#### FIRST REGULAR SESSION

# **HOUSE BILL NO. 268**

### 103RD GENERAL ASSEMBLY

#### INTRODUCED BY REPRESENTATIVE SHIELDS.

0747H.01I

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DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal sections 337.600, 337.604, 337.615, 337.627, 337.644, and 337.645, RSMo, and to enact in lieu thereof seven new sections relating to social workers.

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

Section A. Sections 337.600, 337.604, 337.615, 337.627, 337.644, and 337.645, 2 RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 337.600, 337.604, 337.615, 337.627, 337.628, 337.644, and 337.645, to read as follows: 337.600. As used in sections 337.600 to 337.689, the following terms mean:

- 2 (1) "Advanced macro social worker", the applications of social work theory, 3 knowledge, methods, principles, values, and ethics; and the professional use of self to 4 community and organizational systems, systemic and macrocosm issues, and other indirect 5 nonclinical services; specialized knowledge and advanced practice skills in case management, 6 information and referral, nonclinical assessments, counseling, outcome evaluation, mediation, 7 nonclinical supervision, nonclinical consultation, expert testimony, education, outcome 6 evaluation, research, advocacy, social planning and policy development, community 8 organization, and the development, implementation and administration of policies, 8 programs, and activities. A licensed advanced macro social worker may not treat mental 10 or emotional disorders or provide psychotherapy without the direct supervision of a licensed 12 clinical social worker, or diagnose a mental disorder;
  - (2) "Clinical social work", the application of social work theory, knowledge, values, methods, principles, and techniques of case work, group work, client-centered advocacy, community organization, administration, planning, evaluation, consultation, research, psychotherapy and counseling methods and techniques to persons, families and groups in

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.

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17 assessment, diagnosis, treatment, prevention and amelioration of mental and emotional 18 conditions;

- 19 (3) "Committee", the state committee for social workers established in section 20 337.622;
  - (4) "Department", the Missouri department of commerce and insurance;
  - (5) "Director", the director of the division of professional registration;
  - (6) "Division", the division of professional registration;
  - (7) "Independent practice", any practice of social workers outside of an organized setting such as a social, medical, or governmental agency in which a social worker assumes responsibility and accountability for services required;
  - (8) "Licensed advanced macro social worker", any person who offers to render services to individuals, groups, families, couples, organizations, institutions, communities, government agencies, corporations, or the general public for a fee, monetary or otherwise, implying that the person is trained, experienced, and licensed as an advanced macro social worker, and who holds a current valid license to practice as an advanced macro social worker;
  - (9) "Licensed baccalaureate social worker", any person who offers to render services to individuals, groups, organizations, institutions, corporations, government agencies, or the general public for a fee, monetary or otherwise, implying that the person is trained, experienced, and licensed as a baccalaureate social worker, and who holds a current valid license to practice as a baccalaureate social worker;
  - (10) "Licensed clinical social worker", any person who offers to render services to individuals, groups, organizations, institutions, corporations, government agencies, or the general public for a fee, monetary or otherwise, implying that the person is trained, experienced, and licensed as a clinical social worker, and who holds a current, valid license to practice as a clinical social worker;
  - (11) "Licensed master social worker", any person who offers to render services to individuals, groups, families, couples, organizations, institutions, communities, government agencies, corporations, or the general public for a fee, monetary or otherwise, implying that the person is trained, experienced, and licensed as a master social worker, and who holds a current valid license to practice as a master social worker. A licensed master social worker may not treat mental or emotional disorders, provide psychotherapy without the direct supervision of a licensed clinical social worker, or diagnose a mental disorder;
- "Master social work", the application of social work theory, knowledge, methods, and ethics and the professional use of self to restore or enhance social, psychosocial, 50 or biopsychosocial functioning of individuals, couples, families, groups, organizations, communities, institutions, government agencies, or corporations. The practice includes the applications of specialized knowledge and advanced practice skills in the areas of assessment,

treatment planning, implementation and evaluation, case management, mediation, information and referral, counseling, client education, supervision, consultation, education, research, advocacy, community organization and development, planning, evaluation, implementation and administration of policies, programs, and activities. Under supervision as provided in this section, the practice of master social work may include the practices reserved to clinical social workers or advanced macro social workers for no more than forty-eight consecutive calendar months for the purpose of obtaining licensure under section 337.615 or 337.645;

- (13) "Practice of advanced macro social work", rendering, offering to render, or supervising those who render to individuals, couples, families, groups, organizations, institutions, corporations, government agencies, communities, or the general public any service involving the application of methods, principles, and techniques of advanced practice macro social work;
- (14) "Practice of baccalaureate social work", rendering, offering to render, or supervising those who render to individuals, families, groups, organizations, institutions, corporations, or the general public any service involving the application of methods, principles, and techniques of baccalaureate social work;
- (15) "Practice of clinical social work", rendering, offering to render, or supervising those who render to individuals, couples, groups, organizations, institutions, corporations, or the general public any service involving the application of methods, principles, and techniques of clinical social work;
- (16) "Practice of master social work", rendering, offering to render, or supervising those who render to individuals, couples, families, groups, organizations, institutions, corporations, government agencies, communities, or the general public any service involving the application of methods, principles, and techniques of master social work;
- (17) "Qualified advanced macro supervisor", any licensed social worker who meets the qualifications of a qualified clinical supervisor or a licensed advanced macro social worker who has:
- (a) Practiced in the field of social work as a licensed social worker for which he or she is supervising the applicant for a minimum of five years;
- (b) Successfully completed a minimum of sixteen hours of supervisory training from the Association of Social Work Boards, the National Association of Social Workers, an accredited university, or a program approved by the state committee for social workers. All organizations providing the supervisory training shall adhere to the basic content and quality standards outlined by the state committee on social work; and
- 89 (c) Met all the requirements of sections 337.600 to 337.689, and as defined by rule by 90 the state committee for social workers;

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

- (a) Practiced in the field of social work as a licensed social worker for which he or she is supervising the applicant for a minimum of five years;
- (b) Successfully completed a minimum of sixteen hours of supervisory training from the Association of Social Work Boards, the National Association of Social Workers, an accredited university, or a program approved by the state committee for social workers. All organizations providing the supervisory training shall adhere to the basic content and quality standards outlined by the state committee on social workers; and
- 101 (c) Met all the requirements of sections 337.600 to 337.689, and as defined by rule by 102 the state committee for social workers;
  - (19) "Qualified clinical supervisor", any licensed clinical social worker who has:
  - (a) Practiced in the field of social work as a licensed social worker for which he or she is supervising the applicant for a minimum of five years;
  - (b) Successfully completed a minimum of sixteen hours of supervisory training from the Association of Social Work Boards, the National Association of Social Workers, an accredited university, or a program approved by the state committee for social workers. All organizations providing the supervisory training shall adhere to the basic content and quality standards outlined by the state committee on social work; and
- 111 (c) Met all the requirements of sections 337.600 to 337.689, and as defined by rule by 112 the state committee for social workers;
  - (20) "Social worker", any individual that has:
  - (a) Received a baccalaureate [or master's] degree in social work from an accredited social work program approved by the [council on social work education] Council on Social Work Education;
    - (b) Received a master's degree in social work from a social work program:
    - a. Accredited by the Council on Social Work Education; or
- b. Recognized and approved by the committee in accordance with rules adopted by the committee under section 337.627 and in accordance with the procedure set forth in section 337.628;
- 122 (c) Received a doctorate or Ph.D. in social work; or
- [(e)] (d) A current social worker license as set forth in sections 337.600 to 337.689.
  - 337.604. 1. No person shall hold himself or herself out to be a social worker unless such person has:

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3 (1) Received a baccalaureate [or master's] degree in social work from an accredited social work program approved by the [eouncil on social work education] Council on Social 5 Work Education;

- (2) Received a master's degree in social work from a social work program:
- (a) Accredited by the Council on Social Work Education; or
- 8 (b) Recognized and approved by the committee in accordance with rules 9 adopted by the committee under section 337.627 and in accordance with the procedure 10 set forth in section 337.628;
  - (3) Received a doctorate or Ph.D. in social work; or
- [(3)] (4) A current social worker license as set forth in sections 337.600 to 337.689. 12
- 13 2. No government entities, public or private agencies or organizations in the state shall use the title "social worker" or any form of the title, including but not limited to the abbreviations "SW", "BSW", "MSW", "DSW", "LBSW", "LBSW-IP", "LMSW", "PLCSW", 15 "LCSW", "CSW", "LAMSW", and "AMSW", for volunteer or employment positions or 17 within contracts for services, documents, manuals, or reference material effective January 1, 2004, unless the volunteers or employees in those positions meet the criteria set forth in this 19 chapter.
  - 337.615. 1. As used in this section, the following terms mean:
- 2 (1) "License", a license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in 4 a particular jurisdiction;
- (2) "Military", the Armed Forces of the United States, including the Air Force, Army, 6 Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. The term "military" also includes the military reserves and militia of any United States territory or state;
  - (3) "Nonresident military spouse", a nonresident spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;
- 15 (4) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses; 16
- 17 (5) "Resident military spouse", a spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, 19 who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

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

(1) The applicant has:

- (a) A master's degree from a college or university program of social work:
- a. Accredited by the [council of social work education] Council on Social Work Education; or
  - b. Recognized and approved by the committee in accordance with rules adopted by the committee under section 337.627 and in accordance with the procedure set forth in section 337.628; or
    - **(b)** A doctorate degree from a school of social work acceptable to the committee;
  - (2) The applicant has completed at least three thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, in no less than twenty-four months and no more than forty-eight consecutive calendar months. For any applicant who has successfully completed at least four thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, within the same time frame prescribed in this subsection, the applicant shall be eligible for application of licensure at three thousand hours and shall be furnished a certificate by the state committee for social workers acknowledging the completion of said additional hours;
  - (3) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be promulgated by rule of the committee; and
  - (4) The applicant is at least eighteen years of age, is a United States citizen or has status as a legal resident alien, and has not been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence has been imposed.
  - 3. (1) Any person who holds a valid current clinical social work license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit to the committee an application for a clinical social work license in Missouri along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction.
    - (2) The committee shall:
  - (a) Within six months of receiving an application described in subdivision (1) of this subsection, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements

 and, if applicable, work experience and clinical supervision requirements in effect and the other jurisdiction verifies that the person met those requirements in order to be licensed or certified in that jurisdiction. The committee may require an applicant to take and pass an examination specific to the laws of this state; or

- (b) Within thirty days of receiving an application described in subdivision (1) of this subsection from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this subsection if such applicant otherwise meets the requirements of this subsection.
- (3) (a) The committee shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in paragraph (b) of this subdivision, with an oversight body outside the state; who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the committee receives his or her application under this subsection [and section].
- (b) If another jurisdiction has taken disciplinary action against an applicant, the committee shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the committee may deny a license until the matter is resolved.
- (4) Nothing in this subsection shall prohibit the committee from denying a license to an applicant under this subsection for any reason described in section 337.630.
- (5) Any person who is licensed under the provisions of this subsection shall be subject to the committee's jurisdiction and all rules and regulations pertaining to the practice as a licensed clinical social worker in this state.
- (6) This subsection shall not be construed to waive any requirement for an applicant to pay any fees.
- 4. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) to (4) of subsection 2 of this section.

337.627. 1. The committee shall promulgate rules and regulations pertaining to:

2 (1) The form and content of license applications required by the provisions of sections 337.600 to 337.689 and section 324.009 and the procedures for filing an application 4 for an initial or renewal license in this state;

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5 (2) Fees required by the provisions of sections 337.600 to 337.689 and section 6 324.009;

- (3) The characteristics of supervised clinical experience, supervised master experience, supervised advanced macro experience, and supervised baccalaureate experience;
- 9 (4) The standards and methods to be used in assessing competency as a licensed 10 clinical social worker, licensed master social worker, licensed advanced macro social worker, 11 and licensed baccalaureate social worker, including the requirement for continuing education 12 hours;
  - (5) Establishment and promulgation of procedures for investigating, hearing and determining grievances and violations occurring pursuant to the provisions of sections 337.600 to 337.689;
  - (6) Development of an appeal procedure for the review of decisions and rules of administrative agencies existing pursuant to the constitution or laws of this state;
  - (7) Establishment of a policy and procedure for reciprocity with states which do not have clinical, master, advanced macro, or baccalaureate social worker licensing laws and states whose licensing laws are not substantially similar to those of this state; [and]
  - (8) Establishment of a policy and procedure for reviewing social work degree programs offering a master's degree in social work that have achieved precandidacy status in the accreditation process established by the Council on Social Work Education to determine whether to recognize and approve such programs for licensure purposes; and
- 26 **(9)** Any other policies or procedures necessary to the fulfillment of the requirements of sections 337.600 to 337.689.
- 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

337.628. A social work degree program offering a master's degree in social work that has achieved precandidacy status in the accreditation process established by the Council on Social Work Education shall not receive automatic recognition and approval by the committee due to that status under the rules adopted under section 337.627. Only such programs may apply to the committee for recognition and approval, and the

6 committee shall review each application on an individualized basis to determine whether 7 the program qualifies for recognition and approval.

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

- 2 (1) "License", a license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in 4 a particular jurisdiction;
- 5 (2) "Military", the Armed Forces of the United States, including the Air Force, Army, 6 Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other military 6 branch that is designated by Congress as part of the Armed Forces of the United States, and 6 all reserve components and auxiliaries. The term "military" also includes the military 7 reserves and militia of any United States territory or state;
- 10 (3) "Nonresident military spouse", a nonresident spouse of an active-duty member of 11 the Armed Forces of the United States who has been transferred or is scheduled to be 12 transferred to the state of Missouri, or who has been transferred or is scheduled to be 13 transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has 14 moved to the state of Missouri on a permanent change-of-station basis;
- 15 (4) "Oversight body", any board, department, agency, or office of a jurisdiction that 16 issues licenses;
  - (5) "Resident military spouse", a spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.
- 2. Each applicant for licensure as a master social worker shall furnish evidence to the committee that:
  - (1) The applicant has:

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- (a) A master's degree in social work from a social work degree program:
- a. Accredited by the Council on Social Work Education; or
- b. Recognized and approved by the committee in accordance with rules adopted by the committee under section 337.627 and in accordance with the procedure set forth in section 337.628; or
- (b) A doctorate degree in social work from an accredited social work degree program approved by the [council of social work education] Council on Social Work Education;
- (2) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be determined by the state committee for social workers;
- 34 (3) The applicant is at least eighteen years of age, is a United States citizen or has 35 status as a legal resident alien, and has not been finally adjudicated and found guilty, or

entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

- (4) The applicant has submitted a written application on forms prescribed by the state board; and
- (5) The applicant has submitted the required licensing fee, as determined by the committee.
- 3. Any applicant who answers in the affirmative to any question on the application that relates to possible grounds for denial of licensure under section 337.630 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and copies of appropriate documents related to such answer.
- 4. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subsection 2 of this section. The license shall refer to the individual as a licensed master social worker and shall recognize that individual's right to practice licensed master social work as defined in section 337.600.
- 5. (1) Any person who holds a valid current master social work license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit to the committee an application for a master social work license in Missouri along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction.
  - (2) The committee shall:
- (a) Within six months of receiving an application described in subdivision (1) of this subsection, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other jurisdiction verifies that the person met those requirements in order to be licensed or certified in that jurisdiction. The committee may require an applicant to take and pass an examination specific to the laws of this state; or
- (b) Within thirty days of receiving an application described in subdivision (1) of this subsection from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this subsection if such applicant otherwise meets the requirements of this subsection.

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- (3) (a) The committee shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in paragraph (b) of this subdivision, with an oversight body outside the state; who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the committee receives his or her application under this [section] subsection.
- (b) If another jurisdiction has taken disciplinary action against an applicant, the committee shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the committee may deny a license until the matter is resolved.
- (4) Nothing in this subsection shall prohibit the committee from denying a license to an applicant under this subsection for any reason described in section 337.630.
- (5) Any person who is licensed under the provisions of this subsection shall be subject to the committee's jurisdiction and all rules and regulations pertaining to the practice as a licensed master social worker in this state.
- (6) This subsection shall not be construed to waive any requirement for an applicant to pay any fees.
- 337.645. 1. Each applicant for licensure as an advanced macro social worker shall furnish evidence to the committee that:
  - (1) The applicant has:
  - (a) A master's degree from a college or university program of social work:
- a. Accredited by the [council of social work education] Council on Social Work Education; or
- b. Recognized and approved by the committee in accordance with rules adopted by the committee under section 337.627 and in accordance with the procedure set forth in section 337.628; or
  - (b) A doctorate degree from a school of social work acceptable to the committee;
- 12 (2) The applicant has completed at least three thousand hours of supervised advanced 12 macro experience with a qualified advanced macro supervisor as defined in section 337.600 13 in no less than twenty-four months and no more than forty-eight consecutive calendar months. 14 For any applicant who has successfully completed at least four thousand hours of supervised 15 advanced macro experience with a qualified advanced macro supervisor, as defined in section 16 337.600, within the same time frame prescribed in this subsection, the applicant shall be 17 eligible for application of licensure at three thousand hours and shall be furnished a certificate

18 by the state committee for social workers acknowledging the completion of said additional hours;

- (3) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be promulgated by rule of the committee;
- (4) The applicant is at least eighteen years of age, is a United States citizen or has status as a legal resident alien, and has not been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed.
- 2. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States or the District of Columbia to practice advanced macro social work who has had no disciplinary action taken against the license, certificate of registration, or permit for the preceding five years may be granted a license to practice advanced macro social work in this state if the person meets one of the following criteria:
  - (1) Has:

- (a) Received:
  - a. A master's degree in social work from a social work program:
  - (i) Accredited by the Council on Social Work Education; or
- (ii) Recognized and approved by the committee in accordance with rules adopted by the committee under section 337.627 and in accordance with the procedure set forth in section 337.628; or
- b. A doctoral degree from a college or university program of social work accredited by the [council of social work education] Council on Social Work Education; and [has]
- **(b)** Been licensed to practice advanced macro social work for the preceding five years; or
- (2) Is currently licensed or certified as an advanced macro social worker in another state, territory of the United States, or the District of Columbia having substantially the same requirements as this state for advanced macro social workers.
- 3. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.

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