

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 273

## 101ST GENERAL ASSEMBLY

0922H.07T

2021

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### AN ACT

To repeal sections 324.009, 324.012, 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 337.068, 338.010, 339.100, 339.150, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof thirty-one new sections relating to professional registration, with penalty provisions.

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

Section A. Sections 324.009, 324.012, 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 337.068, 338.010, 339.100, 339.150, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 324.009, 324.012, 324.087, 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 329.034, 337.068, 338.010, 338.730, 339.100, 339.150, 375.029, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.260, 436.263, and 436.266, to read as follows:

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

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

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.

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

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

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

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

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

27           3. The oversight body in this state shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) The grounds and reasons for the denial or disqualification;
- (b) That the individual has the right to a hearing as provided by chapter 621 to challenge the licensing authority's decision;
- (c) The earliest date the person may reapply for a license; and
- (d) That evidence of rehabilitation may be considered upon reapplication.

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

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

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

#### **324.087. SECTION 1. PURPOSE**

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

- A. Increase public access to Occupational Therapy services by providing for the mutual recognition of other Member State licenses;**
- B. Enhance the States' ability to protect the public's health and safety;**
- C. Encourage the cooperation of Member States in regulating multi-State Occupational Therapy Practice;**
- D. Support spouses of relocating military members;**

14           **E. Enhance the exchange of licensure, investigative, and disciplinary information**  
15 **between Member States;**

16           **F. Allow a Remote State to hold a provider of services with a Compact Privilege in**  
17 **that State accountable to that State's practice standards; and**

18           **G. Facilitate the use of Telehealth technology in order to increase access to**  
19 **Occupational Therapy services.**

20           **SECTION 2. DEFINITIONS**

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

81           **U. "Primary State of Residence"** means the state (also known as the Home State)  
82 in which an Occupational Therapist or Occupational Therapy Assistant who is not Active  
83 Duty Military declares a primary residence for legal purposes as verified by: driver's  
84 license, federal income tax return, lease, deed, mortgage or voter registration or other  
85 verifying documentation as further defined by Commission Rules.

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

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

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

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

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

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

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

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

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

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

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

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

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

117           **b. Communication between a Member State, the Commission and among Member**  
118           **States regarding the verification of eligibility for licensure through the Compact shall not**  
119           **include any information received from the Federal Bureau of Investigation relating to a**  
120           **federal criminal records check performed by a Member State under Public Law 92-544.**

121           **6. Comply with the Rules of the Commission;**

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

124           8. Have Continuing Competence/Education requirements as a condition for license  
125 renewal.

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

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

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

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

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

#### 138           SECTION 4. COMPACT PRIVILEGE

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

141           1. Hold a license in the Home State;

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

144           3. Have no encumbrance on any State license;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

184               **1. The specific period of time for which the Compact Privilege was removed has**  
185 **ended;**

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

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

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

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

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

195           **SECTION 5. OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF**  
196 **COMPACT PRIVILEGE**

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

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

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

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

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

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

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

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

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

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

223           **C. If an Occupational Therapist or Occupational Therapy Assistant changes**  
224 **Primary State of Residence by moving from a Member State to a non-Member State, or**  
225 **from a non-Member State to a Member State, the State criteria shall apply for issuance of**  
226 **a Single-State License in the new State.**

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

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

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

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

**SECTION 7. ADVERSE ACTIONS**

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

**B. 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 an Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege within that Member State.**

**2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Board 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 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.**

**C. 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.**

**D. The Home State shall complete any pending investigations of an Occupational Therapist or Occupational Therapy Assistant who changes Primary State of Residence during the course of the investigations. The Home State, where the investigations were initiated, shall also have the authority to take appropriate action(s) and shall promptly**

report the conclusions of the investigations to the OT Compact Commission Data System. The Occupational Therapy Compact Commission Data System administrator shall promptly notify the new Home State of any Adverse Actions.

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

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

#### G. Joint Investigations

1. In addition to the authority granted to a Member State by its respective State Occupational Therapy laws and regulations 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.

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

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

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

### SECTION 8. ESTABLISHMENT OF THE OCCUPATIONAL THERAPY COMPACT COMMISSION

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

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

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal

299 office of the Commission is located. The Commission may waive venue and jurisdictional  
300 defenses to the extent it adopts or consents to participate in alternative dispute resolution  
301 proceedings.

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

303 B. Membership, Voting, and Meetings

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

306 2. The delegate shall be either:

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

309 b. An administrator of the Licensing Board.

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

312 4. The Member State board shall fill any vacancy occurring in the Commission  
313 within 90 days.

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

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

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

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

323 1. Establish a Code of Ethics for the Commission;

324 2. Establish the fiscal year of the Commission;

325 3. Establish bylaws;

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

327 5. Meet and take such actions as are consistent with the provisions of this Compact  
328 and the bylaws;

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

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



- 335           **8. Purchase and maintain insurance and bonds;**
- 336           **9. Borrow, accept, or contract for services of personnel, including, but not limited**  
337 **to, employees of a Member State;**
- 338           **10. Hire employees, elect or appoint officers, fix compensation, define duties, grant**  
339 **such individuals appropriate authority to carry out the purposes of the Compact, and**  
340 **establish the Commission's personnel policies and programs relating to conflicts of interest,**  
341 **qualifications of personnel, and other related personnel matters;**
- 342           **11. Accept any and all appropriate donations and grants of money, equipment,**  
343 **supplies, materials and services, and receive, utilize and dispose of the same; provided that**  
344 **at all times the Commission shall avoid any appearance of impropriety and/or conflict of**  
345 **interest;**
- 346           **12. Lease, purchase, accept appropriate gifts or donations of, or otherwise own,**  
347 **hold, improve or use, any property, real, personal or mixed; provided that at all times the**  
348 **Commission shall avoid any appearance of impropriety;**
- 349           **13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose**  
350 **of any property real, personal, or mixed;**
- 351           **14. Establish a budget and make expenditures;**
- 352           **15. Borrow money;**
- 353           **16. Appoint committees, including standing committees composed of members,**  
354 **State regulators, State legislators or their representatives, and consumer representatives,**  
355 **and such other interested persons as may be designated in this Compact and the bylaws;**
- 356           **17. Provide and receive information from, and cooperate with, law enforcement**  
357 **agencies;**
- 358           **18. Establish and elect an Executive Committee; and**
- 359           **19. Perform such other functions as may be necessary or appropriate to achieve the**  
360 **purposes of this Compact consistent with the State regulation of Occupational Therapy**  
361 **licensure and practice.**
- 362           **D. The Executive Committee**
- 363           **The Executive Committee shall have the power to act on behalf of the Commission**  
364 **according to the terms of this Compact.**
- 365           **1. The Executive Committee shall be composed of nine members:**
- 366           **a. Seven voting members who are elected by the Commission from the current**  
367 **membership of the Commission;**
- 368           **b. One ex-officio, nonvoting member from a recognized national Occupational**  
369 **Therapy professional association; and**

370 c. One ex-officio, nonvoting member from a recognized national Occupational  
371 Therapy certification organization.

372 2. The ex-officio members will be selected by their respective organizations.

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

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

376 5. The Executive Committee shall have the following Duties and responsibilities:

377 a. Recommend to the entire Commission changes to the Rules or bylaws, changes  
378 to this Compact legislation, fees paid by Compact Member States such as annual dues, and  
379 any Commission Compact fee charged to Licensees for the Compact Privilege;

380 b. Ensure Compact administration services are appropriately provided, contractual  
381 or otherwise;

382 c. Prepare and recommend the budget;

383 d. Maintain financial records on behalf of the Commission;

384 e. Monitor Compact compliance of Member States and provide compliance reports  
385 to the Commission;

386 f. Establish additional committees as necessary; and

387 g. Perform other duties as provided in Rules or bylaws.

388 E. Meetings of the Commission

389 1. All meetings shall be open to the public, and public notice of meetings shall be  
390 given in the same manner as required under the Rulemaking provisions in Section 10.

391 2. The Commission or the Executive Committee or other committees of the  
392 Commission may convene in a closed, non-public meeting if the Commission or Executive  
393 Committee or other committees of the Commission must discuss:

394 a. Non-compliance of a Member State with its obligations under the Compact;

395 b. The employment, compensation, discipline or other matters, practices or  
396 procedures related to specific employees or other matters related to the Commission's  
397 internal personnel practices and procedures;

398 c. Current, threatened, or reasonably anticipated litigation;

399 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
400 estate;

401 e. Accusing any person of a crime or formally censuring any person;

402 f. Disclosure of trade secrets or commercial or financial information that is  
403 privileged or confidential;

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

- 406           **h. Disclosure of investigative records compiled for law enforcement purposes;**  
407           **i. Disclosure of information related to any investigative reports prepared by or on**  
408 **behalf of or for use of the Commission or other committee charged with responsibility of**  
409 **investigation or determination of compliance issues pursuant to the Compact; or**  
410           **j. Matters specifically exempted from disclosure by federal or Member State**  
411 **statute.**

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

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

421           **F. Financing of the Commission**

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

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

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

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

436           **5. The Commission shall keep accurate accounts of all receipts and disbursements.**  
437 **The receipts and disbursements of the Commission shall be subject to the audit and**  
438 **accounting procedures established under its bylaws. However, all receipts and**  
439 **disbursements of funds handled by the Commission shall be audited yearly by a certified**  
440 **or licensed public accountant, and the report of the audit shall be included in and become**  
441 **part of the annual report of the Commission.**

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

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

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

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

**SECTION 9. DATA SYSTEM**

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

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

1. Identifying information;
2. Licensure data;

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

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

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

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

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

497           **SECTION 10. RULEMAKING**

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

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

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

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

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

- 515           **1. On the website of the Commission or other publicly accessible platform; and**  
516           **2. On the website of each Member State Occupational Therapy Licensing Board**  
517 **or other publicly accessible platform or the publication in which each State would**  
518 **otherwise publish proposed Rules.**

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

- 520           **1. The proposed time, date, and location of the meeting in which the Rule will be**  
521 **considered and voted upon;**  
522           **2. The text of the proposed Rule or amendment and the reason for the proposed**  
523 **Rule;**  
524           **3. A request for comments on the proposed Rule from any interested person; and**  
525           **4. The manner in which interested persons may submit notice to the Commission**  
526 **of their intention to attend the public hearing and any written comments.**

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

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

- 532           **1. At least twenty five (25) persons;**  
533           **2. A State or federal governmental subdivision or agency; or**  
534           **3. An association or organization having at least twenty five (25) members.**

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

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

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

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

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

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

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

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

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

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

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

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

581           **A. Oversight**

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

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

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

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

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

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

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

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

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

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

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

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



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

620 **C. Dispute Resolution**

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

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

626 **D. Enforcement**

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

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

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

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

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

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

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

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

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

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

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

#### 665           SECTION 13. CONSTRUCTION AND SEVERABILITY

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

#### 675           SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 education, training, and experience as determined by the board and in sections 327.091, 327.181,  
36 327.272, and 327.600 and applicable board rules to perform such incidental professional service;

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

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

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

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

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

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

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

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

18 **structural design, preliminary design, drawings, specifications, technical submissions, and**  
19 **other instruments of service, the administration of construction contracts, construction**  
20 **observation and inspection, and the coordination of any elements of technical submissions**  
21 **prepared by others, including professional engineers, landscape architects, and other**  
22 **consultants that pertain to the practice of architecture. A person shall be considered to be**  
23 **practicing architecture when such person uses the title "architect" or the terms "architect"**  
24 **or "architecture" or "architectural" alone or together with any words other than**  
25 **"landscape" to indicate or imply that such person is or holds himself or herself out to be**  
26 **an architect. Only a person with the required architectural education, practical training,**  
27 **relevant work experience, and licensure may practice as an architect in Missouri.**

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

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

6         **2. Notwithstanding the provisions of subsection 1 of this section, the following**  
7 **persons may engage in actions defined as the practice of architecture in section 327.091,**  
8 **provided that such persons shall not use the title "architect" or the terms "architect" or**  
9 **"architecture" or "architectural" alone or together with any words other than**  
10 **"landscape" that indicate or imply that such person is or holds himself or herself out to be**  
11 **an architect:**

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

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

22         (3) Any holder of a currently valid license or certificate of authority as a professional  
23 engineer who performs only such architecture as incidental practice and necessary to the

24 completion of professional services lawfully being performed by such licensed professional  
25 engineer;

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

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

38 (a) A dwelling house; or

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

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

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

46 ~~\_\_\_\_\_ (e) A building or structure used exclusively for farm purposes]~~ **Any one building or**  
47 **structure, except for those buildings or structures referenced in subdivision (8) of this**  
48 **subsection, which provides for the employment, assembly, housing, sleeping, or eating of**  
49 **not more than nine persons, contains less than two thousand square feet, and is not part**  
50 **of another building or structure;**

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

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



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

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

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

7           **2. Notwithstanding the provisions of subsection 1 of this section, the following**  
8 **persons may engage in actions defined as the practice of professional engineering in section**  
9 **327.181, provided that such persons shall not use the title "professional engineer" or**  
10 **"consulting engineer" or the word "engineer" alone or preceded by any word indicating**  
11 **or implying that such person is or holds himself or herself out to be a professional engineer,**  
12 **or use any word or words, letters, figures, degrees, titles, or other description indicating**  
13 **or implying that such person is a professional engineer or is willing or able to practice**  
14 **engineering:**

15           (1) Any person who is an employee of a person holding a currently valid license as a  
16 professional engineer or who is an employee of a person holding a currently valid certificate of  
17 authority pursuant to this chapter, and who performs professional engineering work under the  
18 direction and continuing supervision of and is checked by one holding a currently valid license  
19 as a professional engineer pursuant to this chapter;

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

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

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

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

39           (a) A dwelling house;

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

42           (c) Any one building or structure, except for those buildings or structures  
43 referenced in subdivision (8) of this subsection, which provides for the employment,  
44 assembly, housing, sleeping, or eating of not more than nine persons, contains less than two  
45 thousand square feet, and is not part of another building or structure;

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

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

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

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

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

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

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

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

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

28           7. Any person who has graduated from and has received a degree in engineering from  
29 an accredited school of engineering may ~~[then acquire four years of satisfactory engineering~~  
30 ~~experience and thereafter]~~ take both parts of the examination and upon passing **and having**  
31 **acquired four years of satisfactory engineering experience** shall be entitled to receive a  
32 license to practice as a professional engineer, subject, however, to the other provisions of this  
33 chapter.

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

2           327.612. Any person who ~~[has attained the age of twenty-one years, and]~~ has a degree  
3 in landscape architecture from an accredited school of landscape architecture ~~[and]~~ , **or possesses**  
4 **an education which in the opinion of the board equals or exceeds the education received**  
5 **by a graduate of an accredited school,** has acquired at least three years satisfactory landscape  
architectural experience after acquiring such a degree, **and who has taken and passed all**

6 sections of the landscape architectural registration examination administered by the  
7 Council of Landscape Architectural Registration Boards may apply to the board for licensure  
8 as a professional landscape architect.

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

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

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

- 20 (1) Destroy all documentation regarding the complaint;  
21 (2) Notify any other licensing board in another state or any national registry regarding  
22 the [board's] committee's actions if they have been previously notified of the complaint; and  
23 (3) Send a letter to the licensee that clearly states that the [board] committee found the  
24 complaint to be unsubstantiated, that the [board] committee has taken the requested action, and  
25 notify the licensee of the provisions of subsection 3 of this section.

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

338.010. 1. The "practice of pharmacy" means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; the prescribing and dispensing of any nicotine replacement therapy product under section 338.665; **the dispensing of HIV postexposure prophylaxis pursuant to section 338.730;** and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he or she is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a collaborative practice arrangement under section 334.735.

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

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

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

45           6. This section shall not be construed to allow a pharmacist to diagnose or independently  
46 prescribe pharmaceuticals.

47           7. The state board of registration for the healing arts, under section 334.125, and the state  
48 board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of  
49 protocols for prescription orders for medication therapy services and administration of viral  
50 influenza vaccines. Such rules shall require protocols to include provisions allowing for timely  
51 communication between the pharmacist and the referring physician, and any other patient  
52 protection provisions deemed appropriate by both boards. In order to take effect, such rules shall  
53 be approved by a majority vote of a quorum of each board. Neither board shall separately  
54 promulgate rules regulating the use of protocols for prescription orders for medication therapy  
55 services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term  
56 is defined in section 536.010, that is created under the authority delegated in this section shall  
57 become effective only if it complies with and is subject to all of the provisions of chapter 536  
58 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of  
59 the powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
60 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
61 grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be  
62 invalid and void.

63           8. The state board of pharmacy may grant a certificate of medication therapeutic plan  
64 authority to a licensed pharmacist who submits proof of successful completion of a board-  
65 approved course of academic clinical study beyond a bachelor of science in pharmacy, including  
66 but not limited to clinical assessment skills, from a nationally accredited college or university,  
67 or a certification of equivalence issued by a nationally recognized professional organization and  
68 approved by the board of pharmacy.

69           9. Any pharmacist who has received a certificate of medication therapeutic plan authority  
70 may engage in the designing, initiating, implementing, and monitoring of a medication  
71 therapeutic plan as defined by a prescription order from a physician that is specific to each  
72 patient for care by a pharmacist.

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

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

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

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

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

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

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

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

**338.730. 1. Notwithstanding any other law to the contrary, a pharmacist may dispense HIV postexposure prophylaxis in accordance with this section. Such prophylaxis**

3 shall be dispensed only if the pharmacist follows a written protocol authorized by a  
4 licensed physician.

5       2. For purposes of this section, "postexposure prophylaxis" shall mean any drug  
6 approved by the Food and Drug Administration that meets the same clinical eligibility  
7 recommendations provided in CDC guidelines.

8       3. For purposes of this section, "CDC guidelines" shall mean the current HIV  
9 guidelines published by the federal Centers for Disease Control and Prevention.

10       4. The state board of registration for the healing arts and the state board of  
11 pharmacy shall jointly promulgate rules and regulations for the administration of this  
12 section. Neither board shall separately promulgate rules governing a pharmacist's  
13 authority to dispense HIV postexposure prophylaxis under this section.

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

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

16       2. The commission may cause a complaint to be filed with the administrative hearing  
17 commission as provided by the provisions of chapter 621 against any person or entity licensed



18 under this chapter or any licensee who has failed to renew or has surrendered his or her  
19 individual or entity license for any one or any combination of the following acts:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

97 (b) **Includes a name or team name that uses the terms "realty", "brokerage",**  
98 **"company", or any other terms that can be construed to advertise a real estate company**  
99 **other than the licensee or a business entity licensed under this chapter with whom the**  
100 **licensee is associated. The context of the advertisement or solicitation may be considered**  
101 **by the commission when determining whether a licensee has committed a violation of this**  
102 **paragraph;**

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

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

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

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

121 5. Notwithstanding other provisions of this section, a broker or salesperson's license shall  
122 be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has  
123 pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the

124 following offenses or offenses of a similar nature established under the laws of this, any other  
125 state, the United States, or any other country, notwithstanding whether sentence is imposed:

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

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

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

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

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

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

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

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

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

- 10           (a) Executed a brokerage agreement with the Missouri real estate broker;  
11           (b) Consented to the jurisdiction of Missouri and the commission;  
12           (c) Consented to disciplinary procedures under section 339.100; and  
13           (d) Appointed the commission as his or her agent for service of process regarding any  
14 administrative or legal actions relating to the conduct in Missouri; or

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

17

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

20           2. No real estate licensee shall pay any part of a fee, commission or other compensation  
21 received by the licensee to any person for any service rendered by such person to the licensee in  
22 buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate, unless  
23 such a person is a licensed real estate salesperson regularly associated with such a broker, or a  
24 licensed real estate broker, or a person regularly engaged in the real estate brokerage business  
25 outside of the state of Missouri.

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

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

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

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

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

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

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

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

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

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

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

5           2. (1) Subject to approval by the director, an insurance producer's active  
6 participation as an individual member or employee of a business entity producer member  
7 of a local, regional, state, or national professional insurance association may be approved  
8 for up to four hours of continuing education credit per each biennial reporting period.

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

12           (3) The continuing education hours referenced in subdivision (1) of subsection 2 of  
13 this section shall be credited upon the timely filing with the director by the insurance  
14 producer of an appropriate written statement in a form acceptable to the director or by a  
15 certification from the local, regional, state, or national professional insurance association  
16 through written form or electronic filing acceptable to the director.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

89       **(a) To execute or adopt a tangible symbol; or**

90       **(b) To attach to or logically associate with the record an electronic symbol, sound,**  
91 **or process;**

92       ~~[(13)]~~ **(18)** "State", a state of the United States, the District of Columbia, Puerto Rico,  
93 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction  
94 of the United States;

95       ~~[(14)]~~ **(19)** "Student athlete", ~~[a current student who engages in, has engaged in, is~~  
96 ~~eligible to engage in, or may be eligible in the future to engage in, any]~~ **an individual who is**  
97 **eligible to attend an educational institution and engages in, is eligible to engage in, or may**  
98 **be eligible in the future to engage in any interscholastic or intercollegiate sport. "Student**  
99 **athlete" does not include an individual permanently ineligible to participate in a particular**  
100 **interscholastic or intercollegiate sport.**

436.224. 1. Except as otherwise provided in subsection 2 of this section, an individual  
2 may not act as an athlete agent in this state ~~[before]~~ **without** being issued a certificate of  
3 registration under section 436.230 or 436.236.

4       2. ~~[An individual with a temporary license]~~ **Before being issued a certificate of**  
5 **registration** under section 436.236, **an individual** may act as an athlete agent ~~[before being~~  
6 ~~issued a certificate of registration]~~ for all purposes except signing an agency contract if:

7       (1) A student athlete or another acting on behalf of the student athlete initiates  
8 communication with the individual; and

9           (2) Within seven days after an initial act ~~[as an athlete agent]~~ **that requires the**  
10 **individual to register as an athlete agent**, the individual submits an application to register as  
11 an athlete agent in this state.

12           3. An agency contract resulting from conduct in violation of this section is void. The  
13 athlete agent shall return any consideration received under the contract.

436.227. 1. An applicant for registration shall submit an application for registration to  
2 the director in a form prescribed by the director. The application ~~[must]~~ **shall** be in the name of  
3 an individual and signed by the applicant under penalty of perjury and ~~[must]~~ **shall** state or  
4 contain **at least the following**:

5           (1) The name, **date of birth, and place of birth** of the applicant ~~[and]~~ ;

6           (2) The address **and telephone numbers** of the applicant's principal place of business;

7           (3) **The applicant's mobile telephone numbers and any means of communicating**  
8 **electronically, including a facsimile number, email address, and personal, business, or**  
9 **employer websites, as applicable;**

10          ~~[(2)]~~ (4) The name of the applicant's business or employer, if applicable, **including for**  
11 **each business or employer, the mailing address, telephone number, organization form, and**  
12 **the nature of the business;**

13          (5) **Each social media account with which the applicant or the applicant's business**  
14 **or employer is affiliated;**

15          ~~[(3)]~~ (6) Any business or occupation engaged in by the applicant for the five years ~~[next]~~  
16 preceding the date of submission of the application, **including self-employment and**  
17 **employment by others, and any professional or occupational license, registration, or**  
18 **certification held by the applicant during that time;**

19          ~~[(4)]~~ (7) A description of the applicant's:

20           (a) Formal training as an athlete agent;

21           (b) Practical experience as an athlete agent; and

22           (c) Educational background relating to the applicant's activities as an athlete agent;

23          ~~[(5)]~~ ~~The names and addresses of three individuals not related to the applicant who are~~  
24 ~~willing to serve as references;~~

25          ~~[(6)]~~ (8) The name~~[-, sport, and last known team for each individual]~~ **of each student**  
26 **athlete** for whom the applicant ~~[provided services]~~ **acted** as an athlete agent during the five years  
27 ~~[next]~~ preceding the date of submission of the application **or, if the student athlete is a minor,**  
28 **the name of the parent or guardian of the minor, together with the student athlete's sport**  
29 **and last known team;**

30          ~~[(7)]~~ (9) The names and addresses of all persons who are:

31 (a) With respect to the athlete agent's business if it is not a corporation, the partners,  
32 officers, **managers**, associates, or profit-sharers, **or persons who directly or indirectly hold**  
33 **an equity interest of five percent or greater**; and

34 (b) With respect to a corporation employing the ~~[athlete-agent]~~ **applicant**, the officers,  
35 directors, and any shareholder of the corporation with a five percent or greater interest;

36 **(10) A description of the status of any application by the applicant, or any person**  
37 **named under subdivision (9) of this subsection, for a state or federal business, professional,**  
38 **or occupational license, other than as an athlete agent, from a state or federal agency,**  
39 **including any denial, refusal to renew, suspension, withdrawal, or termination of the**  
40 **license and any reprimand or censure related to the license;**

41 ~~[(8)]~~ **(11) Whether the applicant or any other person named under subdivision [(7)] (9)**  
42 **of this [section] subsection has [been convicted] pled guilty to or been found guilty of a crime**  
43 **that if committed in this state would be a felony or other crime involving moral turpitude, and**  
44 **[a description of the crime] information regarding the crime, including the crime, the law**  
45 **enforcement agency involved, and, if applicable, the date of the verdict and the penalty**  
46 **imposed;**

47 **(12) Whether, within fifteen years before the date of application, the applicant or**  
48 **any person named under subdivision (9) of this subsection has been a defendant or**  
49 **respondent in a civil proceeding, including a proceeding seeking an adjudication of legal**  
50 **incompetence and, if so, the date and a full explanation of each proceeding;**

51 **(13) Whether the applicant or any person named under subdivision (9) of this**  
52 **subsection has an unsatisfied judgment or a judgment of continuing effect, including**  
53 **alimony or a domestic order in the nature of child support, that is not current on the date**  
54 **of the application;**

55 **(14) Whether, within ten years before the date of application, the applicant or any**  
56 **person named under subdivision (9) of this subsection was adjudicated bankrupt or was**  
57 **an owner of a business that was adjudicated bankrupt;**

58 ~~[(9)]~~ **(15) Whether there has been any administrative or judicial determination that the**  
59 **applicant or any other person named under subdivision [(7)] (9) of this [section] subsection has**  
60 **made a false, misleading, deceptive, or fraudulent representation;**

61 ~~[(10)]~~ **(16) Any instance in which the prior conduct of the applicant or any other person**  
62 **named under subdivision [(7)] (9) of this [section] subsection resulted in the imposition of a**  
63 **sanction, suspension, or declaration of ineligibility to participate in an interscholastic or**  
64 **intercollegiate athletic event on a student athlete or educational institution;**

65       ~~[(14)]~~ **(17)** Any sanction, suspension, or disciplinary action taken against the applicant  
66 or any other person named under subdivision ~~[(7)]~~ **(9)** of this ~~[section]~~ **subsection** arising out of  
67 occupational or professional conduct; ~~[and]~~

68       ~~[(12)]~~ **(18)** Whether there has been any denial of an application for, suspension or  
69 revocation of, or refusal to renew the registration or licensure of the applicant or any other person  
70 named under subdivision ~~[(7)]~~ **(9)** of this ~~[section]~~ **subsection** as an athlete agent in any state;

71       **(19) Each state in which the applicant is currently registered as an athlete agent or**  
72 **has applied to be registered as an athlete agent;**

73       **(20) If the applicant is certified or registered by a professional league or players**  
74 **association:**

75       **(a) The name of the league or association;**

76       **(b) The date of certification or registration, and the date of expiration of the**  
77 **certification or registration, if any; and**

78       **(c) If applicable, the date of any denial of an application for, suspension or**  
79 **revocation of, refusal to renew, withdrawal of, or termination of the certification or**  
80 **registration or any reprimand or censure related to the certification or registration; and**

81       **(21) Any additional information as required by the director.**

82       **2. In lieu of submitting the application and information required under subsection**  
83 **1 of this section, an applicant who is registered as an athlete agent in another state may**  
84 **apply for registration as an athlete agent by submitting the following:**

85       **(1) A copy of the application for registration in the other state;**

86       **(2) A statement that identifies any material change in the information on the**  
87 **application or verifies there is no material change in the information, signed under penalty**  
88 **of perjury; and**

89       **(3) A copy of the certificate of registration from the other state.**

90       **3. The director shall issue a certificate of registration to an applicant who applies**  
91 **for registration under subsection 2 of this section if the director determines:**

92       **(1) The application and registration requirements of the other state are**  
93 **substantially similar to or more restrictive than the requirements provided under sections**  
94 **436.215 to 436.272; and**

95       **(2) The registration has not been revoked or suspended and no action involving the**  
96 **applicant's conduct as an athlete agent is pending against the applicant or the applicant's**  
97 **registration in any state.**

98       **4. For purposes of implementing subsection 3 of this section, the director shall:**

99       **(1) Cooperate with national organizations concerned with athlete agent issues and**  
100 **agencies in other states that register athlete agents to develop a common registration form**

101 **and determine which states have laws that are substantially similar to or more restrictive**  
102 **than sections 436.215 to 436.272; and**

103 **(2) Exchange information, including information related to actions taken against**  
104 **registered athlete agents or their registrations, with those organizations and agencies.**

436.230. 1. Except as otherwise provided in subsection 2 of this section, the director  
2 shall issue a certificate of registration to an individual who complies with section 436.227.

3 2. The director may refuse to issue a certificate of registration if the director determines  
4 that the applicant has engaged in conduct that has a significant adverse effect on the applicant's  
5 fitness to serve as an athlete agent. In making the determination, the director may consider  
6 whether the applicant has:

7 (1) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo  
8 contendere, in a criminal prosecution under the laws of any state, of the United States, or of any  
9 country, for any offense directly related to the duties and responsibilities of the occupation, as  
10 set forth in section 324.012, regardless of whether or not sentence is imposed;

11 (2) Made a materially false, misleading, deceptive, or fraudulent representation as an  
12 athlete agent or in the application;

13 (3) Engaged in conduct that would disqualify the applicant from serving in a fiduciary  
14 capacity;

15 (4) Engaged in conduct prohibited by section 436.254;

16 (5) Had a registration or licensure as an athlete agent suspended, revoked, or denied or  
17 been refused renewal of registration or licensure in any state;

18 (6) Engaged in conduct or failed to engage in conduct the consequence of which was that  
19 a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or  
20 intercollegiate athletic event was imposed on a student athlete or educational institution; or

21 (7) Engaged in conduct that significantly adversely reflects on the applicant's credibility,  
22 honesty, or integrity.

23 3. In making a determination under subsection 2 of this section, the director shall  
24 consider:

25 (1) How recently the conduct occurred;

26 (2) The nature of the conduct and the context in which it occurred; and

27 (3) Any other relevant conduct of the applicant.

28 4. An athlete agent may apply to renew a registration by submitting an application for  
29 renewal in a form prescribed by the director. The application for renewal ~~[must]~~ **shall** be signed  
30 by the applicant under penalty of perjury under section 575.040 and shall contain current  
31 information on all matters required in an original registration.

32           5. An athlete agent registered under subsection 3 of section 436.227 may renew the  
33 registration by proceeding under subsection 4 of this section or, if the registration in the  
34 other state has been renewed, by submitting to the director copies of the application for  
35 renewal in the other state and the renewed registration from the other state. The director  
36 shall renew the registration if the director determines:

37           (1) The registration requirements of the other state are substantially similar to or  
38 more restrictive than the requirements provided under sections 436.215 to 436.272; and

39           (2) The renewed registration has not been suspended or revoked and no action  
40 involving the individual's conduct as an athlete agent is pending against the individual or  
41 the individual's registration in any state.

42           6. A certificate of registration or a renewal of a registration is valid for two years.

          436.236. The director may issue a temporary certificate of registration [~~valid for sixty~~  
2 ~~days~~] while an application for registration or renewal is pending.

          436.242. 1. An agency contract [~~must~~] shall be in a record signed by the parties.

2           2. An agency contract [~~must~~] shall state or contain:

3           (1) A statement that the athlete agent is registered as an athlete agent in this state  
4 and a list of any other states in which the agent is registered as an athlete agent;

5           (2) The amount and method of calculating the consideration to be paid by the student  
6 athlete for services to be provided by the athlete agent under the contract and any other  
7 consideration the athlete agent has received or will receive from any other source for entering  
8 into the contract or for providing the services;

9           [(2)] (3) The name of any person not listed in the application for registration or renewal  
10 who will be compensated because the student athlete signed the agency contract;

11           [(3)] (4) A description of any expenses that the student athlete agrees to reimburse;

12           [(4)] (5) A description of the services to be provided to the student athlete;

13           [(5)] (6) The duration of the contract; and

14           [(6)] (7) The date of execution.

15           3. An agency contract shall contain in close proximity to the signature of the student  
16 athlete a conspicuous notice in boldface type in capital letters stating:

17           "WARNING TO STUDENT ATHLETE IF YOU SIGN THIS CONTRACT:

18           (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT  
19 ATHLETE IN YOUR SPORT;

20           (2) BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL YOUR  
21 ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS  
22 AFTER ENTERING INTO AN AGENCY CONTRACT OR BEFORE THE NEXT  
23 ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST,

24 **AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE**  
25 **AGENT; AND**

26 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING  
27 IT. CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR  
28 ELIGIBILITY."

29 4. An agency contract shall be accompanied by a separate record signed by the  
30 student athlete or, if the student athlete is a minor, the parent or guardian of the student  
31 athlete acknowledging that signing the contract may result in the loss of the student  
32 athlete's eligibility to participate in the student athlete's sport.

33 5. An agency contract that does not conform to this section is voidable by the student  
34 athlete or, if the student athlete is a minor, by the parent or guardian of the student athlete.  
35 If the contract is voided, any consideration received by the student athlete from the athlete  
36 agent under the contract to induce entering into the contract is not required to be returned.

37 [5:] 6. The athlete agent shall give a copy of the signed agency contract to the student  
38 athlete or, if the student athlete is a minor, to the parent or guardian of the student athlete  
39 [at the time of signing].

40 7. If a student athlete is a minor, an agency contract shall be signed by the parent  
41 or guardian of the minor, and the notice required by subsection 3 of this section shall be  
42 revised accordingly.

436.245. 1. As used in this section, "communicating or attempting to  
2 communicate" shall mean contacting or attempting to contact by an in-person meeting, a  
3 record, or any other method that conveys or attempts to convey a message.

4 2. Within seventy-two hours after entering into an agency contract or before the next  
5 scheduled athletic event in which the student athlete may participate, whichever occurs first, the  
6 athlete agent shall give notice in [writing] a record of the existence of the contract to the athletic  
7 director of the educational institution at which the student athlete is enrolled or the athlete agent  
8 has reasonable grounds to believe the student athlete intends to enroll.

9 3. If an athlete agent enters into an agency contract with a student athlete and the  
10 student athlete subsequently enrolls at an educational institution, the athlete agent shall  
11 notify the athletic director of the educational institution of the existence of the contract  
12 within seventy-two hours after the agent knows or should have known the student athlete  
13 enrolled.

14 4. If an athlete agent has a relationship with a student athlete before the student  
15 athlete enrolls in an educational institution and receives an athletic scholarship from the  
16 educational institution, the athlete agent shall notify the athletic director of the educational

17 institution of the relationship no later than ten days after the enrollment if the athlete agent  
18 knows or should have known of the enrollment and:

19 (1) The relationship was motivated in whole or in part by the intention of the  
20 athlete agent to recruit or solicit the student athlete to enter an agency contract in the  
21 future; or

22 (2) The athlete agent directly or indirectly recruited or solicited the student athlete  
23 to enter an agency contract before the enrollment.

24 5. An athlete agent shall give notice in a record to the athletic director of any  
25 educational institution at which a student athlete is enrolled before the agent communicates  
26 or attempts to communicate with:

27 (1) The student athlete or, if the student athlete is a minor, a parent or guardian  
28 of the student athlete to influence the student athlete or parent or guardian to enter into  
29 an agency contract; or

30 (2) Another individual to have that individual influence the student athlete or, if  
31 the student athlete is a minor, the parent or guardian of the student athlete to enter into  
32 an agency contract.

33 6. If a communication or attempted communication with an athlete agent is  
34 initiated by a student athlete or another individual on behalf of the student athlete, the  
35 athlete agent shall give notice in a record to the athletic director of any educational  
36 institution at which the student athlete is enrolled. The notification shall be made no later  
37 than ten days after the communication or attempted communication.

38 7. An educational institution that becomes aware of a violation of sections 436.215  
39 to 436.272 by an athlete agent shall notify the director of the violation and any professional  
40 league or players' association with which the educational institution is aware the agent is  
41 licensed or registered.

42 [2-] 8. Within seventy-two hours after entering into an agency contract or before the next  
43 athletic event in which the student athlete may participate, whichever occurs first, the student  
44 athlete shall in ~~writing~~ a record inform the athletic director of the educational institution at  
45 which the student athlete is enrolled that he or she has entered into an agency contract and the  
46 name and contact information of the athlete agent.

436.248. 1. A student athlete or, if the student athlete is a minor, the parent or  
2 guardian of the student athlete may cancel an agency contract by giving notice in writing to  
3 the athlete agent of the cancellation within fourteen days after the contract is signed.

4 2. A student athlete or, if the student athlete is a minor, the parent or guardian of  
5 the student athlete may not waive the right to cancel an agency contract.



6           3. If a student athlete, **parent, or guardian** cancels an agency contract within fourteen  
7 days of signing the contract, the student athlete, **parent, or guardian** is not required to pay any  
8 consideration under the contract or to return any consideration received from the agent to induce  
9 the student athlete to enter into the contract.

          436.254. ~~[1-]~~ An athlete agent ~~[may]~~ **shall not intentionally** ~~[do any of the following~~  
2 ~~with the intent to induce a student athlete to enter into an agency contract]~~:

3           (1) Give ~~[any]~~ **a student athlete or, if the student athlete is a minor, a parent or**  
4 **guardian of the student athlete** materially false or misleading information or make a materially  
5 false promise or representation **with the intent to influence the student athlete, parent, or**  
6 **guardian to enter into an agency contract;**

7           (2) Furnish anything of value to a student athlete ~~[before the student athlete enters into~~  
8 ~~the agency contract;]~~ **or another individual, if to do so may result in loss of the student**  
9 **athlete's eligibility to participate in the student athlete's sport, unless:**

10          (a) **The athlete agent notifies the athletic director of the educational institution at**  
11 **which the student athlete is enrolled or at which the athlete agent has reasonable grounds**  
12 **to believe the student athlete intends to enroll, no later than seventy-two hours after giving**  
13 **the thing of value; and**

14          (b) **The student athlete or, if the student athlete is a minor, a parent or guardian**  
15 **of the student athlete acknowledges to the athlete agent in a record that receipt of the thing**  
16 **of value may result in loss of the student athlete's eligibility to participate in the student**  
17 **athlete's sport;**

18          (3) ~~[Furnish anything of value to any individual other than the student athlete or another~~  
19 ~~registered athlete agent.~~

20 ~~——— 2. An athlete agent may not intentionally:~~

21 ~~——— (1)]~~ Initiate contact, **directly or indirectly**, with a student athlete **or, if the student**  
22 **athlete is a minor, a parent or guardian of the student athlete to recruit or solicit the**  
23 **student athlete, parent, or guardian to enter into an agency contract** unless registered under  
24 sections 436.215 to 436.272;

25          ~~[(2) Refuse or willfully]~~ (4) Fail to **create**, retain, or permit inspection of the records  
26 required by section 436.251;

27          ~~[(3) Violate section 436.224 by failing]~~ (5) **Fail to register if required under section**  
28 **436.224;**

29          ~~[(4)]~~ (6) Provide materially false or misleading information in an application for  
30 registration or renewal of registration;

31          ~~[(5)]~~ (7) Predate or postdate an agency contract; ~~[or~~

32 ~~——(6)]~~ **(8)** Fail to notify a student athlete **or, if the student athlete is a minor, a parent**  
33 **or guardian of the student athlete** ~~[prior to]~~ **before** the student ~~[athlete's]~~ **athlete, parent, or**  
34 **guardian** ~~[signing]~~ **signs** an agency contract for a particular sport that the signing ~~[by the student~~  
35 ~~athlete]~~ **may** ~~[make the student athlete ineligible]~~ **result in loss of the student athlete's**  
36 **eligibility** to participate ~~[as a student athlete in that]~~ **in the student athlete's sport;**

37 **(9) Encourage another individual to do any of the acts described in subdivisions (1)**  
38 **to (8) of this section on behalf of the athlete agent; or**

39 **(10) Encourage another individual to assist any other individual in doing any of the**  
40 **acts described in subdivisions (1) to (8) of this section on behalf of the athlete agent.**

436.260. 1. An educational institution ~~[has a right of]~~ **or a student athlete may bring**  
2 **an action for damages** against an athlete agent ~~[or a former student athlete for damages caused~~  
3 ~~by a]~~ **if the institution or student athlete is adversely affected by an act or omission of the**  
4 **athlete agent** in violation of sections 436.215 to 436.272. ~~[In an action under this section, the~~  
5 ~~court may award to the prevailing party costs and reasonable attorney's fees.]~~

6 **(1) In order for a student athlete to qualify as "adversely affected by an act or**  
7 **omission of the athlete agent" under this section, the student athlete shall demonstrate that**  
8 **he or she was a student athlete and enrolled at the institution at the time the act or**  
9 **omission of the athlete agent occurred and that he or she:**

10 **(a) Was suspended or disqualified from participation in an interscholastic or**  
11 **intercollegiate sports event by a state or national federation or association that promotes**  
12 **or regulates interscholastic or intercollegiate sports; or**

13 **(b) Suffered financial damage.**

14 **(2) In order for an educational institution to qualify as "adversely affected by an**  
15 **act or omission of the athlete agent" under this section, the institution shall demonstrate**  
16 **that the institution:**

17 **(a) Was disqualified from participation in an interscholastic or intercollegiate**  
18 **sports event by a state or national federation or association that promotes or regulates**  
19 **interscholastic or intercollegiate sports; or**

20 **(b) Suffered financial damage.**

21 2. ~~[Damages of an educational institution under subsection 1 of this section include~~  
22 ~~losses and expenses incurred because as a result of the activities of an athlete agent or former~~  
23 ~~student athlete the educational institution was injured by a violation of sections 436.215 to~~  
24 ~~436.272 or was penalized, disqualified, or suspended from participation in athletics by a national~~  
25 ~~association for the promotion and regulation of athletics, by an athletic conference, or by~~  
26 ~~reasonable self-imposed disciplinary action taken to mitigate sanctions.]~~ **A plaintiff who**  
27 **prevails in an action under this section may recover actual damages, costs, and reasonable**

28 **attorney's fees. An athlete agent found liable under this section forfeits any right of**  
29 **payment for anything of benefit or value provided to the student athlete and shall refund**  
30 **any consideration paid to the athlete agent by or on behalf of the student athlete.**

31 ~~3. [A right of action under this section does not accrue until the educational institution~~  
32 ~~discovers or by the exercise of reasonable diligence would have discovered the violation by the~~  
33 ~~athlete agent or former student athlete.]~~

34 ~~4. Any liability of the athlete agent or the former student athlete under this section is~~  
35 ~~several and not joint.~~

36 ~~5. Sections 436.215 to 436.272 do not restrict rights, remedies, or defenses of any person~~  
37 ~~under law or equity.] A violation of any provision of sections 436.215 to 436.272 is an unfair~~  
38 **trade practice for purposes of sections 375.930 to 375.948.**

436.263. 1. Any [person] **individual** who violates any [provisions] **provision** of  
2 sections 436.215 to [436.269] **436.272** is guilty of a class A misdemeanor **and liable for a civil**  
3 **penalty not to exceed one hundred thousand dollars.**

4 **2. Any individual who knowingly violates any provision of sections 436.215 to**  
5 **436.272 is guilty of a class E felony and liable for a civil penalty not to exceed one hundred**  
6 **thousand dollars.**

436.266. In applying and construing sections 436.215 to 436.272, consideration [must]  
2 **shall** be given to the need to promote uniformity of the law with respect to the subject matter of  
3 sections 436.215 to 436.272 among states that enact it.

[436.257. The commission of any act prohibited by section 436.254 by  
2 an athlete agent is a class B misdemeanor.]

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