

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2300
103RD GENERAL ASSEMBLY

5831H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 324.009, 326.256, 326.277, 326.280, 326.283, 326.286, 326.289, 326.292, 337.600, and 345.050, RSMo, and to enact in lieu thereof forty-one new sections relating to professional licensing, with penalty provisions.

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

Section A. Sections 324.009, 326.256, 326.277, 326.280, 326.283, 326.286, 326.289, 2 326.292, 337.600, and 345.050, RSMo, are repealed and forty-one new sections enacted in 3 lieu thereof, to be known as sections 324.004, 324.009, 324.263, 326.256, 326.277, 326.280, 4 326.283, 326.286, 326.289, 326.292, 331.084, 334.1800, 334.1805, 334.1810, 334.1815, 5 334.1820, 334.1825, 334.1830, 334.1835, 334.1840, 334.1845, 334.1850, 334.1855, 6 334.1860, 334.1900, 334.1903, 334.1906, 334.1909, 334.1912, 334.1915, 334.1918, 7 334.1921, 334.1924, 334.1927, 334.1930, 334.1933, 334.1936, 334.1939, 337.600, 8 338.312, and 345.050, to read as follows:

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

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.

11 **2. The oversight body shall require an applicant under this section to take and**
12 **pass the examination specific to the occupation or profession which is required for**
13 **licensure by those individuals applying pursuant to the provisions of the oversight**
14 **body's statutory and regulatory authority. An oversight body that administers an**
15 **examination on the laws of this state as part of its licensing application requirements**
16 **may require an applicant under this section to take and pass an examination specific to**
17 **the laws of this state.**

18 **3. The oversight body shall not issue a one-time nonrenewable temporary license**
19 **to any applicant described in subsection 1 of this section who has had any license in the**
20 **relevant occupation or profession revoked by an oversight body outside of this state,**
21 **who is currently under investigation, who has a complaint pending, or who is currently**
22 **under disciplinary action.**

23 **4. Applicants for the one-time nonrenewable temporary license shall be citizens**
24 **of the United States and shall submit legal proof of citizenship as part of the application.**

25 **5. If an applicant is not currently residing in this state, the oversight body shall**
26 **conditionally approve the application contingent upon receipt of proof of domicile in**
27 **this state within ninety days of the applicant receiving the temporary license. If the**
28 **applicant fails to provide proof within ninety days of receiving the temporary license,**
29 **the oversight body may terminate the temporary license and the applicant may reapply**
30 **for a temporary license.**

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

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

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

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

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

45 **7. The one-time nonrenewable temporary license shall expire after two years.**
46 **Upon expiration, the individual shall be required to apply for a permanent license in**

47 **accordance with the license requirements for the occupation for which he or she held the**
48 **temporary license.**

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

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

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

60 **11. The division of professional registration may promulgate rules to implement**
61 **the provisions of this section. Any rule or portion of a rule, as that term is defined in**
62 **section 536.010, that is created under the authority delegated in this section shall**
63 **become effective only if it complies with and is subject to all of the provisions of chapter**
64 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**
65 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
66 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
67 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
68 **adopted after August 28, 2026, shall be invalid and void.**

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

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

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

10 (3) "Missouri law enforcement officer", any person employed by or otherwise serving
11 in a position for the state or a local governmental entity in the state of Missouri as a police
12 officer, peace officer certified under chapter 590, auxiliary police officer, sheriff, sheriff's
13 deputy, member of the patrol as that term is defined in section 43.010, or in some like position
14 involving the enforcement of the law and protection of the public interest at the risk of that

15 person's life and who is a permanent resident of the state of Missouri or who is domiciled in
16 the state of Missouri;

17 (4) "Nonresident military or law enforcement spouse":

18 (a) A nonresident spouse of an active duty member of the Armed Forces of the United
19 States who has been transferred or is scheduled to be transferred to the state of Missouri, or
20 who has been transferred or is scheduled to be transferred to an adjacent state and is or will be
21 domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent
22 change-of-station basis; or

23 (b) A nonresident spouse of a person residing outside the state of Missouri who has
24 accepted an offer of employment from and with the state or a local governmental entity in the
25 state of Missouri and who will become a Missouri law enforcement officer upon the
26 commencement of such employment;

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

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

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

41 3. The oversight body in this state shall:

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

50 (2) Within thirty days of receiving an application described in subsection 2 of this
51 section from a nonresident military or law enforcement spouse or a resident military or law

52 enforcement spouse, waive any examination, educational, or experience requirements for
53 licensure in this state for the applicant and issue such applicant a license under this section if
54 such applicant otherwise meets the requirements of this section.

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

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

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

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

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

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

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

85 10. The provisions of this section shall not be construed to alter the authority granted
86 by, or any requirements promulgated pursuant to, any interjurisdictional or interstate
87 compacts adopted by Missouri statute or any reciprocity agreements with other states in

88 effect, and whenever possible this section shall be interpreted so as to imply no conflict
89 between it and any compact, or any reciprocity agreements with other states in effect.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 8 (c) Any engagement to be performed in accordance with the auditing standards and
9 rules of the Public Company Accounting Oversight Board (PCAOB);
- 10 (d) Any review of a financial statement to be performed in accordance with the
11 Statements on Standards for Accounting and Review Services (SSARS); or
- 12 (e) Any examination, review, or agreed upon procedures engagement to be performed
13 in accordance with the SSAE, other than an examination described in paragraph (b) of this
14 subdivision;
- 15 (3) "Board", the Missouri state board of accountancy established under section
16 326.259 or its predecessor pursuant to prior law;
- 17 (4) "Certificate", a certificate issued under section 326.060 prior to August 28, 2001;
- 18 (5) "Certified public accountant" or "CPA", the holder of a certificate or license as
19 defined in this section;
- 20 (6) "Certified public accounting firm", "CPA firm" or "firm", a sole proprietorship, a
21 corporation, a partnership or any other form of organization issued a permit **or otherwise**
22 **authorized to practice** under section 326.289;
- 23 (7) "Client", a person or entity that agrees with a licensee or licensee's employer to
24 receive any professional service;
- 25 (8) "Compilation", providing a service to be performed in accordance with
26 Statements on Standards for Accounting and Review Services (SSARS) that is presented in
27 the form of financial statements information that is the representation of management
28 (owners) without undertaking to express any assurance on the statements;
- 29 (9) "License", a license issued under section 326.280, or privilege to practice under
30 section 326.283; or, in each case, an individual license or permit issued pursuant to
31 corresponding provisions of prior law;
- 32 (10) "Licensee", the holder of a license as defined in this section;
- 33 (11) "Manager", a manager of a limited liability company;
- 34 (12) "Member", a member of a limited liability company;
- 35 (13) "NASBA", the National Association of State Boards of Accountancy;
- 36 (14) "PCAOB", the Public Company Accounting Oversight Board;
- 37 (15) "Peer review", a study, appraisal or review of one or more aspects of the
38 professional work of a ~~licensee or~~ certified public accounting firm that performs attest or
39 compilation services, by licensees who are not affiliated either personally or through their
40 certified public accounting firm being reviewed pursuant to the Standards for Performing and
41 Reporting on Peer Reviews promulgated by the AICPA or such other standard adopted by
42 regulation of the board which meets or exceeds the AICPA standards;

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

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

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

50 (19) "Public accounting":

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

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

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

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

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

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

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

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

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

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

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

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

11 (3) Be of good moral character.

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

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

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

6 (3) Is of good moral character;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53 (2) The foreign designation:

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

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

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

59 (3) The applicant:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 a. Sole proprietorships;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

80 (1) The legal form of the firm;

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

83 (3) Any other matter.

84

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 (a) For compilations:

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

54 (b) For reviews:

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

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

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

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

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

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

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

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

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

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

107 (a) Attest services; or

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

111 (c) An examination of prospective financial information.

112

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

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

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

123 14. (1) A licensee shall not:

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

126 a. Attest services;

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

130 c. An examination of prospective financial information;

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

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

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

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

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

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

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

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

8 **2. The board shall submit to the administrative hearing commission supporting
9 affidavits and certified court records, together with a complaint alleging the facts in
10 support of the board's request for an emergency suspension or restriction of a license,
11 and shall supply the administrative hearing commission with the last home or business
12 addresses on file with the board for the licensee. Within one business day of the filing of
13 the complaint, the administrative hearing commission shall return a service packet to
14 the board. The service packet shall include the board's complaint and any affidavits or
15 records the board intends to rely on that have been filed with the administrative hearing**

16 **commission. The service packet may contain other information in the discretion of the**
17 **administrative hearing commission. Within twenty-four hours of receiving the packet,**
18 **the board shall either personally serve the licensee the service packet or leave a copy of**
19 **the service packet at all of the licensee's current addresses on file with the board.**

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

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

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

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

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

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

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

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

334.1805. In this Compact:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 responsibilities to the Licensee under the provisions of this Compact at the time of its
51 enactment.

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

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

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

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

62 (21) "Significant Investigative Information" means Investigative Information
63 that a Licensing Board, after an inquiry or investigation that includes notification and
64 an opportunity for the physician assistant to respond if required by State law, has
65 reason to believe is not groundless and, if proven true, would indicate more than a
66 minor infraction.

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

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

2 (1) License physician assistants.

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

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

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

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

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

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

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

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

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

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

5 **(2) Hold current NCCPA certification.**

6 **(3) Have no felony or misdemeanor Conviction.**

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

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

11 **(6) Hold a Qualifying License.**

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

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

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

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

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

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

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

36 Remote State in which the Licensee has a Compact Privilege until all of the following
37 occur:

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

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

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

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

334.1820. Upon a Licensee's application for a Compact Privilege, the Licensee
2 shall identify to the Commission the Participating State from which the Licensee is
3 applying, in accordance with applicable Rules adopted by the Commission, and subject
4 to the following requirements:

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

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

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

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

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

10 (2) Issue subpoenas for both hearings and investigations that require the
11 attendance and testimony of witnesses as well as the production of evidence. Subpoenas
12 issued by a Licensing Board in a Participating State for the attendance and testimony of
13 witnesses or the production of evidence from another Participating State shall be

14 enforced in the latter State by any court of competent jurisdiction, according to the
15 practice and procedure of that court applicable to subpoenas issued in proceedings
16 pending before it. The issuing authority shall pay any witness fees, travel expenses,
17 mileage and other fees required by the service statutes of the State in which the
18 witnesses or evidence are located.

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

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

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

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

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

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

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

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

50 License shall include a Statement that the physician assistant's Compact Privilege is
51 deactivated in all Participating States during the pendency of the order.

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

334.1830. 1. The Participating States hereby create and establish a joint
2 government agency and national administrative body known as the PA Licensure
3 Compact Commission. The Commission is an instrumentality of the Compact States
4 acting jointly and not an instrumentality of any one State. The Commission shall come
5 into existence on or after the effective date of the Compact as set forth in subsection 1 of
6 section 334.1850.

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

10 (2) The delegate shall be either:

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

13 (b) An administrator of a Licensing Board.

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

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

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

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

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

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

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

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

29 (3) Establish fees;

30 (4) Establish bylaws;

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

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

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

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

41 **(9) Purchase and maintain insurance and bonds;**

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

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

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

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

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

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

59 **(16) Borrow money;**

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

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

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

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

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

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

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

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

81 **(2) Notwithstanding subdivision (1) of this subsection, the Commission may**
82 **convene a public meeting by providing at least twenty-four (24) hours prior notice on**
83 **the Commission's website, and any other means as provided in the Commission's Rules,**
84 **for any of the reasons it may dispense with notice of proposed rulemaking under**
85 **subsection 12 of section 334.1840.**

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

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

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

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

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

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

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

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

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

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

106 **(j) Legal advice; or**

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

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

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

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

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

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

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

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

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

141 (5) The Commission shall keep accurate accounts of all receipts and
142 disbursements. The receipts and disbursements of the Commission shall be subject
143 to the financial review and accounting procedures established under its bylaws. All

144 receipts and disbursements of funds handled by the Commission shall be subject to an
145 annual financial review by a certified or licensed public accountant, and the report of
146 the financial review shall be included in and become part of the annual report of the
147 Commission.

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

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

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

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

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

157 (3) The ex-officio members will be selected by their respective organizations.

158 (4) The Commission may remove any member of the Executive Committee as
159 provided in its bylaws.

160 (5) The Executive Committee shall meet at least annually.

161 (6) The Executive Committee shall have the following duties and responsibilities:

162 (a) Recommend to the Commission changes to the Commission's Rules or
163 bylaws, changes to this Compact legislation, fees to be paid by Compact Participating
164 States such as annual dues, and any Commission Compact fee charged to Licensees for
165 the Compact Privilege;

166 (b) Ensure Compact administration services are appropriately provided,
167 contractual or otherwise;

168 (c) Prepare and recommend the budget;

169 (d) Maintain financial records on behalf of the Commission;

170 (e) Monitor Compact compliance of Participating States and provide compliance
171 reports to the Commission;

172 (f) Establish additional committees as necessary;

173 (g) Exercise the powers and duties of the Commission during the interim
174 between Commission meetings, except for issuing proposed rulemaking or adopting
175 Commission Rules or bylaws, or exercising any other powers and duties exclusively
176 reserved to the Commission by the Commission's Rules; and

177 (h) Perform other duties as provided in the Commission's Rules or bylaws.

178 (7) All meetings of the Executive Committee at which it votes or plans to vote on
179 matters in exercising the powers and duties of the Commission shall be open to the

180 public and public notice of such meetings shall be given as public meetings of the
181 Commission are given.

182 (8) The Executive Committee may convene in a closed, non-public meeting for
183 the same reasons that the Commission may convene in a non-public meeting as set forth
184 in subdivision (3) of subsection 4 of this section and shall announce the closed meeting as
185 the Commission is required to under subdivision (4) of subsection 4 of this section and
186 keep minutes of the closed meeting as the Commission is required to under subdivision
187 (5) of subsection 4 of this section.

188 7. (1) The members, officers, executive director, employees and representatives
189 of the Commission shall be immune from suit and liability, both personally and in their
190 official capacity, for any claim for damage to or loss of property or personal injury or
191 other civil liability caused by or arising out of any actual or alleged act, error, or
192 omission that occurred, or that the person against whom the claim is made had a
193 reasonable basis for believing occurred within the scope of Commission employment,
194 duties or responsibilities; provided that nothing in this subdivision shall be construed to
195 protect any such person from suit or liability for any damage, loss, injury, or liability
196 caused by the intentional or willful or wanton misconduct of that person. The
197 procurement of insurance of any type by the Commission shall not in any way
198 compromise or limit the immunity granted hereunder.

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

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

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

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

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

228 (7) Nothing in this Compact shall be interpreted to waive or otherwise abrogate
229 a Participating State's state action immunity or state action affirmative defense with
230 respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or
231 federal antitrust or anticompetitive law or regulation.

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

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

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

10 (1) Identifying information;

11 (2) Licensure data;

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

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

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

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

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

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

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

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

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

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

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

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

16 **4. If a majority of the legislatures of the Participating States rejects a**
17 **Commission Rule, by enactment of a statute or resolution in the same manner used to**
18 **adopt this Compact within four (4) years of the date of adoption of the Rule, then such**

19 **Rule shall have no further force and effect in any Participating State or to any State**
20 **applying to participate in the Compact.**

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

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

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

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

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

31 **7. The Notice of Proposed Rulemaking shall include:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

84 **13. The Commission or an authorized committee of the Commission may direct**
85 **revisions to a previously adopted Commission Rule for purposes of correcting**
86 **typographical errors, errors in format, errors in consistency, or grammatical errors.**
87 **Public notice of any revisions shall be posted on the website of the Commission. The**
88 **revision shall be subject to challenge by any person for a period of thirty (30) days after**
89 **posting. The revision may be challenged only on grounds that the revision results in a**
90 **material change to a Rule. A challenge shall be made as set forth in the notice of**

91 revisions and delivered to the Commission prior to the end of the notice period. If no
92 challenge is made, the revision will take effect without further action. If the revision is
93 challenged, the revision may not take effect without the approval of the Commission.

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

334.1845. 1. (1) The executive and judicial branches of State government in
2 each Participating State shall enforce this Compact and take all actions necessary and
3 appropriate to implement the Compact.

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

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

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

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

29 (3) Termination of participation in this Compact shall be imposed only after all
30 other means of securing compliance have been exhausted. Notice of intent to suspend or
31 terminate shall be given by the Commission to the governor, the majority and minority

32 leaders of the defaulting State's legislature, and to the Licensing Board(s) of each of the
33 Participating States.

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

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

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

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

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

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

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

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

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

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

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

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

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

334.1850. 1. This Compact shall come into effect on the date on which this
2 **Compact statute is enacted into law in the seventh Participating State.**

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

8 **(a) A Charter Participating State whose enactment is found to be materially**
9 **different from the Model Compact shall be entitled to the default process set forth in**
10 **subsection 2 of section 334.1845.**

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

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

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

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

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

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

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

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

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

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

334.1855. 1. This Compact and the Commission's rulemaking authority shall be
2 **liberally construed so as to effectuate the purposes, and the implementation and**
3 **administration of the Compact. Provisions of the Compact expressly authorizing or**
4 **requiring the promulgation of Rules shall not be construed to limit the Commission's**
5 **rulemaking authority solely for those purposes.**

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

13 **3. Notwithstanding subsection 2 of this section, the Commission may deny a**
14 **State's participation in the Compact or, in accordance with the requirements of**
15 **subsection 2 of section 334.1845, terminate a Participating State's participation in the**
16 **Compact, if it determines that a constitutional requirement of a Participating State is, or**
17 **would be with respect to a State seeking to participate in the Compact, a material**
18 **departure from the Compact. Otherwise, if this Compact shall be held to be contrary to**
19 **the constitution of any Participating State, the Compact shall remain in full force and**
20 **effect as to the remaining Participating States and in full force and effect as to the**
21 **Participating State affected as to all severable matters.**

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

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

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

334.1900. 1. Sections 334.1900 to 334.1939 shall be known and cited as the
2 **Athletic Trainer Compact. The purposes of this compact are to expand mobility of**
3 **Athletic Training practice and improve public access to services by providing qualified**
4 **Licensed Athletic Trainers the ability to practice in other Member States. This compact**
5 **preserves the regulatory authority of States to protect public health and safety through**
6 **the current system of State licensure.**

7 **2. This compact is designed to achieve the following objectives:**

8 **(1) Increase public access to Athletic Training and enhance continuity of care by**
9 **providing for the mutual recognition of other Licenses issued by Member States;**

10 **(2) Provide an additional streamlined opportunity for interstate practice by**
11 **Licensed Athletic Trainers who meet compact uniform requirements;**

12 **(3) Promote mobility and workforce development by eliminating the necessity**
13 **for Licenses in multiple States by providing for the mutual recognition of other Licenses**
14 **issued by Member States;**

- 15 **(4) Reduce administrative burdens on Licensed Athletic Trainers and Member**
16 **States;**
- 17 **(5) Enhance the States' ability to protect the public's health and safety;**
- 18 **(6) Encourage the cooperation of Member States in regulating interstate practice**
19 **of Licensed Athletic Trainers;**
- 20 **(7) Support relocating Active Military Members and their spouses;**
- 21 **(8) Enhance the exchange of licensure, investigative, and disciplinary**
22 **information among Member States;**
- 23 **(9) Allow for the use of telehealth to facilitate increased access to Athletic**
24 **Training services;**
- 25 **(10) Support the uniformity of Licensed Athletic Trainer licensure requirements**
26 **throughout the States;**
- 27 **(11) Affirm the authority of all Member States to hold a Licensed Athletic**
28 **Trainer accountable for abiding by the Scope of Practice in the State in which the**
29 **patient is located at the time of care; and**
- 30 **(12) Require adherence to the Model Compact Language in order to promote**
31 **uniformity and ensure that all Member States have accepted and are mutually obligated**
32 **to the same terms.**

334.1903. As used in this compact, unless the context requires otherwise, the
2 **following definitions shall apply:**

- 3 **(1) "Active Military Member" means any individual with full-time duty status in**
4 **the active armed forces of the United States, including members of the National Guard**
5 **and Reserve.**
- 6 **(2) "Adverse Action" means any administrative, civil, equitable or criminal**
7 **action permitted by a State's laws which is imposed by a Licensing Authority or other**
8 **authority against a Licensee, including actions against an individual's License or**
9 **Compact Privilege such as revocation, suspension, probation, monitoring of the**
10 **Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure**
11 **affecting a Licensee's authorization to practice.**
- 12 **(3) "Alternative Program" means a non-disciplinary monitoring or practice**
13 **remediation process applicable to an Athletic Trainer approved by a State Licensing**
14 **Authority of a Member State in which the Athletic Trainer is licensed. This includes,**
15 **but is not limited to, programs to which Licensees with substance use, addiction, or**
16 **mental health conditions are referred in lieu of Adverse Action.**
- 17 **(4) "Athletic Training" means the prevention, examination, assessment,**
18 **treatment and rehabilitation of emergent, acute, or chronic injuries and medical**
19 **conditions as defined by applicable Member State laws and regulations.**

20 **(5) "Athletic Trainer Compact Commission" or "Compact Commission" means**
21 **the government agency whose membership consists of all States that have enacted this**
22 **compact, as described herein and which shall operate as an instrumentality of the**
23 **Member States to administer and implement the compact according to its terms.**

24 **(6) "BOC" means the Board of Certification, Inc. or any successor organization**
25 **thereto.**

26 **(7) "CAATE" means the Commission on Accreditation of Athletic Training**
27 **Education or any successor organization thereto.**

28 **(8) "Charter Member State" means any Member State which enacted and made**
29 **effective this compact by law before the compact effective date specified herein.**

30 **(9) "Commissioner" means the individual appointed by a Member State to serve**
31 **as the member of the Commission for that Member State.**

32 **(10) "Compact Privilege" means the legal authorization granted by a Remote**
33 **State, equivalent to a License, allowing a Licensee from another Member State to**
34 **provide Athletic Training services in a Remote State.**

35 **(11) "Compact Qualifying License" means a License that is not an Encumbered**
36 **License issued by a Member State to practice Athletic Training which qualifies the**
37 **Licensee to exercise a Compact Privilege pursuant to section 334.1909.**

38 **(12) "Continuing Competence" means a requirement, as a condition of License**
39 **renewal, to provide evidence of successful participation, and completion of, educational**
40 **and professional activities relevant to practice or area of work. For purposes of this**
41 **compact, evidence of active BOC certification may satisfy the meaning of Continuing**
42 **Competence as set forth herein.**

43 **(13) "Current Significant Investigative Information" means the existence of:**

44 **(a) Investigative Information that a Licensing Authority, after a preliminary**
45 **inquiry that includes notification and an opportunity for the subject Licensee to**
46 **respond, if required by State law, has reason to believe is not groundless and, if proven**
47 **true, would indicate more than a minor infraction; or**

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

51 **(14) "Criminal Background Check" means the submission of fingerprints or**
52 **other biometric-based information for a License applicant for the purpose of obtaining**
53 **that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d)**
54 **from the Federal Bureau of Investigation and the State's criminal history record**
55 **repository as defined in 28 C.F.R. § 20.3(f).**

56 **(15) "Data System" means the Commission's repository of information about**
57 **Licensees, including but not limited to examination, licensure, investigative, Compact**
58 **Privilege, Adverse Action, and Alternative Program.**

59 **(16) "Encumbrance" or "Encumbered" means a revocation or suspension of, or**
60 **any limitation or condition on, the full and unrestricted practice of Athletic Training.**

61 **(17) "Executive Committee" means a group of commissioners elected or**
62 **appointed to act on behalf of, and within the powers granted to them by, the compact**
63 **and Commission.**

64 **(18) "Investigative Information" means information, records, and documents**
65 **received or generated by a Licensing Authority pursuant to an investigation.**

66 **(19) "Jurisprudence Requirement" means the assessment of an individual's**
67 **knowledge of the laws and Rules governing the practice of Athletic Training, as**
68 **applicable, in a State.**

69 **(20) "License" means current authorization by a Member State to engage in the**
70 **practice of Athletic Training.**

71 **(21) "Licensee" or "Licensed Athletic Trainer" means an individual who**
72 **currently holds an active, unrestricted License and who meets all of the requirements**
73 **outlined in section 334.1909.**

74 **(22) "Licensing Authority" means the board or agency of a State, or equivalent,**
75 **that is responsible for the licensing and regulation of Athletic Trainers.**

76 **(23) "Model Compact Language" means the model language for the Athletic**
77 **Trainer Compact on file with The Council of State Governments or other entity as**
78 **designated by the Commission to which all Member States must substantively adhere**
79 **and adopt.**

80 **(24) "Member State" means a State that has enacted the compact.**

81 **(25) "Remote State" means a Member State other than the State of Qualifying**
82 **Licensure.**

83 **(26) "Rule" means a regulation promulgated by an authorized entity that has**
84 **the force of law.**

85 **(27) "Scope of Practice" means the procedures, actions, and processes an**
86 **Athletic Trainer licensed in a State is permitted to undertake in that State and the**
87 **circumstances under which the Licensee is permitted to undertake those procedures,**
88 **actions and processes. Such procedures, actions and processes and the circumstances**
89 **under which they may be undertaken may be established through means, including, but**
90 **not limited to, statute, regulations, case law, and other processes available to the State**
91 **Licensing Authority or other government agency. Scope of Practice shall include any**

92 State requirements regarding supervision or direction, if required by such State and as
93 further defined by such State's statutes and regulations.

94 (28) "Single State License" means a License issued by any State that authorizes
95 practice only within the issuing State.

96 (29) "State" means any state, commonwealth, district, or territory of the United
97 States of America.

98 (30) "State of Qualifying Licensure" means the Member State who has issued a
99 Compact Qualifying License to a Licensee pursuant to this compact.

100 (31) "Unencumbered License" means a License that authorizes a Licensee to
101 engage in the full and unrestricted practice of Athletic Training.

334.1906. 1. To be eligible to join this compact and to maintain eligibility as a
2 Member State, a State must:

3 (1) Enact and maintain a statute that is not materially different from the Model
4 Compact Language;

5 (2) License and regulate the practice of Athletic Training;

6 (3) Require that Licensees in that State maintain Continuing Competence
7 standards as part of their State practice act or Rules;

8 (4) Have a mechanism in place for receiving and investigating complaints about
9 Licensees;

10 (5) Grant the Compact Privilege to a Licensee who meets all the requirements
11 outlined in section 334.1909 in accordance with the terms of the compact and any Rules
12 promulgated thereunder;

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

15 (7) Notify the Compact Commission, in compliance with the terms of the
16 Compact and Rules, of any Adverse Action or the availability of Current Significant
17 Investigative Information regarding a Licensee;

18 (8) Within a time frame established by Rule, implement or utilize procedures for
19 considering the criminal history records of applicants for a Compact Qualifying License
20 which includes receiving the results of the Federal Bureau of Investigation record search
21 and shall use those results in making licensure decisions. These procedures shall include
22 the submission of fingerprints or other biometric-based information by applicants for
23 the purpose of obtaining an applicant's criminal history record information from the
24 Federal Bureau of Investigation and the agency responsible for retaining that State's
25 criminal records; and

26 **(a) A Member State must fully implement a Criminal Background Check**
27 **requirement in order to participate in the issuance and acceptance of Compact**
28 **Privileges.**

29 **(b) Communication between a Member State and the Compact Commission or**
30 **among Member States regarding the verification of eligibility for licensure through the**
31 **compact shall not include any information received from the Federal Bureau of**
32 **Investigation relating to a federal criminal records check performed by a Member**
33 **State;**

34 **(9) Comply with and enforce the Rules of the Compact Commission.**

35 **2. Member States may set and collect a fee for issuance and renewal of a**
36 **Compact Privilege to applicants.**

37 **3. Individuals without a Compact Qualifying License shall continue to be able to**
38 **apply for a Member State's Single-State License as provided under the laws of each**
39 **Member State.**

40 **4. Nothing in this compact shall affect the requirements established by a**
41 **Member State for the issuance of a Single State License.**

42 **5. A Compact Qualifying License shall be recognized by each Remote State as**
43 **authorizing that Licensee to engage in the practice of Athletic Training, under a**
44 **Compact Privilege, in another Member State in accordance with the requirements in**
45 **section 334.1909.**

334.1909. 1. To be eligible for a Compact Privilege under the terms and
2 **provisions of the compact, the Licensee shall complete a Criminal Background Check**
3 **performed by the Licensing Authority in the State of Qualifying Licensure prior to**
4 **entry in the compact and shall:**

5 **(1) Satisfy one of the following two pathways:**

6 **(a) Hold a valid current active certification through the BOC, or its successor**
7 **organization; or**

8 **(b) If a Licensee does not meet the requirements of paragraph (a) of this**
9 **subdivision, the following must be completed:**

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

11 **(i) At least a bachelor's degree with a major course of study in Athletic Training,**
12 **or an equivalent course of study from a college or university accredited at the time of**
13 **graduation by CAATE, or its successor organization;**

14 **(ii) An academic degree from a college or university in a foreign country**
15 **equivalent to the degree described in item (i) of this subparagraph with a major course**
16 **of study as described in item (i) of this subparagraph that is accredited by CAATE, or**
17 **its successor organization; or**

18 (iii) The substantial equivalent of the foregoing which the Commission may
19 determine by Rule.

20 b. Successful completion of the exam administered by the BOC, or its successor
21 organization, preceding the date of the Licensee's application for Licensure in their
22 State of Qualifying Licensure or the substantial equivalent of the foregoing requirement
23 which the Commission may determine by Rule;

24 (2) Hold a Compact Qualifying License;

25 (3) Have not had any Encumbrance against any license or Compact Privilege to
26 practice Athletic Training within the previous two (2) years;

27 (4) Be eligible for a Compact Privilege in any Member State in accordance with
28 section 334.1909;

29 (5) Notify the Compact Commission that the Licensee is seeking the Compact
30 Privilege within a Remote State or States;

31 (6) Pay any applicable fees, including any State fee, for the Compact Privilege;

32 (7) Meet only the Continuing Competence requirements established by the State
33 of Qualifying Licensure;

34 (8) Comply with any requirements of the State of Qualifying Licensure as set
35 forth in section 334.1906;

36 (9) Meet any Jurisprudence Requirements established by the Remote State or
37 States in which the Licensee is seeking a Compact Privilege; and

38 (10) Report to the Compact Commission any Adverse Action, Encumbrance, or
39 restriction on a license taken by any non-Member State within 30 days from the date the
40 action is taken.

41 2. The Compact Privilege is valid until the expiration date of the Compact
42 Qualifying License. To maintain a Compact Privilege, renewal of the Compact Privilege
43 shall be congruent with the renewal of the Compact Qualifying License as the Compact
44 Commission may define by Rule. The Licensee must comply with the requirements of
45 this section to maintain the Compact Privilege in the Remote State. A Licensee may
46 apply for and hold Compact Privileges in multiple Member States.

47 3. A Licensed Athletic Trainer must follow the Scope of Practice of the Member
48 State where the patient is located. A Licensee engaging in the practice of Athletic
49 Training in a Remote State under the Compact Privilege shall adhere to the Scope of
50 Practice laws and regulations of the Remote State. Licensees shall be responsible for
51 educating themselves on, and complying with, any and all Scope of Practice laws and
52 regulations and State laws relating to the remote practice of Athletic Training, as
53 applicable.

54 **4. A Licensee engaging in the practice of Athletic Training in a Remote State is**
55 **subject to that State's regulatory authority. A Remote State may, in accordance with**
56 **due process and that State's laws, remove a Licensee's Compact Privilege in the Remote**
57 **State for a specific period of time, impose fines, or take any other necessary actions to**
58 **protect the health and safety of its citizens. Any Member State which undertakes such**
59 **an action shall promptly notify the Member State and the Commission as specified in**
60 **the Rules. The Licensee may be deemed to be ineligible to exercise the Compact**
61 **Privilege by any Member State until the specific time for removal has passed and all**
62 **finances are paid.**

63 **5. All Member State disciplinary orders that impose Adverse Action against a**
64 **Compact Qualifying License shall result in deactivation of the Licensee's Compact**
65 **Privilege in all Member States during the pendency of the order. If a Compact**
66 **Qualifying License is Encumbered, the Licensee shall lose the Compact Privilege in any**
67 **Remote State until the following occur:**

- 68 **(1) The Compact Qualifying License is no longer Encumbered; and**
69 **(2) The Licensee has not had any Encumbrance or restriction against any**
70 **License, Compact Qualifying License or Compact Privilege within the previous two (2)**
71 **years.**

72 **6. Once an Encumbered License is restored to good standing as a Compact**
73 **Qualifying License (as certified by the Licensing Authority), the Licensee must meet the**
74 **requirements of this section to obtain a Compact Privilege in any Remote State.**

75 **7. If a Licensee's Compact Privilege in any Remote State is removed, that**
76 **Licensee may also lose the Compact Privilege in other Remote States, as each Member**
77 **State shall determine in its sole authority, until the following occur:**

- 78 **(1) The specific period of time for which the Compact Privilege was removed has**
79 **ended;**
80 **(2) All fines have been paid; and**
81 **(3) Have not had any Encumbrance or restriction against any License or**
82 **Compact Privilege within the previous two (2) years.**

83 **8. Once the requirements of subsection 7 of this section have been met, the**
84 **Licensee must meet the requirements in subsection 1 of this section to obtain a Compact**
85 **Privilege in a Remote State.**

334.1912. 1. A Licensee may only designate one License as their Compact
2 **Qualifying License at a time. The procedures for such designation may be further**
3 **defined by Compact Commission Rule.**

4 **2. Nothing in this Section shall require that the State of Qualifying Licensure be**
5 **the State of primary residence or State of primary practice for the Licensee.**

6 **3. Nothing in this Compact shall interfere with a Licensee's ability to hold a**
7 **Single State License in multiple States.**

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

334.1915. An Active Military Member or their spouse shall not be required to
2 **pay a fee to the Commission for a Compact Privilege. If a Member State chooses to**
3 **charge a Member State fee, it may choose to charge a reduced fee or no fee to an Active**
4 **Military Member or their spouse for a Compact Privilege.**

334.1918. 1. A Member State in which a Licensee is issued a Compact
2 **Qualifying License shall have the exclusive authority to impose Adverse Action against**
3 **the Compact Qualifying License issued by that Member State.**

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

7 **3. Nothing in this compact shall override a Member State's decision that**
8 **participation in an Alternative Program may be used in lieu of Adverse Action and that**
9 **such participation shall remain non-public if required by the Member State's laws or**
10 **Rules.**

11 **4. A Remote State shall have the authority to:**

12 **(1) Take Adverse Actions as set forth herein against a Licensee's Compact**
13 **Privilege in that State; and**

14 **(2) Issue subpoenas for both hearings and investigations that require the**
15 **attendance and testimony of witnesses as well as the production of evidence.**

16 **(a) Subpoenas may be issued by a Member State Athletic Training Licensing**
17 **Authority for the attendance and testimony of witnesses and the production of evidence.**

18 **(b) A Member State which issues a subpoena may request service of that**
19 **subpoena by another Member State. The Member State receiving the request to serve a**
20 **subpoena shall serve the subpoena if it is deemed enforceable by a court of competent**
21 **jurisdiction according to the practice and procedure in the receiving Member State.**

22 **(c) The issuing authority shall pay any witness fees, travel expenses, mileage, and**
23 **other fees required by the service statutes of the State where the witnesses or evidence**
24 **are located.**

25 **5. For purposes of taking Adverse Action, a Member State shall give the same**
26 **priority and effect to reported conduct received from another Member State as it would**
27 **if the conduct had occurred within that State. In so doing, the investigating Member**
28 **State shall apply its own State laws to determine appropriate action.**

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

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

35 **(2) Member States shall share any Current Significant Investigative**
36 **Information, litigation, or compliance materials in furtherance of any joint or**
37 **individual investigation initiated under the compact. In sharing such information**
38 **between Member State Athletic Trainer Licensing Authorities, all information obtained**
39 **shall be kept confidential, except as otherwise mutually agreed upon by the sharing and**
40 **receiving Member States.**

41 **(3) A Remote State may issue subpoenas on behalf of a Member State for both**
42 **hearings and investigations that require the attendance and testimony of witnesses as**
43 **well as the production of evidence.**

44 **8. If a Member State takes Adverse Action, it shall promptly notify the**
45 **administrator of the Data System. The administrator of the Data System shall promptly**
46 **notify all Member States of any Adverse Actions by Remote States.**

47 **9. Nothing in this compact may permit a Member State to take any Adverse**
48 **Action against a Licensee or holder of a Compact Privilege for conduct or practice**
49 **occurring in another Member State that was legal in the Member State at the time it**
50 **was undertaken.**

334.1921. 1. The compact Member States hereby create and establish a joint
2 **government agency whose membership consists of all Member States that have enacted**
3 **the compact known as the Athletic Trainer Licensure Compact Commission. The**
4 **Compact Commission is an instrumentality of the Member States acting jointly and not**
5 **an instrumentality of any one State. The Compact Commission shall come into**
6 **existence on or after the effective date of the Compact as set forth in section 334.1933.**

7 **2. (1) Each Member State shall have and be limited to one (1) Commissioner**
8 **selected by that Member State's Licensing Authority within 60 days of the Member**
9 **State's effective date.**

10 **(2) The Commissioner shall be an administrator or their designated staff or**
11 **current board member of the Licensing Authority.**

12 **(3) The Compact Commission may recommend removal or suspension of any**
13 **Commissioner from office.**

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

16 **(5) Each Commissioner shall be entitled to one vote on all matters before the**
17 **Compact Commission requiring a vote by the Commissioners.**

18 **(6) The Compact Commission shall meet at least once during each calendar year.**
19 **Additional meetings may be held as set forth in the Commission bylaws. A**
20 **Commissioner shall vote in person or by such other means as provided in the bylaws.**
21 **The bylaws may provide for Commissioners to meet by telecommunication,**
22 **videoconference, or other means of communication.**

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

24 **(1) Promulgate, adopt, and amend Rules and bylaws;**

25 **(2) Establish code of conduct, confidentiality, and conflict of interest policies for**
26 **Commissioners;**

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

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

29 **(5) Purchase and maintain insurance and insurance bonds;**

30 **(6) Accept, or contract for services of personnel, including, but not limited to,**
31 **employees of a Member State;**

32 **(7) Conduct a financial review or audit;**

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

37 **(9) Enter into contracts or arrangements for the management of the affairs of**
38 **the Commission;**

39 **(10) Assess and collect fees;**

40 **(11) Accept any and all appropriate gifts, donations, grants of money, other**
41 **sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and**
42 **dispose of the same; provided that at all times the Compact Commission shall avoid any**
43 **appearance of impropriety or conflict of interest;**

44 **(12) Lease, purchase, retain, own, hold, improve, invest, or use any property,**
45 **real, personal, or mixed, or any undivided interest therein;**

46 **(13) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise**
47 **dispose of any property real, personal, or mixed;**

48 **(14) Establish a budget and make expenditures;**

49 **(15) Borrow and invest money;**

50 **(16) Meet and take such actions as are consistent with the provisions of this**
51 **compact, the Compact Commission's Rules, and the bylaws;**

52 **(17) Initiate and conclude legal proceedings or actions in the name of the**
53 **Compact Commission, provided that the standing of any Licensing Authority to sue or**
54 **be sued under applicable law shall not be affected;**

55 **(18) Maintain and certify records and information provided to a Member State**
56 **as the authenticated business records of the Compact Commission, and designate an**
57 **agent to do so on the Compact Commission's behalf;**

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

60 **(20) Determine whether a State's adopted language is materially different from**
61 **the Model Compact Language such that the State would not qualify for participation in**
62 **the compact;**

63 **(21) Establish and elect an Executive Committee, including a chair and a vice**
64 **chair, secretary, treasurer, and such other offices as the Commission shall establish by**
65 **Rule or bylaw;**

66 **(22) Appoint committees, including standing committees, composed of Member**
67 **State Commissioners, State regulators, State legislators or their representatives, and**
68 **consumer representatives, and such other interested persons as may be designated in**
69 **this compact and the bylaws; and**

70 **(23) Perform such other functions as may be necessary or appropriate to achieve**
71 **the purposes of this compact.**

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

75 **(a) Exercise the powers and duties of the Compact Commission during the**
76 **interim between Compact Commission meetings, except for adopting or amending**
77 **Rules, adopting or amending bylaws, and exercising any other powers and duties**
78 **expressly reserved to the Compact Commission by Rule or bylaw;**

79 **(b) Oversee the day-to-day activities of the administration of the Compact**
80 **including enforcement and compliance with the provisions of the Compact, its Rules and**
81 **bylaws, and other such duties as deemed necessary;**

82 **(c) Recommend to the Compact Commission changes to the Rules or bylaws,**
83 **changes to this compact legislation, fees charged to Compact Member States, fees**
84 **charged to Licensees, and other fees;**

85 **(d) Ensure compact administration services are appropriately provided,**
86 **including by contract;**

87 **(e) Prepare and recommend the budget;**

88 **(f) Maintain financial records on behalf of the Compact Commission;**

89 **(g) Monitor compact compliance of Member States and provide compliance**
90 **reports to the Compact Commission;**

91 **(h) Establish additional committees as necessary; and**

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

93 **(2) The Executive Committee shall be composed of five voting members, elected**
94 **by the Compact Commission:**

95 **(a) The chair and vice chair of the Compact Commission, shall be voting**
96 **members of the Executive Committee;**

97 **(b) The Compact Commission shall elect up to three additional voting members**
98 **from the current membership of the Compact Commission to include the offices of**
99 **treasurer, secretary, and one member-at-large; and**

100 **(c) Up to four (4) ex-officio, nonvoting members from recognized national**
101 **athletic trainer organizations.**

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

104 **(4) (a) The Executive Committee shall meet at least annually.**

105 **(b) Executive Committee meetings shall be open to the public, except that the**
106 **Executive Committee may meet in a closed, non-public meeting as provided in this**
107 **section.**

108 **(c) The Executive Committee shall give advance notice of its meetings, posted on**
109 **its website and as determined by rule or bylaw to provide notice to persons with an**
110 **interest in the business of the Compact Commission.**

111 **(d) The Executive Committee may hold a special meeting in accordance with this**
112 **section.**

113 **5. The Compact Commission shall adopt and provide to the Member States an**
114 **annual report.**

115 **6. (1) All meetings shall be open to the public, except that the Compact**
116 **Commission may meet in a closed, non-public meeting as provided in this section.**

117 **(2) Public notice for all meetings of the full Compact Commission of meetings**
118 **shall be given in the same manner as required under the rulemaking provisions in this**
119 **compact, except that the Compact Commission may hold a special meeting as provided**
120 **in this section.**

121 **(3) The Compact Commission may hold a special meeting when it must meet to**
122 **conduct emergency business by giving 24 hours' notice to all Commissioners, on the**
123 **Compact Commission's website, and other means as provided in the Compact**
124 **Commission's Rules. The Compact Commission's legal counsel shall certify that the**
125 **Compact Commission's need to meet qualifies as an emergency.**

126 **(4) The Compact Commission or the Executive Committee or other committees**
127 **of the Compact Commission may convene in a closed, non-public meeting for the**
128 **Compact Commission or Executive Committee or other committees of the Compact**
129 **Commission to receive legal advice or to discuss:**

130 **(a) Non-compliance of a Member State with its obligations under the Compact;**

131 **(b) The employment, compensation, discipline or other matters, practices or**
132 **procedures related to specific employees;**

133 **(c) Current or threatened discipline of a Licensee by a Member State's Licensing**
134 **Authority;**

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

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

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

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

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

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

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

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

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

150 **(5) If a meeting, or portion of a meeting, is closed, the Compact Commission's**
151 **legal counsel or designee shall certify that the meeting will be closed and reference each**
152 **relevant exempting provision, and such reference shall be recorded in the minutes. All**
153 **minutes and documents of a closed meeting shall remain under seal, subject to release**
154 **only by a majority vote of the Compact Commission or order of a court of competent**
155 **jurisdiction.**

156 **7. (1) The Compact Commission shall pay, or provide for the payment of, the**
157 **reasonable expenses of its establishment, organization, and ongoing activities.**

158 **(2) The Compact Commission may accept any and all appropriate revenue**
159 **sources as provided in this section.**

160 **(3) The Compact Commission may levy on and collect an annual assessment**
161 **from each Member State and impose fees on Licensees of Member States to whom it**
162 **grants a Compact Privilege to cover the cost of the operations and activities of the**

163 **Compact Commission and its staff, which must be in a total amount sufficient to cover**
164 **its annual budget as approved each year for which revenue is not provided by other**
165 **sources. The aggregate annual assessment amount for Member States shall be allocated**
166 **based upon a formula that the Compact Commission shall promulgate by Rule.**

167 **(4) The Compact Commission shall not incur obligations of any kind prior to**
168 **securing the funds or a loan adequate to meet the same; nor shall the Compact**
169 **Commission pledge the credit of any of the Member States, except by and with the**
170 **authority of the Member State.**

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

178 **8. (1) The members, officers, executive director, employees and representatives**
179 **of the Compact Commission shall be immune from suit and liability, both personally**
180 **and in their official capacity, for any claim for damage to or loss of property or personal**
181 **injury or other civil liability caused by or arising out of any actual or alleged act, error,**
182 **or omission that occurred, or that the person against whom the claim is made had a**
183 **reasonable basis for believing occurred within the scope of Compact Commission**
184 **employment, duties or responsibilities; provided that nothing in this subdivision shall be**
185 **construed to protect any such person from suit or liability for any damage, loss, injury,**
186 **or liability caused by the intentional or willful or wanton misconduct of that person.**
187 **The procurement of insurance of any type by the Compact Commission shall not in any**
188 **way compromise or limit the immunity granted hereunder.**

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

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

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

212 **(5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a**
213 **Member State's state action immunity or state action affirmative defense with respect to**
214 **antitrust claims under the Sherman Act, Clayton Act, or any other State or federal**
215 **antitrust or anticompetitive law or regulation.**

216 **(6) Nothing in this compact shall be construed to be a waiver of sovereign**
217 **immunity by the Member States or by the Compact Commission.**

334.1924. 1. The Commission shall provide for the development, maintenance,
2 **operation, and utilization of a coordinated Data System and reporting system containing**
3 **licensure, Compact Privileges, Adverse Action, and the presence of Current Significant**
4 **Investigative Information on all Licensees and applicants for a License in Member**
5 **States.**

6 **2. Notwithstanding any other provision of State law to the contrary, a Member**
7 **State shall submit a uniform data set to the Data System on all Licensees, applicants,**
8 **and others to whom this compact is applicable as required by the Rules of the Compact**
9 **Commission, including:**

10 **(1) Personally identifying information;**

11 **(2) Licensure data;**

12 **(3) Adverse Actions against a Licensee, License applicant or Compact Privilege**
13 **and information related thereto;**

14 **(4) Non-confidential information related to Alternative Program participation,**
15 **the beginning and ending dates of such participation, and other information related to**
16 **such participation;**

17 **(5) Any denial of an application for licensure, and the reason or reasons for such**
18 **denial, (excluding the reporting of any criminal history record information where**
19 **prohibited by law);**

20 **(6) A binary determination regarding the presence of Current Significant**
21 **Investigative Information; and**

22 **(7) Other information that may facilitate the administration of this compact or**
23 **the protection of the public, as determined by the Rules of the Commission.**

24 **3. The records and information provided to a Member State pursuant to this**
25 **compact or through the Data System, when certified by the Commission or an agent**
26 **thereof, shall constitute the authenticated business records of the Commission, and shall**
27 **be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or**
28 **administrative proceedings in a Member State.**

29 **4. Current Significant Investigative Information pertaining to a Licensee in any**
30 **Member State will only be available to other Member States.**

31 **5. It is the responsibility of the Member States to monitor the Data System to**
32 **determine whether Adverse Action has been taken against a Licensee or License**
33 **applicant. Adverse Action information pertaining to a Licensee or License applicant in**
34 **any Member State will be available to any other Member State.**

35 **6. Member States contributing information to the Data System may designate**
36 **information that may not be shared with the public without the express permission of**
37 **the contributing State.**

38 **7. Any information submitted to the Data System that is subsequently expunged**
39 **pursuant to federal law or the laws of the Member State contributing the information**
40 **shall be removed from the Data System.**

334.1927. 1. The Compact Commission shall promulgate reasonable Rules in
2 **order to effectively and efficiently implement and administer the purposes and**
3 **provisions of the Compact. A Rule shall be invalid and have no force or effect only if a**
4 **court of competent jurisdiction holds that the Rule is invalid because the Compact**
5 **Commission exercised its rulemaking authority in a manner that is beyond the scope**
6 **and purposes of the Compact, or the powers granted hereunder, or based upon another**
7 **applicable standard of review.**

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

14 **3. The Compact Commission shall exercise its rulemaking powers pursuant to**
15 **the criteria set forth in this section and the Rules adopted thereunder. Rules of this**

16 compact shall become binding on the day following adoption or as of the date specified
17 in the Rule or amendment, whichever is later.

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

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

24 6. Prior to adoption of a proposed Rule, the Compact Commission shall hold a
25 public hearing and allow persons to provide oral and written comments, data, facts,
26 opinions, and arguments. At least thirty (30) days in advance of the public hearing on
27 the proposed Rule, the Compact Commission shall provide a notice of proposed
28 rulemaking:

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

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

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

34 7. The notice of proposed rulemaking shall include:

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

39 (2) If the hearing is held via telecommunication, video conference, or other
40 electronic means, the Compact Commission shall include the mechanism for access to
41 the hearing in the notice of proposed rulemaking;

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

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

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

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

49 9. Nothing in this section shall be construed as requiring a separate hearing on
50 each Rule. Rules may be grouped for the convenience of the Compact Commission at
51 hearings required by this section.

52 **10. (1) The Compact Commission shall, by majority vote of all members, take**
53 **final action on the proposed Rule based on the rulemaking record and the full text of the**
54 **Rule.**

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

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

60 **(4) The Compact Commission shall determine a reasonable effective date for the**
61 **Rule. Except for an emergency as provided in this section, the effective date of the Rule**
62 **shall be no sooner than 30 days after issuing the notice that it adopted or amended the**
63 **Rule.**

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

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

72 **(2) Prevent a loss of Compact Commission or Member State funds;**

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

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

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

87 **13. No Member State's rulemaking requirements shall apply under this**
88 **Compact.**

334.1930. 1. (1) The executive and judicial branches of State government in
2 each Member State shall enforce this compact and take all actions necessary and
3 appropriate to implement the compact.

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

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

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

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

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

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

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

39 **6. Upon the termination of a State's membership from this compact, that State**
40 **shall immediately provide notice to all Licensees within that State of such termination.**
41 **The terminated State shall continue to recognize all Licenses and Compact Privileges**
42 **granted pursuant to this compact for a minimum of 180 days after the date of said**
43 **notice of termination.**

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

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

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

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

56 **10. (1) By two-thirds majority (2/3) vote, the Compact Commission may initiate**
57 **legal action against a Member State in default in the United States District Court for the**
58 **District of Columbia or the federal district where the Compact Commission has its**
59 **principal offices to enforce compliance with the provisions of the compact and its**
60 **promulgated Rules. The relief sought may include both injunctive relief and damages.**
61 **In the event judicial enforcement is necessary, the prevailing party shall be awarded all**
62 **costs of such litigation, including reasonable attorney's fees. The remedies herein shall**
63 **not be the exclusive remedies of the Compact Commission. The Compact Commission**
64 **may pursue any other remedies available under federal or the defaulting Member**
65 **State's law.**

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

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

334.1933. 1. (1) The Compact shall come into effect on the date on which the
2 **compact statute is enacted into law in the seventh Member State.**

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

7 **(b) A Charter Member State whose enactment is found to be materially different**
8 **from the Model Compact Language shall be entitled to the default process set forth in**
9 **section 334.1930.**

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

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

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

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

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

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

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

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

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

44 **(6) This compact may be amended by the Member States. No amendment to this**
45 **compact shall become effective and binding upon any Member State until it is enacted**
46 **into the laws of all Member States.**

334.1936. 1. This compact and the Compact Commission's rulemaking
2 **authority shall be liberally construed so as to effectuate the purposes, and the**
3 **implementation and administration of the compact. Provisions of the compact expressly**
4 **authorizing or requiring the promulgation of Rules shall not be construed to limit the**
5 **Compact Commission's rulemaking authority solely for those purposes.**

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

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

334.1939. 1. Nothing herein shall prevent or inhibit the enforcement of any
2 **other law of a Member State that is not inconsistent with the compact.**

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

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

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

- 2 (1) "Advanced macro social worker", the applications of social work theory,
3 knowledge, methods, principles, values, and ethics; and the professional use of self to
4 community and organizational systems, systemic and macrocosm issues, and other indirect
5 nonclinical services; specialized knowledge and advanced practice skills in case management,
6 information and referral, nonclinical assessments, counseling, outcome evaluation, mediation,
7 nonclinical supervision, nonclinical consultation, expert testimony, education, outcome
8 evaluation, research, advocacy, social planning and policy development, community
9 organization, and the development, implementation and administration of policies,
10 programs, and activities. A licensed advanced macro social worker may not treat mental
11 or emotional disorders or provide psychotherapy without the direct supervision of a licensed
12 clinical social worker, or diagnose a mental disorder;
- 13 (2) "Clinical social work", the application of social work theory, knowledge, values,
14 methods, principles, and techniques of case work, group work, client-centered advocacy,
15 community organization, administration, planning, evaluation, consultation, research,
16 psychotherapy and counseling methods and techniques to persons, families and groups in
17 assessment, diagnosis, treatment, prevention and amelioration of mental and emotional
18 conditions;
- 19 (3) "Committee", the state committee for social workers established in section
20 337.622;
- 21 (4) "Department", the Missouri department of commerce and insurance;
- 22 (5) "Director", the director of the division of professional registration;
- 23 (6) "Division", the division of professional registration;
- 24 (7) "Independent practice", any practice of social workers outside of an organized
25 setting such as a social, medical, or governmental agency in which a social worker assumes
26 responsibility and accountability for services required;
- 27 (8) "Licensed advanced macro social worker", any person who offers to render
28 services to individuals, groups, families, couples, organizations, institutions, communities,
29 government agencies, corporations, or the general public for a fee, monetary or otherwise,
30 implying that the person is trained, experienced, and licensed as an advanced macro social
31 worker, and who holds a current valid license to practice as an advanced macro social worker;
- 32 (9) "Licensed baccalaureate social worker", any person who offers to render services
33 to individuals, groups, organizations, institutions, corporations, government agencies, or the
34 general public for a fee, monetary or otherwise, implying that the person is trained,
35 experienced, and licensed as a baccalaureate social worker, and who holds a current valid
36 license to practice as a baccalaureate social worker;

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

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

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

62 (13) "Practice of advanced macro social work", rendering, offering to render, or
63 supervising those who render to individuals, couples, families, groups, organizations,
64 institutions, corporations, government agencies, communities, or the general public any
65 service involving the application of methods, principles, and techniques of advanced practice
66 macro social work;

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

71 (15) "Practice of clinical social work", rendering, offering to render, or supervising
72 those who render to individuals, couples, groups, organizations, institutions, corporations, or

73 the general public any service involving the application of methods, principles, and
74 techniques of clinical social work;

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

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

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

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

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

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

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

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

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

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

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

106 (b) Successfully completed a minimum of sixteen hours of supervisory training from
107 the Association of Social Work Boards, the National Association of Social Workers, an
108 accredited university, or a program approved by the state committee for social workers. All

109 organizations providing the supervisory training shall adhere to the basic content and quality
110 standards outlined by the state committee on social work; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

 345.050. To be eligible for licensure by the board by examination, each applicant
2 shall submit the application fee and shall furnish evidence of such person's current
3 competence and shall:

4 (1) Hold a master's or a doctoral degree from a program that was awarded
5 "accreditation candidate" status or is accredited by the Council on Academic Accreditation of
6 the American Speech-Language-Hearing Association or other accrediting agency approved
7 by the board in the area in which licensure is sought;

8 (2) Submit official transcripts from one or more accredited colleges or universities
9 presenting evidence of the completion of course work and clinical practicum requirements
10 equivalent to that required by the Council on Academic Accreditation of the American
11 Speech-Language-Hearing Association or other accrediting agency approved by the board;

12 (3) Present written evidence of completion of a clinical fellowship from supervisors.
13 The experience required by this subdivision shall follow the completion of the requirements
14 of subdivisions (1) and (2) of this section. This period of employment shall be under the
15 direct supervision of a ~~[person who is]~~ licensed ~~[by the state of Missouri in the profession in~~
16 ~~which the applicant seeks to be licensed]~~ **speech-language pathologist in good standing in**
17 **any state.** Persons applying with an audiology clinical doctoral degree are exempt from this
18 provision; and

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

✓