87 **(5) Any person who is licensed under the provisions of this subsection shall be**  
88 **subject to the committee's jurisdiction and all rules and regulations pertaining to the**  
89 **practice as a licensed baccalaureate social worker in this state.**

90 **(6) This subsection shall not be construed to waive any requirement for an**  
91 **applicant to pay any fees.**

**337.1000. 1. Sections 337.1000 to 337.1075 shall be known and may be cited as**  
2 **the "Social Work Licensure Compact".**

3 **2. The purpose of this Compact is to facilitate interstate practice of Regulated**  
4 **Social Workers by improving public access to competent Social Work Services. The**  
5 **Compact preserves the regulatory authority of States to protect public health and safety**  
6 **through the current system of State licensure.**

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

8 **(1) Increase public access to Social Work Services;**

9 **(2) Reduce overly burdensome and duplicative requirements associated with**  
10 **holding multiple licenses;**

11 **(3) Enhance the Member States' ability to protect the public's health and safety;**

12 **(4) Encourage the cooperation of Member States in regulating multistate**  
13 **practice;**

14 **(5) Promote mobility and address workforce shortages by eliminating the**  
15 **necessity for licenses in multiple States by providing for the mutual recognition of other**  
16 **Member State licenses;**

17 **(6) Support military families;**

18 **(7) Facilitate the exchange of licensure and disciplinary information among**  
19 **Member States;**

20 **(8) Authorize all Member States to hold a Regulated Social Worker accountable**  
21 **for abiding by a Member State's laws, regulations, and applicable professional**  
22 **standards in the Member State in which the client is located at the time care is rendered;**  
23 **and**

24           **(9) Allow for the use of telehealth to facilitate increased access to regulated**  
25 **Social Work Services.**

**337.1005. As used in this Compact, and except as otherwise provided, the**  
2 **following definitions shall apply:**

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

6           **(2) "Adverse Action" means any administrative, civil, equitable or criminal**  
7 **action permitted by a State's laws which is imposed by a Licensing Authority or other**  
8 **authority against a Regulated Social Worker, including actions against an individual's**  
9 **license or Multistate Authorization to Practice such as revocation, suspension,**  
10 **probation, monitoring of the Licensee, limitation on the Licensee's practice, or any**  
11 **other Encumbrance on licensure affecting a Regulated Social Worker's authorization to**  
12 **practice, including issuance of a cease and desist action.**

13           **(3) "Alternative Program" means a non-disciplinary monitoring or practice**  
14 **remediation process approved by a Licensing Authority to address practitioners with an**  
15 **Impairment.**

16           **(4) "Charter Member States" means Member States who have enacted**  
17 **legislation to adopt this Compact where such legislation predates the effective date of**  
18 **this Compact as described in section 337.1065.**

19           **(5) "Compact Commission" or "Commission" means the government agency**  
20 **whose membership consists of all States that have enacted this Compact, which is**  
21 **known as the Social Work Licensure Compact Commission, as described in section**  
22 **337.1045, and which shall operate as an instrumentality of the Member States.**

23           **(6) "Current Significant Investigative Information" means:**

24           **(a) Investigative information that a Licensing Authority, after a preliminary**  
25 **inquiry that includes notification and an opportunity for the Regulated Social Worker**  
26 **to respond has reason to believe is not groundless and, if proved true, would indicate**  
27 **more than a minor infraction as may be defined by the Commission; or**

28           **(b) Investigative information that indicates that the Regulated Social Worker**  
29 **represents an immediate threat to public health and safety, as may be defined by the**  
30 **Commission, regardless of whether the Regulated Social Worker has been notified and**  
31 **has had an opportunity to respond.**

32           **(7) "Data System" means a repository of information about Licensees, including,**  
33 **continuing education, examination, licensure, Current Significant Investigative**  
34 **Information, Disqualifying Event, Multistate License(s) and Adverse Action**  
35 **information or other information as required by the Commission.**

36           **(8) "Domicile" means the jurisdiction in which the Licensee resides and intends**  
37 **to remain indefinitely.**

38           **(9) "Disqualifying Event" means any Adverse Action or incident which results**  
39 **in an Encumbrance that disqualifies or makes the Licensee ineligible to either obtain,**  
40 **retain or renew a Multistate License.**

41           **(10) "Encumbrance" means a revocation or suspension of, or any limitation on,**  
42 **the full and unrestricted practice of Social Work licensed and regulated by a Licensing**  
43 **Authority.**

44           **(11) "Executive Committee" means a group of delegates elected or appointed to**  
45 **act on behalf of, and within the powers granted to them by, the compact and**  
46 **Commission.**

47           **(12) "Home State" means the Member State that is the Licensee's primary**  
48 **Domicile.**

49           **(13) "Impairment" means a condition(s) that may impair a practitioner's ability**  
50 **to engage in full and unrestricted practice as a Regulated Social Worker without some**  
51 **type of intervention and may include alcohol and drug dependence, mental health**  
52 **impairment, and neurological or physical impairments.**

53           **(14) "Licensee(s)" means an individual who currently holds a license from a**  
54 **State to practice as a Regulated Social Worker.**

55           **(15) "Licensing Authority" means the board or agency of a Member State, or**  
56 **equivalent, that is responsible for the licensing and regulation of Regulated Social**  
57 **Workers.**

58           **(16) "Member State" means a state, commonwealth, district, or territory of the**  
59 **United States of America that has enacted this Compact.**

60           **(17) "Multistate Authorization to Practice" means a legally authorized privilege**  
61 **to practice, which is equivalent to a license, associated with a Multistate License**  
62 **permitting the practice of Social Work in a Remote State.**

63           **(18) "Multistate License" means a license to practice as a Regulated Social**  
64 **Worker issued by a Home State Licensing Authority that authorizes the Regulated**  
65 **Social Worker to practice in all Member States under Multistate Authorization to**  
66 **Practice.**

67           **(19) "Qualifying National Exam" means a national licensing examination**  
68 **approved by the Commission.**

69           **(20) "Regulated Social Worker" means any clinical, master's or bachelor's**  
70 **Social Worker licensed by a Member State regardless of the title used by that Member**  
71 **State.**



72           (21) "Remote State" means a Member State other than the Licensee's Home  
73 State.

74           (22) "Rule(s)" or "Rule(s) of the Commission" means a regulation or regulations  
75 duly promulgated by the Commission, as authorized by the Compact, that has the force  
76 of law.

77           (23) "Single State License" means a Social Work license issued by any State that  
78 authorizes practice only within the issuing State and does not include Multistate  
79 Authorization to Practice in any Member State.

80           (24) "Social Work" or "Social Work Services" means the application of social  
81 work theory, knowledge, methods, ethics, and the professional use of self to restore or  
82 enhance social, psychosocial, or biopsychosocial functioning of individuals, couples,  
83 families, groups, organizations, and communities through the care and services  
84 provided by a Regulated Social Worker as set forth in the Member State's statutes  
85 and regulations in the State where the services are being provided.

86           (25) "State" means any state, commonwealth, district, or territory of the United  
87 States of America that regulates the practice of Social Work.

88           (26) "Unencumbered License" means a license that authorizes a Regulated  
89 Social Worker to engage in the full and unrestricted practice of Social Work.

          337.1010. 1. To be eligible to participate in the compact, a potential Member  
2 State must currently meet all of the following criteria:

3           (1) License and regulate the practice of Social Work at either the clinical,  
4 master's, or bachelor's category.

5           (2) Require applicants for licensure to graduate from a program that is:

6           (a) Operated by a college or university recognized by the Licensing Authority;

7           (b) Accredited, or in candidacy by an institution that subsequently becomes  
8 accredited, by an accrediting agency recognized by either:

9           a. the Council for Higher Education Accreditation, or its successor; or

10           b. the United States Department of Education; and

11           (c) Corresponds to the licensure sought as outlined in section 337.1015.

12           (3) Require applicants for clinical licensure to complete a period of supervised  
13 practice.

14           (4) Have a mechanism in place for receiving, investigating, and adjudicating  
15 complaints about Licensees.

16           2. To maintain membership in the Compact a Member State shall:

17           (1) Require that applicants for a Multistate License pass a Qualifying National  
18 Exam for the corresponding category of Multistate License sought as outlined in section  
19 337.1015;

20           **(2) Participate fully in the Commission's Data System, including using the**  
21 **Commission's unique identifier as defined in Rules;**

22           **(3) Notify the Commission, in compliance with the terms of the Compact and**  
23 **Rules, of any Adverse Action or the availability of Current Significant Investigative**  
24 **Information regarding a Licensee;**

25           **(4) Implement procedures for considering the criminal history records of**  
26 **applicants for a Multistate License. Such procedures shall include the submission of**  
27 **fingerprints or other biometric-based information by applicants for the purpose of**  
28 **obtaining an applicant's criminal history record information from the Federal Bureau**  
29 **of Investigation and the agency responsible for retaining that State's criminal records;**

30           **(5) Comply with the Rules of the Commission;**

31           **(6) Require an applicant to obtain or retain a license in the Home State and meet**  
32 **the Home State's qualifications for licensure or renewal of licensure, as well as all other**  
33 **applicable Home State laws;**

34           **(7) Authorize a Licensee holding a Multistate License in any Member State to**  
35 **practice in accordance with the terms of the Compact and Rules of the Commission; and**

36           **(8) Designate a delegate to participate in the Commission meetings.**

37           **3. A Member State meeting the requirements of subsections 1 and 2 of this**  
38 **section shall designate the categories of Social Work licensure that are eligible for**  
39 **issuance of a Multistate License for applicants in such Member State. To the extent that**  
40 **any Member State does not meet the requirements for participation in the Compact at**  
41 **any particular category of Social Work licensure, such Member State may choose, but is**  
42 **not obligated to, issue a Multistate License to applicants that otherwise meet the**  
43 **requirements of section 337.1015 for issuance of a Multistate License in such category or**  
44 **categories of licensure.**

45           **4. The Home State may charge a fee for granting the Multistate License.**

**337.1015. 1. To be eligible for a Multistate License under the terms and**  
2 **provisions of the Compact, an applicant, regardless of category must:**

3           **(1) Hold or be eligible for an active, Unencumbered License in the Home State;**

4           **(2) Pay any applicable fees, including any State fee, for the Multistate License;**

5           **(3) Submit, in connection with an application for a Multistate License,**  
6 **fingerprints or other biometric data for the purpose of obtaining criminal history record**  
7 **information from the Federal Bureau of Investigation and the agency responsible for**  
8 **retaining that State's criminal records;**

9           **(4) Notify the Home State of any Adverse Action, Encumbrance, or restriction**  
10 **on any professional license taken by any Member State or non-Member State within 30**  
11 **days from the date the action is taken;**

12           **(5) Meet any continuing competence requirements established by the Home**  
13 **State;**

14           **(6) Abide by the laws, regulations, and applicable standards in the Member**  
15 **State where the client is located at the time care is rendered.**

16           **2. An applicant for a clinical-category Multistate License must meet all of the**  
17 **following requirements:**

18           **(1) Fulfill a competency requirement, which shall be satisfied by either:**

19           **(a) Passage of a clinical-category Qualifying National Exam; or**

20           **(b) Licensure of the applicant in their Home State at the clinical category,**  
21 **beginning prior to such time as a Qualifying National Exam was required by the Home**  
22 **State and accompanied by a period of continuous Social Work licensure thereafter, all of**  
23 **which may be further governed by the Rules of the Commission; or**

24           **(c) The substantial equivalency of the foregoing competency requirements which**  
25 **the Commission may determine by Rule.**

26           **(2) Attain at least a master's degree in Social Work from a program that is:**

27           **(a) Operated by a college or university recognized by the Licensing Authority;**  
28 **and**

29           **(b) Accredited, or in candidacy that subsequently becomes accredited, by an**  
30 **accrediting agency recognized by either:**

31           **a. the Council for Higher Education Accreditation or its successor; or**

32           **b. the United States Department of Education.**

33           **(3) Fulfill a practice requirement, which shall be satisfied by demonstrating**  
34 **completion of either:**

35           **(a) A period of postgraduate supervised clinical practice equal to a minimum of**  
36 **three thousand hours; or**

37           **(b) A minimum of two years of full-time postgraduate supervised clinical**  
38 **practice; or**

39           **(c) The substantial equivalency of the foregoing practice requirements which the**  
40 **Commission may determine by Rule.**

41           **3. An applicant for a master's-category Multistate License must meet all of the**  
42 **following requirements:**

43           **(1) Fulfill a competency requirement, which shall be satisfied by either:**

44           **(a) Passage of a masters-category Qualifying National Exam;**

45           **(b) Licensure of the applicant in their Home State at the master's category,**  
46 **beginning prior to such time as a Qualifying National Exam was required by the Home**  
47 **State at the master's category and accompanied by a continuous period of Social Work**

48 licensure thereafter, all of which may be further governed by the Rules of the  
49 Commission; or

50 (c) The substantial equivalency of the foregoing competency requirements which  
51 the Commission may determine by Rule.

52 (2) Attain at least a master's degree in Social Work from a program that is:

53 (a) Operated by a college or university recognized by the Licensing Authority;  
54 and

55 (b) Accredited, or in candidacy that subsequently becomes accredited, by an  
56 accrediting agency recognized by either:

57 a. the Council for Higher Education Accreditation or its successor; or

58 b. the United States Department of Education.

59 4. An applicant for a bachelor's-category Multistate License must meet all of the  
60 following requirements:

61 (1) Fulfill a competency requirement, which shall be satisfied by either:

62 (a) Passage of a bachelor's-category Qualifying National Exam;

63 (b) Licensure of the applicant in their Home State at the bachelor's category,  
64 beginning prior to such time as a Qualifying National Exam was required by the Home  
65 State and accompanied by a period of continuous Social Work licensure thereafter, all of  
66 which may be further governed by the Rules of the Commission; or

67 (c) The substantial equivalency of the foregoing competency requirements which  
68 the Commission may determine by Rule.

69 (2) Attain at least a bachelor's degree in Social Work from a program that is:

70 (a) Operated by a college or university recognized by the Licensing Authority;  
71 and

72 (b) Accredited, or in candidacy that subsequently becomes accredited, by an  
73 accrediting agency recognized by either:

74 a. the Council for Higher Education Accreditation or its successor; or

75 b. the United States Department of Education.

76 5. The Multistate License for a Regulated Social Worker is subject to the  
77 renewal requirements of the Home State. The Regulated Social Worker must maintain  
78 compliance with the requirements of subsection 1 of this section to be eligible to renew a  
79 Multistate License.

80 6. The Regulated Social Worker's services in a Remote State are subject to that  
81 Member State's regulatory authority. A Remote State may, in accordance with due  
82 process and that Member State's laws, remove a Regulated Social Worker's Multistate  
83 Authorization to Practice in the Remote State for a specific period of time, impose fines,  
84 and take any other necessary actions to protect the health and safety of its citizens.

85           7. If a Multistate License is encumbered, the Regulated Social Worker's  
86 Multistate Authorization to Practice shall be deactivated in all Remote States until the  
87 Multistate License is no longer encumbered.

88           8. If a Multistate Authorization to Practice is encumbered in a Remote State, the  
89 regulated Social Worker's Multistate Authorization to Practice may be deactivated in  
90 that State until the Multistate Authorization to Practice is no longer encumbered.

          337.1020. 1. Upon receipt of an application for a Multistate License, the Home  
2 State Licensing Authority shall determine the applicant's eligibility for a Multistate  
3 License in accordance with section 337.1015 of this Compact.

4           2. If such applicant is eligible pursuant to section 337.1015 of this Compact, the  
5 Home State Licensing Authority shall issue a Multistate License that authorizes the  
6 applicant or Regulated Social Worker to practice in all Member States under a  
7 Multistate Authorization to Practice.

8           3. Upon issuance of a Multistate License, the Home State Licensing Authority  
9 shall designate whether the Regulated Social Worker holds a Multistate License in the  
10 Bachelors, Masters, or Clinical category of Social Work.

11           4. A Multistate License issued by a Home State to a resident in that State shall be  
12 recognized by all Compact Member States as authorizing Social Work Practice under a  
13 Multistate Authorization to Practice corresponding to each category of licensure  
14 regulated in each Member State.

          337.1025. 1. Nothing in this Compact, nor any Rule of the Commission, shall be  
2 construed to limit, restrict, or in any way reduce the ability of a Member State to enact  
3 and enforce laws, regulations, or other rules related to the practice of Social Work in  
4 that State, where those laws, regulations, or other rules are not inconsistent with the  
5 provisions of this Compact.

6           2. Nothing in this Compact shall affect the requirements established by a  
7 Member State for the issuance of a Single State License.

8           3. Nothing in this Compact, nor any Rule of the Commission, shall be construed  
9 to limit, restrict, or in any way reduce the ability of a Member State to take Adverse  
10 Action against a Licensee's Single State License to practice Social Work in that State.

11           4. Nothing in this Compact, nor any Rule of the Commission, shall be construed  
12 to limit, restrict, or in any way reduce the ability of a Remote State to take Adverse  
13 Action against a Licensee's Multistate Authorization to Practice in that State.

14           5. Nothing in this Compact, nor any Rule of the Commission, shall be construed  
15 to limit, restrict, or in any way reduce the ability of a Licensee's Home State to take  
16 Adverse Action against a Licensee's Multistate License based upon information  
17 provided by a Remote State.

2       **337.1030. 1. A Licensee can hold a Multistate License, issued by their Home**  
3       **State, in only one Member State at any given time.**

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

6       **(1) The Licensee shall immediately apply for the reissuance of their Multistate**  
7       **License in their new Home State. The Licensee shall pay all applicable fees and notify**  
8       **the prior Home State in accordance with the Rules of the Commission.**

9       **(2) Upon receipt of an application to reissue a Multistate License, the new Home**  
10       **State shall verify that the Multistate License is active, unencumbered and eligible for**  
11       **reissuance under the terms of the Compact and the Rules of the Commission. The**  
12       **Multistate License issued by the prior Home State will be deactivated and all Member**

13       **(3) Prior to the reissuance of the Multistate License, the new Home State shall**  
14       **conduct procedures for considering the criminal history records of the Licensee. Such**  
15       **procedures shall include the submission of fingerprints or other biometric-based**  
16       **information by applicants for the purpose of obtaining an applicant's criminal history**  
17       **record information from the Federal Bureau of Investigation and the agency responsible**  
18       **for retaining that State's criminal records.**

19       **(4) If required for initial licensure, the new Home State may require completion**  
20       **of jurisprudence requirements in the new Home State.**

21       **(5) Notwithstanding any other provision of this Compact, if a Licensee does not**  
22       **meet the requirements set forth in this Compact for the reissuance of a Multistate**  
23       **License by the new Home State, then the Licensee shall be subject to the new Home**  
24       **State requirements for the issuance of a Single State License in that State.**

25       **3. If a Licensee changes their primary State of residence by moving from a**  
26       **Member State to a non-Member State, or from a non-Member State to a Member State,**  
27       **then the Licensee shall be subject to the State requirements for the issuance of a Single**  
28       **State License in the new Home State.**

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

32       **5. Nothing in this Compact shall interfere with the requirements established by a**  
33       **Member State for the issuance of a Single State License.**

2       **337.1035. An Active Military Member or their spouse shall designate a Home**  
3       **State where the individual has a Multistate License. The individual may retain their**  
4       **Home State designation during the period the service member is on active duty.**

337.1040. 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 Regulated Social Worker's Multistate Authorization to Practice only within that Member State, and 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 of that court applicable to subpoenas issued in proceedings pending before it. The issuing Licensing 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 Regulated Social Worker's Multistate License.

2. 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.

3. The Home State shall complete any pending investigations of a Regulated Social Worker who changes their Home State during the course of the investigations. The Home State shall also have the authority to take appropriate action(s) 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.

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

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

6. (1) In addition to the authority granted to a Member State by its respective Social Work practice act or other applicable 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 or individual investigation initiated under the Compact.

37           **7. If Adverse Action is taken by the Home State against the Multistate License of**  
38 **a Regulated Social Worker, the Regulated Social Worker's Multistate Authorization to**  
39 **Practice in all other Member States shall be deactivated until all Encumbrances have**  
40 **been removed from the Multistate License. All Home State disciplinary orders that**  
41 **impose Adverse Action against the license of a Regulated Social Worker shall include a**  
42 **statement that the Regulated Social Worker's Multistate Authorization to Practice is**  
43 **deactivated in all Member States until all conditions of the decision, order or agreement**  
44 **are satisfied.**

45           **8. If a Member State takes Adverse Action, it shall promptly notify the**  
46 **administrator of the Data System. The administrator of the Data System shall promptly**  
47 **notify the Home State and all other Member States of any Adverse Actions by Remote**  
48 **States.**

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

51           **10. Nothing in this Compact shall authorize a Member State to demand the**  
52 **issuance of subpoenas for attendance and testimony of witnesses or the production of**  
53 **evidence from another Member State for lawful actions within that Member State.**

54           **11. Nothing in this Compact shall authorize a Member State to impose discipline**  
55 **against a Regulated Social Worker who holds a Multistate Authorization to Practice for**  
56 **lawful actions within another Member State.**

**337.1045. 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 Social Work Licensure Compact Commission. The**  
4 **Commission is an instrumentality of the Compact States acting jointly and not an**  
5 **instrumentality of any one State. The Commission shall come into existence on or after**  
6 **the effective date of the Compact as set forth in section 337.1065.**

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

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

10           **(a) A current member of the State Licensing Authority at the time of**  
11 **appointment, who is a Regulated Social Worker or public member of the State Licensing**  
12 **Authority; or**

13           **(b) An administrator of the State Licensing Authority or their designee.**

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

16           **(4) The Commission may recommend removal or suspension of any delegate**  
17 **from office.**



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

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

22           **(7) A delegate shall vote in person or by such other means as provided in the**  
23 **bylaws. The bylaws may provide for delegates to meet by telecommunication,**  
24 **videoconference, or other means of communication.**

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

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

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

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

31           **(3) Establish and amend Rules and bylaws;**

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

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

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

38           **(7) Maintain and certify records and information provided to a Member State as**  
39 **the authenticated business records of the Commission, and designate an agent to do so**  
40 **on the Commission's behalf;**

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

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

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

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

49           **(12) Assess and collect fees;**

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

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

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

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

59           **(17) Borrow money;**

60           **(18) 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           **(19) Provide and receive information from, and cooperate with, law enforcement**  
65 **agencies;**

66           **(20) Establish and elect an Executive Committee, including a chair and a vice**  
67 **chair;**

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

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

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

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

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

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

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

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

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

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

89           **(h) Exercise the powers and duties of the Commission during the interim**  
90 **between Commission meetings, except for adopting or amending Rules, adopting or**

91 amending bylaws, and exercising any other powers and duties expressly reserved to the  
92 Commission by Rule or bylaw; and

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

94 (2) The Executive Committee shall be composed of up to eleven (11) members:

95 (a) The chair and vice chair of the Commission shall be voting members of the  
96 Executive Committee; and

97 (b) The Commission shall elect five voting members from the current  
98 membership of the Commission.

99 (c) Up to four (4) ex-officio, nonvoting members from four (4) recognized  
100 national Social Work organizations.

101 (d) The ex-officio members will be selected by their respective organizations.

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

104 (4) The Executive Committee shall meet at least annually.

105 (a) Executive Committee meetings shall be open to the public, except that the  
106 Executive Committee may meet in a closed, non-public meeting as provided in  
107 subdivision (2) of subsection 6 of this section.

108 (b) The Executive Committee shall give seven (7) days' notice of its meetings,  
109 posted on its website and as determined to provide notice to persons with an interest in  
110 the business of the Commission.

111 (c) The Executive Committee may hold a special meeting in accordance with  
112 paragraph (b) of subdivision (1) of subsection 6 of this section.

113 5. The Commission shall adopt and provide to the Member States an annual  
114 report.

115 6. (1) All meetings shall be open to the public, except that the Commission may  
116 meet in a closed, non-public meeting as provided in subdivision (2) of this subsection.

117 (a) Public notice for all meetings of the full Commission of meetings shall be  
118 given in the same manner as required under the Rulemaking provisions in section  
119 337.1055, except that the Commission may hold a special meeting as provided in  
120 paragraph (b) of this subdivision.

121 (b) The Commission may hold a special meeting when it must meet to conduct  
122 emergency business by giving 48 hours' notice to all commissioners, on the  
123 Commission's website, and other means as provided in the Commission's Rules. The  
124 Commission's legal counsel shall certify that the Commission's need to meet qualifies as  
125 an emergency.

126 (2) The Commission or the Executive Committee or other committees of the  
127 Commission may convene in a closed, non-public meeting for the Commission or

128 **Executive Committee or other committees of the Commission to receive legal advice or**  
129 **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 Commission or by a**  
134 **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 Commission or other committee charged with responsibility of**  
146 **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 promulgated by the Commission by Rule.**

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

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

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

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

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

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

181           **8. (1) The members, officers, executive director, employees and representatives**  
182 **of the Commission shall be immune from suit and liability, both personally and in their**  
183 **official capacity, for any claim for damage to or loss of property or personal injury or**  
184 **other civil liability caused by or arising out of any actual or alleged act, error, or**  
185 **omission that occurred, or that the person against whom the claim is made had a**  
186 **reasonable basis for believing occurred within the scope of Commission employment,**  
187 **duties or responsibilities; provided that nothing in this subdivision shall be construed to**  
188 **protect any such person from suit or liability for any damage, loss, injury, or liability**  
189 **caused by the intentional or willful or wanton misconduct of that person. The**  
190 **procurement of insurance of any type by the Commission shall not in any way**  
191 **compromise or limit the immunity granted hereunder.**

192           **(2) The Commission shall defend any member, officer, executive director,**  
193 **employee, and representative of the Commission in any civil action seeking to impose**  
194 **liability arising out of any actual or alleged act, error, or omission that occurred within**  
195 **the scope of Commission employment, duties, or responsibilities, or as determined by**  
196 **the Commission that the person against whom the claim is made had a reasonable basis**  
197 **for believing occurred within the scope of Commission employment, duties, or**  
198 **responsibilities; provided that nothing herein shall be construed to prohibit that**  
199 **person from retaining their own counsel at their own expense; and provided further,**

200 that the actual or alleged act, error, or omission did not result from that person's  
201 intentional or willful or wanton misconduct.

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

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

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

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

337.1050. 1. The Commission shall provide for the development, maintenance,  
2 operation, and utilization of a coordinated Data System.

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

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 Commission, including:

8 (1) Identifying information;

9 (2) Licensure data;

10 (3) Adverse Actions against a license and information related thereto;

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

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

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

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

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

24           **5. (1) Current Significant Investigative Information pertaining to a Licensee in**  
25 **any Member State will only be available to other Member States.**

26           **(2) It is the responsibility of the Member States to report any Adverse Action**  
27 **against a Licensee and to monitor the database to determine whether Adverse Action**  
28 **has been taken against a Licensee. Adverse Action information pertaining to a Licensee**  
29 **in any Member State will be available to any other Member State.**

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

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

**337.1055. 1. The Commission shall promulgate reasonable Rules in order to**  
2 **effectively and efficiently implement and administer the purposes and provisions of the**  
3 **Compact. A Rule shall be invalid and have no force or effect only if a court of**  
4 **competent jurisdiction holds that the Rule is invalid because the Commission exercised**  
5 **its rulemaking authority in a manner that is beyond the scope and purposes of the**  
6 **Compact, or the powers granted hereunder, or based upon another applicable standard**  
7 **of review.**

8           **2. The Rules of the Commission shall have the force of law in each Member**  
9 **State, provided however that where the Rules of the Commission conflict with the laws**  
10 **of the Member State that establish the Member State's laws, regulations, and applicable**  
11 **standards that govern the practice of Social Work as held by a court of competent**  
12 **jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent**  
13 **of the conflict.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 **11. The Commission shall, by majority vote of all members, take final action on**  
52 **the proposed Rule based on the Rulemaking record and the full text of the Rule.**

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



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

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

62           **12. Upon determination that an emergency exists, the Commission may consider**  
63 **and adopt an emergency Rule with 48 hours' notice, with opportunity to comment,**  
64 **provided that the usual Rulemaking procedures provided in the Compact and in this**  
65 **section shall be retroactively applied to the Rule as soon as reasonably possible, in no**  
66 **event later than ninety (90) days after the effective date of the Rule. For the purposes of**  
67 **this provision, an emergency Rule is one that must be adopted immediately in order to:**

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

69           **(2) Prevent a loss of Commission or Member State funds;**

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

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

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

83           **14. No Member State's rulemaking requirements shall apply under this**  
84 **compact.**

**337.1060. 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 the Compact.**

4           **(2) Except as otherwise provided in this Compact, venue is proper and judicial**  
5 **proceedings by or against the Commission shall be brought solely and exclusively in a**  
6 **court of competent jurisdiction where the principal office of the Commission is located.**  
7 **The Commission may waive venue and jurisdictional defenses to the extent it adopts or**

8 consents to participate in alternative dispute resolution proceedings. Nothing herein  
9 shall affect or limit the selection or propriety of venue in any action against a Licensee  
10 for professional malpractice, 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 and shall have  
13 standing to intervene in such a proceeding for all purposes. Failure to provide the  
14 Commission service of process shall render a judgment or order void as to the  
15 Commission, this Compact, or promulgated Rules.

16 2. (1) If the Commission determines that a Member State has defaulted in the  
17 performance of its obligations or responsibilities under this Compact or the  
18 promulgated Rules, the Commission shall provide written notice to the defaulting  
19 State. 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 Member 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 delegates of  
26 the Member States, 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 membership 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 and each of the Member States' State Licensing Authority.

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

38 6. Upon the termination of a State's membership from this Compact, that State  
39 shall immediately provide notice to all Licensees within that State of such termination.  
40 The terminated State shall continue to recognize all licenses granted pursuant to this  
41 Compact for a minimum of six (6) months after the date of said notice of termination.

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

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

49           **9. (1) Upon request by a Member State, the Commission shall attempt to resolve**  
50 **disputes related to the Compact that arise among Member States and between Member**  
51 **and non-Member States.**

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

54           **10. (1) By majority vote as provided by Rule, the Commission may initiate legal**  
55 **action against a Member State in default in the United States District Court for the**  
56 **District of Columbia or the federal district where the Commission has its principal**  
57 **offices to enforce compliance with the provisions of the Compact and its promulgated**  
58 **Rules. The relief sought may include both injunctive relief and damages. In the event**  
59 **judicial enforcement is necessary, the prevailing party shall be awarded all costs of such**  
60 **litigation, including reasonable attorney's fees. The remedies herein shall not be the**  
61 **exclusive remedies of the Commission. The Commission may pursue any other**  
62 **remedies available under federal or the defaulting Member State's law.**

63           **(2) A Member State may initiate legal action against the Commission in the U.S.**  
64 **District Court for the District of Columbia or the federal district where the Commission**  
65 **has its principal offices to enforce compliance with the provisions of the Compact and its**  
66 **promulgated Rules. The relief sought may include both injunctive relief and damages.**  
67 **In 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) No person other than a Member State shall enforce this compact against the**  
70 **Commission.**

**337.1065. 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           **(1) On or after the effective date of the Compact, the Commission shall convene**  
4 **and review the enactment of each of the first seven Member States ("Charter Member**  
5 **States") to determine if the statute enacted by each such Charter Member State is**  
6 **materially different than the model Compact statute.**

7           **(a) 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 337.1060.**

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

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

14 **(2) 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 337.1045 to determine if their enactments are materially different from the**  
17 **model Compact statute and whether they qualify for participation in the Compact.**

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

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

27 **2. Any Member State may withdraw from this Compact by enacting a statute**  
28 **repealing the same.**

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

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

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

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

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

**337.1070. 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 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 Commission may deny a  
14 State's participation in the Compact or, in accordance with the requirements of  
15 subsection 2 of section 337.1060, 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.

      337.1075. 1. A Licensee providing services in a Remote State under a Multistate  
2 Authorization to Practice shall adhere to the laws and regulations, including laws,  
3 regulations, and applicable standards, of the Remote State where the client is located at  
4 the time care is rendered.

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

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

9       4. All permissible agreements between the Commission and the Member States  
10 are binding in accordance with their terms.

2       ~~[191.500. As used in sections 191.500 to 191.550, unless the context  
clearly indicates otherwise, the following terms mean:~~

3       ~~(1) "Area of defined need", a community or section of an urban area of  
4 this state which is certified by the department of health and senior services as  
5 being in need of the services of a physician to improve the patient doctor ratio  
6 in the area, to contribute professional physician services to an area of  
7 economic impact, or to contribute professional physician services to an area  
8 suffering from the effects of a natural disaster;~~

9       ~~(2) "Department", the department of health and senior services;~~

10       ~~(3) "Eligible student", a full-time student accepted and enrolled in a  
11 formal course of instruction leading to a degree of doctor of medicine or  
12 doctor of osteopathy, including psychiatry, at a participating school, or a~~

- 13 ~~doctor of dental surgery, doctor of dental medicine, or a bachelor of science~~  
 14 ~~degree in dental hygiene;~~
- 15 ~~(4) "Financial assistance", an amount of money paid by the state of~~  
 16 ~~Missouri to a qualified applicant pursuant to sections 191.500 to 191.550;~~
- 17 ~~(5) "Participating school", an institution of higher learning within this~~  
 18 ~~state which grants the degrees of doctor of medicine or doctor of osteopathy,~~  
 19 ~~and which is accredited in the appropriate degree program by the American~~  
 20 ~~Medical Association or the American Osteopathic Association, or a degree~~  
 21 ~~program by the American Dental Association or the American Psychiatric~~  
 22 ~~Association, and applicable residency programs for each degree type and~~  
 23 ~~discipline;~~
- 24 ~~(6) "Primary care", general or family practice, internal medicine,~~  
 25 ~~pediatric, psychiatric, obstetric and gynecological care as provided to the~~  
 26 ~~general public by physicians licensed and registered pursuant to chapter 334,~~  
 27 ~~dental practice, or a dental hygienist licensed and registered pursuant to~~  
 28 ~~chapter 332;~~
- 29 ~~(7) "Resident", any natural person who has lived in this state for one or~~  
 30 ~~more years for any purpose other than the attending of an educational~~  
 31 ~~institution located within this state;~~
- 32 ~~(8) "Rural area", a town or community within this state which is not~~  
 33 ~~within a standard metropolitan statistical area, and has a population of six~~  
 34 ~~thousand or fewer inhabitants as determined by the last preceding federal~~  
 35 ~~decennial census or any unincorporated area not within a standard~~  
 36 ~~metropolitan statistical area.]~~

2 ~~[191.505. The department of health and senior services shall be the~~  
 3 ~~administrative agency for the implementation of the program established by~~  
 4 ~~sections 191.500 to 191.550. The department shall promulgate reasonable~~  
 5 ~~rules and regulations for the exercise of its functions in the effectuation of the~~  
 6 ~~purposes of sections 191.500 to 191.550. It shall prescribe the form and the~~  
~~time and method of filing applications and supervise the processing thereof.]~~

2 ~~[191.510. The department shall enter into a contract with each~~  
 3 ~~applicant receiving a state loan under sections 191.500 to 191.550 for~~  
 4 ~~repayment of the principal and interest and for forgiveness of a portion thereof~~  
 5 ~~for participation in the service areas as provided in sections 191.500 to~~  
~~191.550.]~~

2 ~~[191.515. An eligible student may apply to the department for a loan~~  
 3 ~~under sections 191.500 to 191.550 only if, at the time of his application and~~  
 4 ~~throughout the period during which he receives the loan, he has been formally~~  
 5 ~~accepted as a student in a participating school in a course of study leading to~~  
 6 ~~the degree of doctor of medicine or doctor of osteopathy, including psychiatry,~~  
 7 ~~or a doctor of dental surgery, a doctor of dental medicine, or a bachelor of~~  
~~science degree in dental hygiene, and is a resident of this state.]~~

2 ~~[191.520. No loan to any eligible student shall exceed twenty five~~  
~~thousand dollars for each academic year, which shall run from August first of~~

3 any year through July thirty first of the following year. All loans shall be  
4 made from funds appropriated to the medical school loan and loan repayment  
5 program fund created by section 191.600, by the general assembly.]

2 [~~191.525. No more than twenty five loans shall be made to eligible  
3 students during the first academic year this program is in effect. Twenty five  
4 new loans may be made for the next three academic years until a total of one  
5 hundred loans are available. At least one half of the loans shall be made to  
6 students from rural areas as defined in section 191.500. An eligible student  
7 may receive loans for each academic year he is pursuing a course of study  
8 directly leading to a degree of doctor of medicine or doctor of osteopathy,  
9 doctor of dental surgery, or doctor of dental medicine, or a bachelor of science  
degree in dental hygiene.~~]

2 [~~191.530. Interest at the rate of nine and one half percent per year shall  
3 be charged on all loans made under sections 191.500 to 191.550 but one fourth  
4 of the interest and principal of the total loan at the time of the awarding of the  
5 degree shall be forgiven for each year of participation by an applicant in the  
6 practice of his profession in a rural area or an area of defined need. The  
7 department shall grant a deferral of interest and principal payments to a loan  
8 recipient who is pursuing an internship or a residency in primary care. The  
9 deferral shall not exceed three years. The status of each loan recipient  
10 receiving a deferral shall be reviewed annually by the department to ensure  
11 compliance with the intent of this provision. The loan recipient will repay the  
12 loan beginning with the calendar year following completion of his internship  
or his primary care residency in accordance with the loan contract.]~~

2 [~~191.535. If a student ceases his study prior to receiving a degree,  
3 interest at the rate specified in section 191.530 shall be charged on the amount  
received from the state under the provisions of sections 191.500 to 191.550.]~~

2 [~~191.540. 1. The department shall establish schedules and procedures  
3 for repayment of the principal and interest of any loan made under the  
4 provisions of sections 191.500 to 191.550 and not forgiven as provided in  
5 section 191.530.~~

5 [~~2. A penalty shall be levied against a person in breach of contract.  
6 Such penalty shall be twice the sum of the principal and the accrued interest.~~]

2 [~~191.545. When necessary to protect the interest of the state in any  
3 loan transaction under sections 191.500 to 191.550, the board may institute  
any action to recover any amount due.]~~

2 [~~191.550. The contracts made with the participating students shall be  
approved by the attorney general.~~]

2 [~~335.212. As used in sections 335.212 to 335.242, the following terms  
mean:~~

3 [~~(1) "Board", the Missouri state board of nursing;~~

- 4           (2) ~~"Department", the Missouri department of health and senior~~  
5 ~~services;~~
- 6           (3) ~~"Director", director of the Missouri department of health and~~  
7 ~~senior services;~~
- 8           (4) ~~"Eligible student", a resident who has been accepted as a full time~~  
9 ~~student in a formal course of instruction leading to an associate degree, a~~  
10 ~~diploma, a bachelor of science, a master of science in nursing (M.S.N.), a~~  
11 ~~doctorate in nursing (Ph.D. or D.N.P.), or a student with a master of science in~~  
12 ~~nursing seeking a doctorate in education (Ed.D.), or leading to the completion~~  
13 ~~of educational requirements for a licensed practical nurse. The doctoral~~  
14 ~~applicant may be a part-time student;~~
- 15           (5) ~~"Participating school", an institution within this state which is~~  
16 ~~approved by the board for participation in the professional and practical~~  
17 ~~nursing student loan program established by sections 335.212 to 335.242,~~  
18 ~~having a nursing department and offering a course of instruction based on~~  
19 ~~nursing theory and clinical nursing experience;~~
- 20           (6) ~~"Qualified applicant", an eligible student approved by the board for~~  
21 ~~participation in the professional and practical nursing student loan program~~  
22 ~~established by sections 335.212 to 335.242;~~
- 23           (7) ~~"Qualified employment", employment on a full-time basis in~~  
24 ~~Missouri in a position requiring licensure as a licensed practical nurse or~~  
25 ~~registered professional nurse in any hospital as defined in section 197.020 or in~~  
26 ~~any agency, institution, or organization located in an area of need as~~  
27 ~~determined by the department of health and senior services. Any forgiveness~~  
28 ~~of such principal and interest for any qualified applicant engaged in qualified~~  
29 ~~employment on a less than full-time basis may be prorated to reflect the~~  
30 ~~amounts provided in this section;~~
- 31           (8) ~~"Resident", any person who has lived in this state for one or more~~  
32 ~~years for any purpose other than the attending of an educational institution~~  
33 ~~located within this state.]~~

2           ~~[335.215. 1. The department of health and senior services shall be the~~  
3 ~~administrative agency for the implementation of the professional and practical~~  
4 ~~nursing student loan program established under sections 335.212 to 335.242,~~  
5 ~~and the nursing student loan repayment program established under sections~~  
6 ~~335.245 to 335.259.~~

7           ~~2. An advisory panel of nurses shall be appointed by the director. It~~  
8 ~~shall be composed of not more than eleven members representing practical,~~  
9 ~~associate degree, diploma, baccalaureate and graduate nursing education,~~  
10 ~~community health, primary care, hospital, long-term care, a consumer, and the~~  
11 ~~Missouri state board of nursing. The panel shall make recommendations to the~~  
12 ~~director on the content of any rules, regulations or guidelines prior to their~~  
13 ~~promulgation. The panel may make recommendations to the director~~  
14 ~~regarding fund allocations for loans and loan repayment based on current~~  
15 ~~nursing shortage needs.~~

16           ~~3. The department of health and senior services shall promulgate~~  
17 ~~reasonable rules and regulations for the exercise of its function pursuant to~~  
18 ~~sections 335.212 to 335.259. It shall prescribe the form, the time and method~~



18 of filing applications and supervise the proceedings thereof. No rule or portion  
19 of a rule promulgated under the authority of sections 335.212 to 335.257 shall  
20 become effective unless it has been promulgated pursuant to the provisions of  
21 section 536.024.

22 4. Ninety five percent of funds loaned pursuant to sections 335.212 to  
23 335.242 shall be loaned to qualified applicants who are enrolled in  
24 professional nursing programs in participating schools and five percent of  
25 the funds loaned pursuant to sections 335.212 to 335.242 shall be loaned to  
26 qualified applicants who are enrolled in practical nursing programs. Priority  
27 shall be given to eligible students who have established financial need. All  
28 loan repayment funds pursuant to sections 335.245 to 335.259 shall be used to  
29 reimburse successful associate, diploma, baccalaureate or graduate  
30 professional nurse applicants' educational loans who agree to serve in areas  
31 of defined need as determined by the department.]

2 [335.218. There is hereby established the "Professional and Practical  
3 Nursing Student Loan and Nurse Loan Repayment Fund". All fees pursuant to  
4 section 335.221, general revenue appropriations to the student loan or loan  
5 repayment program, voluntary contributions to support or match the student  
6 loan and loan repayment program activities, funds collected from repayment  
7 and penalties, and funds received from the federal government shall be  
8 deposited in the state treasury and be placed to the credit of the professional  
9 and practical nursing student loan and nurse loan repayment fund. The fund  
10 shall be managed by the department of health and senior services and all  
11 administrative costs and expenses incurred as a result of the effectuation of  
sections 335.212 to 335.259 shall be paid from this fund.]

2 [335.221. The board, in addition to any other duties it may have  
3 regarding licensure of nurses, shall collect, at the time of licensure or licensure  
4 renewal, an education surcharge from each person licensed or relicensed  
5 pursuant to sections 335.011 to 335.096, in the amount of one dollar per year  
6 for practical nurses and five dollars per year for professional nurses. These  
7 funds shall be deposited in the professional and practical nursing student loan  
8 and nurse loan repayment fund. All expenditures authorized by sections  
9 335.212 to 335.259 shall be paid from funds appropriated by the general  
10 assembly from the professional and practical nursing student loan and nurse  
11 loan repayment fund. The provisions of section 33.080 to the contrary  
12 notwithstanding, money in this fund shall not be transferred and placed to the  
credit of general revenue.]

2 [335.224. The department of health and senior services shall enter into  
3 a contract with each qualified applicant receiving financial assistance under  
4 the provisions of sections 335.212 to 335.242 for repayment of the principal  
and interest.]

2 [335.227. An eligible student may apply to the department for  
3 financial assistance under the provisions of sections 335.212 to 335.242 if, at  
the time of his application for a loan, the eligible student has formally applied

4       for acceptance at a participating school. Receipt of financial assistance is  
5       contingent upon acceptance and continued enrollment at a participating  
6       school.]

2       [335.230. Financial assistance to any qualified applicant shall not  
3       exceed ten thousand dollars for each academic year for a professional nursing  
4       program and shall not exceed five thousand dollars for each academic year for  
5       a practical nursing program. All financial assistance shall be made from funds  
6       credited to the professional and practical nursing student loan and nurse loan  
7       repayment fund. A qualified applicant may receive financial assistance for  
8       each academic year he remains a student in good standing at a participating  
9       school.]

2       [335.233. The department shall establish schedules for repayment of  
3       the principal and interest on any financial assistance made under the  
4       provisions of sections 335.212 to 335.242. Interest at the rate of nine and  
5       one-half percent per annum shall be charged on all financial assistance made  
6       under the provisions of sections 335.212 to 335.242, but the interest and  
7       principal of the total financial assistance granted to a qualified applicant at the  
8       time of the successful completion of a nursing degree, diploma program or a  
9       practical nursing program shall be forgiven through qualified employment.]

2       [335.236. The financial assistance recipient shall repay the financial  
3       assistance principal and interest beginning not more than six months after  
4       completion of the degree for which the financial assistance was made in  
5       accordance with the repayment contract. If an eligible student ceases his study  
6       prior to successful completion of a degree or graduation at a participating  
7       school, interest at the rate specified in section 335.233 shall be charged on the  
8       amount of financial assistance received from the state under the provisions of  
9       sections 335.212 to 335.242, and repayment, in accordance with the repayment  
10      contract, shall begin within ninety days of the date the financial aid recipient  
11      ceased to be an eligible student. All funds repaid by recipients of financial  
12      assistance to the department shall be deposited in the professional and practical  
13      nursing student loan and nurse loan repayment fund for use pursuant to  
14      sections 335.212 to 335.259.]

2       [335.239. The department shall grant a deferral of interest and  
3       principal payments to a financial assistance recipient who is pursuing an  
4       advanced degree, special nursing program, or upon special conditions  
5       established by the department. The deferral shall not exceed four years.  
6       The status of each deferral shall be reviewed annually by the department of  
7       health and senior services to ensure compliance with the intent of this section.]

2       [335.242. When necessary to protect the interest of the state in any  
3       financial assistance transaction under sections 335.212 to 335.259, the  
4       department of health and senior services may institute any action to recover  
5       any amount due.]

2           ~~[335.245. As used in sections 335.245 to 335.259, the following terms~~  
3           ~~mean:~~  
4           ~~(1) "Department", the Missouri department of health and senior~~  
5           ~~services;~~  
6           ~~(2) "Eligible applicant", a Missouri licensed nurse who has attained~~  
7           ~~either an associate degree, a diploma, a bachelor of science, or graduate degree~~  
8           ~~in nursing from an accredited institution approved by the board of nursing or a~~  
9           ~~student nurse in the final year of a full-time baccalaureate school of nursing~~  
10           ~~leading to a baccalaureate degree or graduate nursing program leading to a~~  
11           ~~master's degree in nursing and has agreed to serve in an area of defined need as~~  
12           ~~established by the department;~~  
13           ~~(3) "Participating school", an institution within this state which grants~~  
14           ~~an associate degree in nursing, grants a bachelor or master of science degree in~~  
15           ~~nursing or provides a diploma nursing program which is accredited by the state~~  
16           ~~board of nursing, or a regionally accredited institution in this state which~~  
17           ~~provides a bachelor of science completion program for registered professional~~  
18           ~~nurses;~~  
19           ~~(4) "Qualified employment", employment on a full-time basis in~~  
20           ~~Missouri in a position requiring licensure as a licensed practical nurse or~~  
21           ~~registered professional nurse in any hospital as defined in section 197.020 or~~  
22           ~~public or nonprofit agency, institution, or organization located in an area of~~  
23           ~~need as determined by the department of health and senior services. Any~~  
24           ~~forgiveness of such principal and interest for any qualified applicant engaged~~  
25           ~~in qualified employment on a less than full-time basis may be prorated to~~  
          ~~reflect the amounts provided in this section.]~~

2           ~~[335.248. Sections 335.245 to 335.259 shall be known as the "Nursing~~  
3           ~~Student Loan Repayment Program". The department of health and senior~~  
4           ~~services shall be the administrative agency for the implementation of the~~  
5           ~~authority established by sections 335.245 to 335.259. The department shall~~  
6           ~~promulgate reasonable rules and regulations necessary to implement sections~~  
7           ~~335.245 to 335.259. Promulgated rules shall include, but not be limited to,~~  
8           ~~applicant eligibility, selection criteria, prioritization of service obligation sites~~  
9           ~~and the content of loan repayment contracts, including repayment schedules~~  
10           ~~for those in default and penalties. The department shall promulgate rules~~  
11           ~~regarding recruitment opportunities for minority students into nursing schools.~~  
12           ~~Priority for student loan repayment shall be given to eligible applicants who~~  
13           ~~have demonstrated financial need. All funds collected by the department from~~  
14           ~~participants not meeting their contractual obligations to the state shall be~~  
15           ~~deposited in the professional and practical nursing student loan and nurse loan~~  
          ~~repayment fund for use pursuant to sections 335.212 to 335.259.]~~

2           ~~[335.251. Upon proper verification to the department by the eligible~~  
3           ~~applicant of securing qualified employment in this state, the department shall~~  
4           ~~enter into a loan repayment contract with the eligible applicant to repay the~~  
5           ~~interest and principal on the educational loans of the applicant to the limit of~~  
6           ~~the contract, which contract shall provide for instances of less than full-time~~  
          ~~qualified employment consistent with the provisions of section 335.233, out of~~

7        ~~any appropriation made to the professional and practical nursing student loan~~  
8        ~~and nurse loan repayment fund. If the applicant breaches the contract by~~  
9        ~~failing to begin or complete the qualified employment, the department is~~  
10       ~~entitled to recover the total of the loan repayment paid by the department plus~~  
11       ~~interest on the repaid amount at the rate of nine and one half percent per~~  
12       ~~annum.]~~

2        ~~[335.254. Sections 335.212 to 335.259 shall not be construed to~~  
3        ~~require the department to enter into contracts with individuals who qualify for~~  
4        ~~nursing education loans or nursing loan repayment programs when federal,~~  
5        ~~state and local funds are not available for such purposes.]~~

2        ~~[335.257. Successful applicants for whom loan payments are made~~  
3        ~~under the provisions of sections 335.245 to 335.259 shall verify to the~~  
4        ~~department twice each year in the manner prescribed by the department that~~  
5        ~~qualified employment in this state is being maintained.]~~

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