

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1816

AN ACT

To repeal sections 324.001, 334.040, 335.203, 335.300, 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, 335.355, 336.020, 376.1237, and 630.175, RSMo, and to enact in lieu thereof thirty-two new sections relating to health care providers, with a contingent effective date for certain sections.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 324.001, 334.040, 335.203, 335.300,  
2 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335,  
3 335.340, 335.345, 335.350, 335.355, 336.020, 376.1237, and  
4 630.175, RSMo, are repealed and thirty-two new sections enacted  
5 in lieu thereof, to be known as sections 324.001, 334.040,  
6 334.285, 334.1200, 334.1203, 334.1206, 334.1209, 334.1212,  
7 334.1215, 334.1218, 334.1221, 334.1224, 334.1227, 334.1230,  
8 334.1233, 335.203, 335.360, 335.365, 335.370, 335.375, 335.380,  
9 335.385, 335.390, 335.395, 335.400, 335.405, 335.410, 335.415,  
10 336.020, 338.202, 376.1237, and 630.175, to read as follows:

11           324.001. 1. For the purposes of this section, the  
12 following terms mean:

13           (1) "Department", the department of insurance, financial  
14 institutions and professional registration;

1           (2) "Director", the director of the division of  
2 professional registration; and

3           (3) "Division", the division of professional registration.

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

13           3. The director of the division of professional  
14 registration shall promulgate rules and regulations which  
15 designate for each board or commission assigned to the division  
16 the renewal date for licenses or certificates. After the initial  
17 establishment of renewal dates, no director of the division shall  
18 promulgate a rule or regulation which would change the renewal  
19 date for licenses or certificates if such change in renewal date  
20 would occur prior to the date on which the renewal date in effect  
21 at the time such new renewal date is specified next occurs. Each  
22 board or commission shall by rule or regulation establish  
23 licensing periods of one, two, or three years. Registration fees  
24 set by a board or commission shall be effective for the entire  
25 licensing period involved, and shall not be increased during any  
26 current licensing period. Persons who are required to pay their  
27 first registration fees shall be allowed to pay the pro rata  
28 share of such fees for the remainder of the period remaining at

1 the time the fees are paid. Each board or commission shall  
2 provide the necessary forms for initial registration, and  
3 thereafter the director may prescribe standard forms for renewal  
4 of licenses and certificates. Each board or commission shall by  
5 rule and regulation require each applicant to provide the  
6 information which is required to keep the board's records  
7 current. Each board or commission shall have the authority to  
8 collect and analyze information required to support workforce  
9 planning and policy development. Such information shall not be  
10 publicly disclosed so as to identify a specific health care  
11 provider, as defined in section 376.1350. Each board or  
12 commission shall issue the original license or certificate.

13 4. The division shall provide clerical and other staff  
14 services relating to the issuance and renewal of licenses for all  
15 the professional licensing and regulating boards and commissions  
16 assigned to the division. The division shall perform the  
17 financial management and clerical functions as they each relate  
18 to issuance and renewal of licenses and certificates. "Issuance  
19 and renewal of licenses and certificates" means the ministerial  
20 function of preparing and delivering licenses or certificates,  
21 and obtaining material and information for the board or  
22 commission in connection with the renewal thereof. It does not  
23 include any discretionary authority with regard to the original  
24 review of an applicant's qualifications for licensure or  
25 certification, or the subsequent review of licensee's or  
26 certificate holder's qualifications, or any disciplinary action  
27 contemplated against the licensee or certificate holder. The  
28 division may develop and implement microfilming systems and

1 automated or manual management information systems.

2 5. The director of the division shall maintain a system of  
3 accounting and budgeting, in cooperation with the director of the  
4 department, the office of administration, and the state auditor's  
5 office, to ensure proper charges are made to the various boards  
6 for services rendered to them. The general assembly shall  
7 appropriate to the division and other state agencies from each  
8 board's funds moneys sufficient to reimburse the division and  
9 other state agencies for all services rendered and all facilities  
10 and supplies furnished to that board.

11 6. For accounting purposes, the appropriation to the  
12 division and to the office of administration for the payment of  
13 rent for quarters provided for the division shall be made from  
14 the "Professional Registration Fees Fund", which is hereby  
15 created, and is to be used solely for the purpose defined in  
16 subsection 5 of this section. The fund shall consist of moneys  
17 deposited into it from each board's fund. Each board shall  
18 contribute a prorated amount necessary to fund the division for  
19 services rendered and rent based upon the system of accounting  
20 and budgeting established by the director of the division as  
21 provided in subsection 5 of this section. Transfers of funds to  
22 the professional registration fees fund shall be made by each  
23 board on July first of each year; provided, however, that the  
24 director of the division may establish an alternative date or  
25 dates of transfers at the request of any board. Such transfers  
26 shall be made until they equal the prorated amount for services  
27 rendered and rent by the division. The provisions of section  
28 33.080 to the contrary notwithstanding, money in this fund shall

1 not be transferred and placed to the credit of general revenue.

2 7. The director of the division shall be responsible for  
3 collecting and accounting for all moneys received by the division  
4 or its component agencies. Any money received by a board or  
5 commission shall be promptly given, identified by type and  
6 source, to the director. The director shall keep a record by  
7 board and state accounting system classification of the amount of  
8 revenue the director receives. The director shall promptly  
9 transmit all receipts to the department of revenue for deposit in  
10 the state treasury to the credit of the appropriate fund. The  
11 director shall provide each board with all relevant financial  
12 information in a timely fashion. Each board shall cooperate with  
13 the director by providing necessary information.

14 8. All educational transcripts, test scores, complaints,  
15 investigatory reports, and information pertaining to any person  
16 who is an applicant or licensee of any agency assigned to the  
17 division of professional registration by statute or by the  
18 department are confidential and may not be disclosed to the  
19 public or any member of the public, except with the written  
20 consent of the person whose records are involved. The agency  
21 which possesses the records or information shall disclose the  
22 records or information if the person whose records or information  
23 is involved has consented to the disclosure. Each agency is  
24 entitled to the attorney-client privilege and work-product  
25 privilege to the same extent as any other person. Provided,  
26 however, that any board may disclose confidential information  
27 without the consent of the person involved in the course of  
28 voluntary interstate exchange of information, or in the course of

1 any litigation concerning that person, or pursuant to a lawful  
2 request, or to other administrative or law enforcement agencies  
3 acting within the scope of their statutory authority.

4 Information regarding identity, including names and addresses,  
5 registration, and currency of the license of the persons  
6 possessing licenses to engage in a professional occupation and  
7 the names and addresses of applicants for such licenses is not  
8 confidential information.

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

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

20 11. (1) The following boards and commissions are assigned  
21 by specific type transfers to the division of professional  
22 registration: Missouri state board of accountancy, chapter 326;  
23 board of cosmetology and barber examiners, chapters 328 and 329;  
24 Missouri board for architects, professional engineers,  
25 professional land surveyors and landscape architects, chapter  
26 327; Missouri state board of chiropractic examiners, chapter 331;  
27 state board of registration for the healing arts, chapter 334;  
28 Missouri dental board, chapter 332; state board of embalmers and

1 funeral directors, chapter 333; state board of optometry, chapter  
2 336; Missouri state board of nursing, chapter 335; board of  
3 pharmacy, chapter 338; state board of podiatric medicine, chapter  
4 330; Missouri real estate appraisers commission, chapter 339; and  
5 Missouri veterinary medical board, chapter 340. The governor  
6 shall appoint members of these boards by and with the advice and  
7 consent of the senate.

8 (2) The boards and commissions assigned to the division  
9 shall exercise all their respective statutory duties and powers,  
10 except those clerical and other staff services involving  
11 collecting and accounting for moneys and financial management  
12 relating to the issuance and renewal of licenses, which services  
13 shall be provided by the division, within the appropriation  
14 therefor. Nothing herein shall prohibit employment of  
15 professional examining or testing services from professional  
16 associations or others as required by the boards or commissions  
17 on contract. Nothing herein shall be construed to affect the  
18 power of a board or commission to expend its funds as  
19 appropriated. However, the division shall review the expense  
20 vouchers of each board. The results of such review shall be  
21 submitted to the board reviewed and to the house and senate  
22 appropriations committees annually.

23 (3) Notwithstanding any other provisions of law, the  
24 director of the division shall exercise only those management  
25 functions of the boards and commissions specifically provided in  
26 the Reorganization Act of 1974, and those relating to the  
27 allocation and assignment of space, personnel other than board  
28 personnel, and equipment.

1           (4) "Board personnel", as used in this section or chapters  
2 317, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337,  
3 338, 339, 340, and 345, shall mean personnel whose functions and  
4 responsibilities are in areas not related to the clerical duties  
5 involving the issuance and renewal of licenses, to the collecting  
6 and accounting for moneys, or to financial management relating to  
7 issuance and renewal of licenses; specifically included are  
8 executive secretaries (or comparable positions), consultants,  
9 inspectors, investigators, counsel, and secretarial support staff  
10 for these positions; and such other positions as are established  
11 and authorized by statute for a particular board or commission.  
12 Boards and commissions may employ legal counsel, if authorized by  
13 law, and temporary personnel if the board is unable to meet its  
14 responsibilities with the employees authorized above. Any board  
15 or commission which hires temporary employees shall annually  
16 provide the division director and the appropriation committees of  
17 the general assembly with a complete list of all persons employed  
18 in the previous year, the length of their employment, the amount  
19 of their remuneration, and a description of their  
20 responsibilities.

21           (5) Board personnel for each board or commission shall be  
22 employed by and serve at the pleasure of the board or commission,  
23 shall be supervised as the board or commission designates, and  
24 shall have their duties and compensation prescribed by the board  
25 or commission, within appropriations for that purpose, except  
26 that compensation for board personnel shall not exceed that  
27 established for comparable positions as determined by the board  
28 or commission pursuant to the job and pay plan of the department

1 of insurance, financial institutions and professional  
2 registration. Nothing herein shall be construed to permit  
3 salaries for any board personnel to be lowered except by board  
4 action.

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

8 13. Wherever the laws, rules, or regulations of this state  
9 make reference to the "division of professional registration of  
10 the department of economic development", such references shall be  
11 deemed to refer to the division of professional registration.

12 14. (1) The state board of nursing, board of pharmacy,  
13 Missouri dental board, state committee of psychologists, state  
14 board of chiropractic examiners, state board of optometry,  
15 Missouri board of occupational therapy, or state board of  
16 registration for the healing arts may individually or  
17 collectively enter into a contractual agreement with the  
18 department of health and senior services, a public institution of  
19 higher education, or a nonprofit entity for the purpose of  
20 collecting and analyzing workforce data from its licensees,  
21 registrants, or permit holders for future workforce planning and  
22 to assess the accessibility and availability of qualified health  
23 care services and practitioners in Missouri. The boards shall  
24 work collaboratively with other state governmental entities to  
25 ensure coordination and avoid duplication of efforts.

26 (2) The boards may expend appropriated funds necessary for  
27 operational expenses of the program formed under this subsection.  
28 Each board is authorized to accept grants to fund the collection

1 or analysis authorized in this subsection. Any such funds shall  
2 be deposited in the respective board's fund.

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

12 (4) Data collected under this subsection shall be deemed  
13 the property of the state board requesting the data. Data shall  
14 be maintained by the state board in accordance with chapter 610,  
15 provided that any information deemed closed or confidential under  
16 subsection 8 of this section or any other provision of state law  
17 shall not be disclosed without consent of the applicable licensee  
18 or entity or as otherwise authorized by law. Data shall only be  
19 released in an aggregate form by geography, profession or  
20 professional specialization, or population characteristic in a  
21 manner that cannot be used to identify a specific individual or  
22 entity. Data suppression standards shall be addressed and  
23 established in the contractual agreement.

24 (5) Contractors shall maintain the security and  
25 confidentiality of data received or collected under this  
26 subsection and shall not use, disclose, or release any data  
27 without approval of the applicable state board. The contractual  
28 agreement between the applicable state board and contractor shall

1 establish a data release and research review policy to include  
2 legal and institutional review board, or agency equivalent,  
3 approval.

4 (6) Each board may promulgate rules subject to the  
5 provisions of this subsection and chapter 536 to effectuate and  
6 implement the workforce data collection and analysis authorized  
7 by this subsection. Any rule or portion of a rule, as that term  
8 is defined in section 536.010, that is created under the  
9 authority delegated in this section shall become effective only  
10 if it complies with and is subject to all of the provisions of  
11 chapter 536 and, if applicable, section 536.028. This section  
12 and chapter 536 are nonseverable, and if any of the powers vested  
13 with the general assembly under chapter 536 to review, to delay  
14 the effective date, or to disapprove and annul a rule are  
15 subsequently held unconstitutional, then the grant of rulemaking  
16 authority and any rule proposed or adopted after August 28, 2016,  
17 shall be invalid and void.

18 334.040. 1. Except as provided in section 334.260, all  
19 persons desiring to practice as physicians and surgeons in this  
20 state shall be examined as to their fitness to engage in such  
21 practice by the board. All persons applying for examination  
22 shall file a completed application with the board upon forms  
23 furnished by the board.

24 2. The examination shall be sufficient to test the  
25 applicant's fitness to practice as a physician and surgeon. The  
26 examination shall be conducted in such a manner as to conceal the  
27 identity of the applicant until all examinations have been  
28 scored. In all such examinations an average score of not less

1 than seventy-five percent is required to pass; provided, however,  
2 that the board may require applicants to take the Federation  
3 Licensing Examination, also known as FLEX, or the United States  
4 Medical Licensing Examination (USMLE). If the FLEX examination  
5 is required, a weighted average score of no less than seventy-  
6 five is required to pass. Scores from one test administration of  
7 [the FLEX] an examination shall not be combined or averaged with  
8 scores from other test administrations to achieve a passing  
9 score. [The passing score of the United States Medical Licensing  
10 Examination shall be determined by the board through rule and  
11 regulation.] Applicants graduating from a medical or osteopathic  
12 college, as [defined] described in section 334.031 prior to  
13 January 1, 1994, shall provide proof of successful completion of  
14 the FLEX, USMLE, [an exam administered by] the National Board of  
15 Osteopathic Medical Examiners [(NBOME),] Comprehensive Licensing  
16 Exam (COMLEX), a state board examination approved by the board,  
17 compliance with subsection 2 of section 334.031, or compliance  
18 with 20 CSR 2150-2.005. Applicants graduating from a medical or  
19 osteopathic college, as [defined] described in section 334.031 on  
20 or after January 1, 1994, must provide proof of successful  
21 completion of the USMLE or [an exam administered by NBOME] the  
22 COMLEX or provide proof of compliance with subsection 2 of  
23 section 334.031. The board shall not issue a permanent license  
24 as a physician and surgeon or allow the Missouri state board  
25 examination to be administered to any applicant who has failed to  
26 achieve a passing score within three attempts on licensing  
27 examinations administered in one or more states or territories of  
28 the United States, the District of Columbia or Canada. The steps

1 one, two and three of the United States Medical Licensing  
2 Examination or the National Board of Osteopathic Medical  
3 Examiners Comprehensive Licensing Exam shall be taken within a  
4 seven-year period with no more than three attempts on any step of  
5 the examination; however, the board may grant an extension of the  
6 seven-year period if the applicant has obtained a MD/PhD degree  
7 in a program accredited by the Liaison Committee on Medical  
8 Education (LCME) and a regional university accrediting body or a  
9 DO/PhD degree accredited by the American Osteopathic Association  
10 and a regional university accrediting body. The board may waive  
11 the provisions of this section if the applicant is licensed to  
12 practice as a physician and surgeon in another state of the  
13 United States, the District of Columbia or Canada and the  
14 applicant has achieved a passing score on a licensing examination  
15 administered in a state or territory of the United States or the  
16 District of Columbia and no license issued to the applicant has  
17 been disciplined in any state or territory of the United States  
18 or the District of Columbia [and the applicant is certified in  
19 the applicant's area of specialty by the American Board of  
20 Medical Specialties, the American Osteopathic Association, or  
21 other certifying agency approved by the board by rule].

22 3. If the board waives the provisions of this section, then  
23 the license issued to the applicant may be limited or restricted  
24 to the applicant's board specialty. The board shall not be  
25 permitted to favor any particular school or system of healing.

26 4. If an applicant has not actively engaged in the practice  
27 of clinical medicine or held a teaching or faculty position in a  
28 medical or osteopathic school approved by the American Medical

1 Association, the Liaison Committee on Medical Education, or the  
2 American Osteopathic Association for any two years in the three-  
3 year period immediately preceding the filing of his or her  
4 application for licensure, the board may require successful  
5 completion of another examination, continuing medical education,  
6 or further training before issuing a permanent license. The  
7 board shall adopt rules to prescribe the form and manner of such  
8 reexamination, continuing medical education, and training.

9 334.285. 1. For purposes of this section, the following  
10 terms shall mean:

11 (1) "Continuing medical education", continued postgraduate  
12 medical education intended to provide medical professionals with  
13 knowledge of new developments in their field;

14 (2) "Maintenance of certification", any process requiring  
15 periodic recertification examinations to maintain specialty  
16 medical board certification;

17 (3) "Maintenance of licensure", the Federation of State  
18 Medical Boards' proprietary framework for physician license  
19 renewal including additional periodic testing other than  
20 continuing medical education;

21 (4) "Specialty medical board certification", certification  
22 by a board that specializes in one particular area of medicine  
23 and typically requires additional and more strenuous exams than  
24 state board of registration for the healing arts requirements to  
25 practice medicine.

26 2. The state shall not require any form of maintenance of  
27 licensure as a condition of physician licensure including  
28 requiring any form of maintenance of licensure tied to

1 maintenance of certification. Current requirements including  
2 continuing medical education shall suffice to demonstrate  
3 professional competency.

4 3. The state shall not require any form of specialty  
5 medical board certification or any maintenance of certification  
6 to practice medicine within the state. There shall be no  
7 discrimination by the state board of registration for the healing  
8 arts or any other state agency against physicians who do not  
9 maintain specialty medical board certification including  
10 recertification.

11 334.1200. PURPOSE

12 The purpose of this compact is to facilitate interstate  
13 practice of physical therapy with the goal of improving public  
14 access to physical therapy services. The practice of physical  
15 therapy occurs in the state where the patient/client is located  
16 at the time of the patient/client encounter. The compact  
17 preserves the regulatory authority of states to protect public  
18 health and safety through the current system of state licensure.

19 This compact is designed to achieve the following  
20 objectives:

21 1. Increase public access to physical therapy services by  
22 providing for the mutual recognition of other member state  
23 licenses;

24 2. Enhance the states' ability to protect the public's  
25 health and safety;

26 3. Encourage the cooperation of member states in regulating  
27 multistate physical therapy practice;

28 4. Support spouses of relocating military members;

1           5. Enhance the exchange of licensure, investigative, and  
2 disciplinary information between member states; and

3           6. Allow a remote state to hold a provider of services with  
4 a compact privilege in that state accountable to that state's  
5 practice standards.

6           334.1203. DEFINITIONS

7           As used in this compact, and except as otherwise provided,  
8 the following definitions shall apply:

9           1. "Active Duty Military" means full-time duty status in  
10 the active uniformed service of the United States, including  
11 members of the National Guard and Reserve on active duty orders  
12 pursuant to 10 U.S.C. Section 1209 and 1211.

13           2. "Adverse Action" means disciplinary action taken by a  
14 physical therapy licensing board based upon misconduct,  
15 unacceptable performance, or a combination of both.

16           3. "Alternative Program" means a nondisciplinary monitoring  
17 or practice remediation process approved by a physical therapy  
18 licensing board. This includes, but is not limited to, substance  
19 abuse issues.

20           4. "Compact privilege" means the authorization granted by a  
21 remote state to allow a licensee from another member state to  
22 practice as a physical therapist or work as a physical therapist  
23 assistant in the remote state under its laws and rules. The  
24 practice of physical therapy occurs in the member state where the  
25 patient/client is located at the time of the patient/client  
26 encounter.

27           5. "Continuing competence" means a requirement, as a  
28 condition of license renewal, to provide evidence of

1 participation in, and/or completion of, educational and  
2 professional activities relevant to practice or area of work.

3 6. "Data system" means a repository of information about  
4 licensees, including examination, licensure, investigative,  
5 compact privilege, and adverse action.

6 7. "Encumbered license" means a license that a physical  
7 therapy licensing board has limited in any way.

8 8. "Executive Board" means a group of directors elected or  
9 appointed to act on behalf of, and within the powers granted to  
10 them by, the commission.

11 9. "Home state" means the member state that is the  
12 licensee's primary state of residence.

13 10. "Investigative information" means information, records,  
14 and documents received or generated by a physical therapy  
15 licensing board pursuant to an investigation.

16 11. "Jurisprudence requirement" means the assessment of an  
17 individual's knowledge of the laws and rules governing the  
18 practice of physical therapy in a state.

19 12. "Licensee" means an individual who currently holds an  
20 authorization from the state to practice as a physical therapist  
21 or to work as a physical therapist assistant.

22 13. "Member state" means a state that has enacted the  
23 compact.

24 14. "Party state" means any member state in which a  
25 licensee holds a current license or compact privilege or is  
26 applying for a license or compact privilege.

27 15. "Physical therapist" means an individual who is  
28 licensed by a state to practice physical therapy.

1       16. "Physical therapist assistant" means an individual who  
2 is licensed/certified by a state and who assists the physical  
3 therapist in selected components of physical therapy.

4       17. "Physical therapy", "physical therapy practice", and  
5 "the practice of physical therapy" mean the care and services  
6 provided by or under the direction and supervision of a licensed  
7 physical therapist.

8       18. "Physical therapy compact commission" or "commission"  
9 means the national administrative body whose membership consists  
10 of all states that have enacted the compact.

11       19. "Physical therapy licensing board" or "licensing board"  
12 means the agency of a state that is responsible for the licensing  
13 and regulation of physical therapists and physical therapist  
14 assistants.

15       20. "Remote state" means a member state other than the home  
16 state, where a licensee is exercising or seeking to exercise the  
17 compact privilege.

18       21. "Rule" means a regulation, principle, or directive  
19 promulgated by the commission that has the force of law.

20       22. "State" means any state, commonwealth, district, or  
21 territory of the United States of America that regulates the  
22 practice of physical therapy.

23       334.1206. STATE PARTICIPATION IN THE COMPACT

24       A. To participate in the compact, a state must:

25       1. Participate fully in the commission's data system,  
26 including using the commission's unique identifier as defined in  
27 rules;

28       2. Have a mechanism in place for receiving and

1 investigating complaints about licensees;

2 3. Notify the commission, in compliance with the terms of  
3 the compact and rules, of any adverse action or the availability  
4 of investigative information regarding a licensee;

5 4. Fully implement a criminal background check requirement,  
6 within a time frame established by rule, by receiving the results  
7 of the Federal Bureau of Investigation record search on criminal  
8 background checks and use the results in making licensure  
9 decisions in accordance with section 334.1206.B.;

10 5. Comply with the rules of the commission;

11 6. Utilize a recognized national examination as a  
12 requirement for licensure pursuant to the rules of the  
13 commission; and

14 7. Have continuing competence requirements as a condition  
15 for license renewal.

16 B. Upon adoption of sections 334.1200 to 334.1233, the  
17 member state shall have the authority to obtain biometric-based  
18 information from each physical therapy licensure applicant and  
19 submit this information to the Federal Bureau of Investigation  
20 for a criminal background check in accordance with 28 U.S.C.  
21 Section 534 and 42 U.S.C. Section 14616.

22 C. A member state shall grant the compact privilege to a  
23 licensee holding a valid unencumbered license in another member  
24 state in accordance with the terms of the compact and rules.

25 D. Member states may charge a fee for granting a compact  
26 privilege.

27 334.1209. COMPACT PRIVILEGE

28 A. To exercise the compact privilege under the terms and

1 provisions of the compact, the licensee shall:

2 1. Hold a license in the home state;

3 2. Have no encumbrance on any state license;

4 3. Be eligible for a compact privilege in any member state  
5 in accordance with section 334.1209D, G and H;

6 4. Have not had any adverse action against any license or  
7 compact privilege within the previous 2 years;

8 5. Notify the commission that the licensee is seeking the  
9 compact privilege within a remote state(s);

10 6. Pay any applicable fees, including any state fee, for  
11 the compact privilege;

12 7. Meet any jurisprudence requirements established by the  
13 remote state(s) in which the licensee is seeking a compact  
14 privilege; and

15 8. Report to the commission adverse action taken by any  
16 nonmember state within thirty days from the date the adverse  
17 action is taken.

18 B. The compact privilege is valid until the expiration date  
19 of the home license. The licensee must comply with the  
20 requirements of section 334.1209A to maintain the compact  
21 privilege in the remote state.

22 C. A licensee providing physical therapy in a remote state  
23 under the compact privilege shall function within the laws and  
24 regulations of the remote state.

25 D. A licensee providing physical therapy in a remote state  
26 is subject to that state's regulatory authority. A remote state  
27 may, in accordance with due process and that state's laws, remove  
28 a licensee's compact privilege in the remote state for a specific

1 period of time, impose fines, and/or take any other necessary  
2 actions to protect the health and safety of its citizens. The  
3 licensee is not eligible for a compact privilege in any state  
4 until the specific time for removal has passed and all fines are  
5 paid.

6 E. If a home state license is encumbered, the licensee  
7 shall lose the compact privilege in any remote state until the  
8 following occur:

9 1. The home state license is no longer encumbered; and

10 2. Two years have elapsed from the date of the adverse  
11 action.

12 F. Once an encumbered license in the home state is restored  
13 to good standing, the licensee must meet the requirements of  
14 section 334.1209A to obtain a compact privilege in any remote  
15 state.

16 G. If a licensee's compact privilege in any remote state is  
17 removed, the individual shall lose the compact privilege in any  
18 remote state until the following occur:

19 1. The specific period of time for which the compact  
20 privilege was removed has ended;

21 2. All fines have been paid; and

22 3. Two years have elapsed from the date of the adverse  
23 action.

24 H. Once the requirements of section 334.1209G have been  
25 met, the license must meet the requirements in section 334.1209A  
26 to obtain a compact privilege in a remote state.

27 334.1212. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

28 A licensee who is active duty military or is the spouse of

1 an individual who is active duty military may designate one of  
2 the following as the home state:

3 A. Home of record;

4 B. Permanent change of station (PCS); or

5 C. State of current residence if it is different than the  
6 PCS state or home of record.

7 334.1215. ADVERSE ACTIONS

8 A. A home state shall have exclusive power to impose  
9 adverse action against a license issued by the home state.

10 B. A home state may take adverse action based on the  
11 investigative information of a remote state, so long as the home  
12 state follows its own procedures for imposing adverse action.

13 C. Nothing in this compact shall override a member state's  
14 decision that participation in an alternative program may be used  
15 in lieu of adverse action and that such participation shall  
16 remain nonpublic if required by the member state's laws. Member  
17 states must require licensees who enter any alternative programs  
18 in lieu of discipline to agree not to practice in any other  
19 member state during the term of the alternative program without  
20 prior authorization from such other member state.

21 D. Any member state may investigate actual or alleged  
22 violations of the statutes and rules authorizing the practice of  
23 physical therapy in any other member state in which a physical  
24 therapist or physical therapist assistant holds a license or  
25 compact privilege.

26 E. A remote state shall have the authority to:

27 1. Take adverse actions as set forth in section 334.1209.D.  
28 against a licensee's compact privilege in the state;

1           2. Issue subpoenas for both hearings and investigations  
2 that require the attendance and testimony of witnesses, and the  
3 production of evidence. Subpoenas issued by a physical therapy  
4 licensing board in a party state for the attendance and testimony  
5 of witnesses, and/or the production of evidence from another  
6 party state, shall be enforced in the latter state by any court  
7 of competent jurisdiction, according to the practice and  
8 procedure of that court applicable to subpoenas issued in  
9 proceedings pending before it. The issuing authority shall pay  
10 any witness fees, travel expenses, mileage, and other fees  
11 required by the service statutes of the state where the witnesses  
12 and/or evidence are located; and

13           3. If otherwise permitted by state law, recover from the  
14 licensee the costs of investigations and disposition of cases  
15 resulting from any adverse action taken against that licensee.

16           F. Joint Investigations

17           1. In addition to the authority granted to a member state  
18 by its respective physical therapy practice act or other  
19 applicable state law, a member state may participate with other  
20 member states in joint investigations of licensees.

21           2. Member states shall share any investigative, litigation,  
22 or compliance materials in furtherance of any joint or individual  
23 investigation initiated under the compact.

24           334.1218. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT  
25 COMMISSION.

26           A. The compact member states hereby create and establish a  
27 joint public agency known as the physical therapy compact  
28 commission:

1           1. The commission is an instrumentality of the compact  
2 states.

3           2. Venue is proper and judicial proceedings by or against  
4 the commission shall be brought solely and exclusively in a court  
5 of competent jurisdiction where the principal office of the  
6 commission is located. The commission may waive venue and  
7 jurisdictional defenses to the extent it adopts or consents to  
8 participate in alternative dispute resolution proceedings.

9           3. Nothing in this compact shall be construed to be a  
10 waiver of sovereign immunity.

11           B. Membership, Voting, and Meetings

12           1. Each member state shall have and be limited to one  
13 delegate selected by that member state's licensing board.

14           2. The delegate shall be a current member of the licensing  
15 board, who is a physical therapist, physical therapist assistant,  
16 public member, or the board administrator.

17           3. Any delegate may be removed or suspended from office as  
18 provided by the law of the state from which the delegate is  
19 appointed.

20           4. The member state board shall fill any vacancy occurring  
21 in the commission.

22           5. Each delegate shall be entitled to one vote with regard  
23 to the promulgation of rules and creation of bylaws and shall  
24 otherwise have an opportunity to participate in the business and  
25 affairs of the commission.

26           6. A delegate shall vote in person or by such other means  
27 as provided in the bylaws. The bylaws may provide for delegates'  
28 participation in meetings by telephone or other means of

1 communication.

2 7. The commission shall meet at least once during each  
3 calendar year. Additional meetings shall be held as set forth in  
4 the bylaws.

5 C. The commission shall have the following powers and  
6 duties:

7 1. Establish the fiscal year of the commission;

8 2. Establish bylaws;

9 3. Maintain its financial records in accordance with the  
10 bylaws;

11 4. Meet and take such actions as are consistent with the  
12 provisions of this compact and the bylaws;

13 5. Promulgate uniform rules to facilitate and coordinate  
14 implementation and administration of this compact. The rules  
15 shall have the force and effect of law and shall be binding in  
16 all member states;

17 6. Bring and prosecute legal proceedings or actions in the  
18 name of the commission, provided that the standing of any state  
19 physical therapy licensing board to sue or be sued under  
20 applicable law shall not be affected;

21 7. Purchase and maintain insurance and bonds;

22 8. Borrow, accept, or contract for services of personnel,  
23 including, but not limited to, employees of a member state;

24 9. Hire employees, elect or appoint officers, fix  
25 compensation, define duties, grant such individuals appropriate  
26 authority to carry out the purposes of the compact, and to  
27 establish the commission's personnel policies and programs  
28 relating to conflicts of interest, qualifications of personnel,

1 and other related personnel matters;

2 10. Accept any and all appropriate donations and grants of  
3 money, equipment, supplies, materials and services, and to  
4 receive, utilize and dispose of the same; provided that at all  
5 times the commission shall avoid any appearance of impropriety  
6 and/or conflict of interest;

7 11. Lease, purchase, accept appropriate gifts or donations  
8 of, or otherwise to own, hold, improve or use, any property,  
9 real, personal or mixed; provided that at all times the  
10 commission shall avoid any appearance of impropriety;

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

14 13. Establish a budget and make expenditures;

15 14. Borrow money;

16 15. Appoint committees, including standing committees  
17 comprised of members, state regulators, state legislators or  
18 their representatives, and consumer representatives, and such  
19 other interested persons as may be designated in this compact and  
20 the bylaws;

21 16. Provide and receive information from, and cooperate  
22 with, law enforcement agencies;

23 17. Establish and elect an executive board; and

24 18. Perform such other functions as may be necessary or  
25 appropriate to achieve the purposes of this compact consistent  
26 with the state regulation of physical therapy licensure and  
27 practice.

28 D. The Executive Board

1       The executive board shall have the power to act on behalf of  
2 the commission according to the terms of this compact.

3       1. The executive board shall be comprised of nine members:

4       a. Seven voting members who are elected by the commission  
5 from the current membership of the commission;

6       b. One ex officio, nonvoting member from the recognized  
7 national physical therapy professional association; and

8       c. One ex officio, nonvoting member from the recognized  
9 membership organization of the physical therapy licensing boards.

10       2. The ex officio members will be selected by their  
11 respective organizations.

12       3. The commission may remove any member of the executive  
13 board as provided in bylaws.

14       4. The executive board shall meet at least annually.

15       5. The executive board shall have the following duties and  
16 responsibilities:

17       a. Recommend to the entire commission changes to the rules  
18 or bylaws, changes to this compact legislation, fees paid by  
19 compact member states such as annual dues, and any commission  
20 compact fee charged to licensees for the compact privilege;

21       b. Ensure compact administration services are appropriately  
22 provided, contractual or otherwise;

23       c. Prepare and recommend the budget;

24       d. Maintain financial records on behalf of the commission;

25       e. Monitor compact compliance of member states and provide  
26 compliance reports to the commission;

27       f. Establish additional committees as necessary; and

28       g. Other duties as provided in rules or bylaws.

1           E. Meetings of the Commission

2           1. All meetings shall be open to the public, and public  
3 notice of meetings shall be given in the same manner as required  
4 under the rulemaking provisions in section 334.1224.

5           2. The commission or the executive board or other  
6 committees of the commission may convene in a closed, nonpublic  
7 meeting if the commission or executive board or other committees  
8 of the commission must discuss:

9           a. Noncompliance of a member state with its obligations  
10 under the compact;

11           b. The employment, compensation, discipline or other  
12 matters, practices or procedures related to specific employees or  
13 other matters related to the commission's internal personnel  
14 practices and procedures;

15           c. Current, threatened, or reasonably anticipated  
16 litigation;

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

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

21           f. Disclosure of trade secrets or commercial or financial  
22 information that is privileged or confidential;

23           g. Disclosure of information of a personal nature where  
24 disclosure would constitute a clearly unwarranted invasion of  
25 personal privacy;

26           h. Disclosure of investigative records compiled for law  
27 enforcement purposes;

28           i. Disclosure of information related to any investigative

1 reports prepared by or on behalf of or for use of the commission  
2 or other committee charged with responsibility of investigation  
3 or determination of compliance issues pursuant to the compact; or

4 j. Matters specifically exempted from disclosure by federal  
5 or member state statute.

6 3. If a meeting, or portion of a meeting, is closed  
7 pursuant to this provision, the commission's legal counsel or  
8 designee shall certify that the meeting may be closed and shall  
9 reference each relevant exempting provision.

10 4. The commission shall keep minutes that fully and clearly  
11 describe all matters discussed in a meeting and shall provide a  
12 full and accurate summary of actions taken, and the reasons  
13 therefore, including a description of the views expressed. All  
14 documents considered in connection with an action shall be  
15 identified in such minutes. All minutes and documents of a  
16 closed meeting shall remain under seal, subject to release by a  
17 majority vote of the commission or order of a court of competent  
18 jurisdiction.

19 F. Financing of the Commission

20 1. The commission shall pay, or provide for the payment of,  
21 the reasonable expenses of its establishment, organization, and  
22 ongoing activities.

23 2. The commission may accept any and all appropriate  
24 revenue sources, donations, and grants of money, equipment,  
25 supplies, materials, and services.

26 3. The commission may levy on and collect an annual  
27 assessment from each member state or impose fees on other parties  
28 to cover the cost of the operations and activities of the

1 commission and its staff, which must be in a total amount  
2 sufficient to cover its annual budget as approved each year for  
3 which revenue is not provided by other sources. The aggregate  
4 annual assessment amount shall be allocated based upon a formula  
5 to be determined by the commission, which shall promulgate a rule  
6 binding upon all member states.

7 4. The commission shall not incur obligations of any kind  
8 prior to securing the funds adequate to meet the same; nor shall  
9 the commission pledge the credit of any of the member states,  
10 except by and with the authority of the member state.

11 5. The commission shall keep accurate accounts of all  
12 receipts and disbursements. The receipts and disbursements of  
13 the commission shall be subject to the audit and accounting  
14 procedures established under its bylaws. However, all receipts  
15 and disbursements of funds handled by the commission shall be  
16 audited yearly by a certified or licensed public accountant, and  
17 the report of the audit shall be included in and become part of  
18 the annual report of the commission.

19 G. Qualified Immunity, Defense, and Indemnification

20 1. The members, officers, executive director, employees and  
21 representatives of the commission shall be immune from suit and  
22 liability, either personally or in their official capacity, for  
23 any claim for damage to or loss of property or personal injury or  
24 other civil liability caused by or arising out of any actual or  
25 alleged act, error or omission that occurred, or that the person  
26 against whom the claim is made had a reasonable basis for  
27 believing occurred within the scope of commission employment,  
28 duties or responsibilities; provided that nothing in this

1 paragraph shall be construed to protect any such person from suit  
2 and/or liability for any damage, loss, injury, or liability  
3 caused by the intentional or willful or wanton misconduct of that  
4 person.

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

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

1           334.1221. DATA SYSTEM

2           A. The commission shall provide for the development,  
3 maintenance, and utilization of a coordinated database and  
4 reporting system containing licensure, adverse action, and  
5 investigative information on all licensed individuals in member  
6 states.

7           B. Notwithstanding any other provision of state law to the  
8 contrary, a member state shall submit a uniform data set to the  
9 data system on all individuals to whom this compact is applicable  
10 as required by the rules of the commission, including:

11           1. Identifying information;

12           2. Licensure data;

13           3. Adverse actions against a license or compact privilege;

14           4. Nonconfidential information related to alternative  
15 program participation;

16           5. Any denial of application for licensure, and the  
17 reason(s) for such denial; and

18           6. Other information that may facilitate the administration  
19 of this compact, as determined by the rules of the commission.

20           C. Investigative information pertaining to a licensee in  
21 any member state will only be available to other party states.

22           D. The commission shall promptly notify all member states  
23 of any adverse action taken against a licensee or an individual  
24 applying for a license. Adverse action information pertaining to  
25 a licensee in any member state will be available to any other  
26 member state.

27           E. Member states contributing information to the data  
28 system may designate information that may not be shared with the

1 public without the express permission of the contributing state.

2 F. Any information submitted to the data system that is  
3 subsequently required to be expunged by the laws of the member  
4 state contributing the information shall be removed from the data  
5 system.

6 334.1224. RULEMAKING

7 A. The commission shall exercise its rulemaking powers  
8 pursuant to the criteria set forth in this section and the rules  
9 adopted thereunder. Rules and amendments shall become binding as  
10 of the date specified in each rule or amendment.

11 B. If a majority of the legislatures of the member states  
12 rejects a rule, by enactment of a statute or resolution in the  
13 same manner used to adopt the compact within four years of the  
14 date of adoption of the rule, then such rule shall have no  
15 further force and effect in any member state.

16 C. Rules or amendments to the rules shall be adopted at a  
17 regular or special meeting of the commission.

18 D. Prior to promulgation and adoption of a final rule or  
19 rules by the commission, and at least thirty days in advance of  
20 the meeting at which the rule will be considered and voted upon,  
21 the commission shall file a notice of proposed rulemaking:

22 1. On the website of the commission or other publicly  
23 accessible platform; and

24 2. On the website of each member state physical therapy  
25 licensing board or other publicly accessible platform or the  
26 publication in which each state would otherwise publish proposed  
27 rules.

28 E. The notice of proposed rulemaking shall include:

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

3           2. The text of the proposed rule or amendment and the  
4 reason for the proposed rule;

5           3. A request for comments on the proposed rule from any  
6 interested person; and

7           4. The manner in which interested persons may submit notice  
8 to the commission of their intention to attend the public hearing  
9 and any written comments.

10          F. Prior to adoption of a proposed rule, the commission  
11 shall allow persons to submit written data, facts, opinions, and  
12 arguments, which shall be made available to the public.

13          G. The commission shall grant an opportunity for a public  
14 hearing before it adopts a rule or amendment if a hearing is  
15 requested by:

16           1. At least twenty-five persons;

17           2. A state or federal governmental subdivision or agency;

18 or

19           3. An association having at least twenty-five members.

20          H. If a hearing is held on the proposed rule or amendment,  
21 the commission shall publish the place, time, and date of the  
22 scheduled public hearing. If the hearing is held via electronic  
23 means, the commission shall publish the mechanism for access to  
24 the electronic hearing.

25           1. All persons wishing to be heard at the hearing shall  
26 notify the executive director of the commission or other  
27 designated member in writing of their desire to appear and  
28 testify at the hearing not less than five business days before

1 the scheduled date of the hearing.

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

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

7 4. Nothing in this section shall be construed as requiring  
8 a separate hearing on each rule. Rules may be grouped for the  
9 convenience of the commission at hearings required by this  
10 section.

11 I. Following the scheduled hearing date, or by the close of  
12 business on the scheduled hearing date if the hearing was not  
13 held, the commission shall consider all written and oral comments  
14 received.

15 J. If no written notice of intent to attend the public  
16 hearing by interested parties is received, the commission may  
17 proceed with promulgation of the proposed rule without a public  
18 hearing.

19 K. The commission shall, by majority vote of all members,  
20 take final action on the proposed rule and shall determine the  
21 effective date of the rule, if any, based on the rulemaking  
22 record and the full text of the rule.

23 L. Upon determination that an emergency exists, the  
24 commission may consider and adopt an emergency rule without prior  
25 notice, opportunity for comment, or hearing, provided that the  
26 usual rulemaking procedures provided in the compact and in this  
27 section shall be retroactively applied to the rule as soon as  
28 reasonably possible, in no event later than ninety days after the

1 effective date of the rule. For the purposes of this provision,  
2 an emergency rule is one that must be adopted immediately in  
3 order to:

4 1. Meet an imminent threat to public health, safety, or  
5 welfare;

6 2. Prevent a loss of commission or member state funds;

7 3. Meet a deadline for the promulgation of an  
8 administrative rule that is established by federal law or rule;  
9 or

10 4. Protect public health and safety.

11 M. The commission or an authorized committee of the  
12 commission may direct revisions to a previously adopted rule or  
13 amendment for purposes of correcting typographical errors, errors  
14 in format, errors in consistency, or grammatical errors. Public  
15 notice of any revisions shall be posted on the website of the  
16 commission. The revision shall be subject to challenge by any  
17 person for a period of thirty days after posting. The revision  
18 may be challenged only on grounds that the revision results in a  
19 material change to a rule. A challenge shall be made in writing,  
20 and delivered to the chair of the commission prior to the end of  
21 the notice period. If no challenge is made, the revision will  
22 take effect without further action. If the revision is  
23 challenged, the revision may not take effect without the approval  
24 of the commission.

25 334.1227. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

26 A. Oversight

27 1. The executive, legislative, and judicial branches of  
28 state government in each member state shall enforce this compact

1 and take all actions necessary and appropriate to effectuate the  
2 compact's purposes and intent. The provisions of this compact  
3 and the rules promulgated hereunder shall have standing as  
4 statutory law.

5 2. All courts shall take judicial notice of the compact and  
6 the rules in any judicial or administrative proceeding in a  
7 member state pertaining to the subject matter of this compact  
8 which may affect the powers, responsibilities or actions of the  
9 commission.

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

16 B. Default, Technical Assistance, and Termination

17 1. If the commission determines that a member state has  
18 defaulted in the performance of its obligations or  
19 responsibilities under this compact or the promulgated rules, the  
20 commission shall:

21 a. Provide written notice to the defaulting state and other  
22 member states of the nature of the default, the proposed means of  
23 curing the default and/or any other action to be taken by the  
24 commission; and

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

27 2. If a state in default fails to cure the default, the  
28 defaulting state may be terminated from the compact upon an

1 affirmative vote of a majority of the member states, and all  
2 rights, privileges and benefits conferred by this compact may be  
3 terminated on the effective date of termination. A cure of the  
4 default does not relieve the offending state of obligations or  
5 liabilities incurred during the period of default.

6 3. Termination of membership in the compact shall be  
7 imposed only after all other means of securing compliance have  
8 been exhausted. Notice of intent to suspend or terminate shall  
9 be given by the commission to the governor, the majority and  
10 minority leaders of the defaulting state's legislature, and each  
11 of the member states.

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

16 5. The commission shall not bear any costs related to a  
17 state that is found to be in default or that has been terminated  
18 from the compact, unless agreed upon in writing between the  
19 commission and the defaulting state.

20 6. The defaulting state may appeal the action of the  
21 commission by petitioning the United States District Court for  
22 the District of Columbia or the federal district where the  
23 commission has its principal offices. The prevailing member  
24 shall be awarded all costs of such litigation, including  
25 reasonable attorney's fees.

26 C. Dispute Resolution

27 1. Upon request by a member state, the commission shall  
28 attempt to resolve disputes related to the compact that arise

1 among member states and between member and nonmember states.

2 2. The commission shall promulgate a rule providing for  
3 both mediation and binding dispute resolution for disputes as  
4 appropriate.

5 D. Enforcement

6 1. The commission, in the reasonable exercise of its  
7 discretion, shall enforce the provisions and rules of this  
8 compact.

9 2. By majority vote, the commission may initiate legal  
10 action in the United States District Court for the District of  
11 Columbia or the federal district where the commission has its  
12 principal offices against a member state in default to enforce  
13 compliance with the provisions of the compact and its promulgated  
14 rules and bylaws. The relief sought may include both injunctive  
15 relief and damages. In the event judicial enforcement is  
16 necessary, the prevailing member shall be awarded all costs of  
17 such litigation, including reasonable attorney's fees.

18 3. The remedies herein shall not be the exclusive remedies  
19 of the commission. The commission may pursue any other remedies  
20 available under federal or state law.

21 334.1230. DATE OF IMPLEMENTATION OF THE INTERSTATE  
22 COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES,  
23 WITHDRAWAL, AND AMENDMENT

24 A. The compact shall come into effect on the date on which  
25 the compact statute is enacted into law in the tenth member  
26 state. The provisions, which become effective at that time,  
27 shall be limited to the powers granted to the commission relating  
28 to assembly and the promulgation of rules. Thereafter, the

1 commission shall meet and exercise rulemaking powers necessary to  
2 the implementation and administration of the compact.

3 B. Any state that joins the compact subsequent to the  
4 commission's initial adoption of the rules shall be subject to  
5 the rules as they exist on the date on which the compact becomes  
6 law in that state. Any rule that has been previously adopted by  
7 the commission shall have the full force and effect of law on the  
8 day the compact becomes law in that state.

9 C. Any member state may withdraw from this compact by  
10 enacting a statute repealing the same.

11 1. A member state's withdrawal shall not take effect until  
12 six months after enactment of the repealing statute.

13 2. Withdrawal shall not affect the continuing requirement  
14 of the withdrawing state's physical therapy licensing board to  
15 comply with the investigative and adverse action reporting  
16 requirements of this act prior to the effective date of  
17 withdrawal.

18 D. Nothing contained in this compact shall be construed to  
19 invalidate or prevent any physical therapy licensure agreement or  
20 other cooperative arrangement between a member state and a  
21 nonmember state that does not conflict with the provisions of  
22 this compact.

23 E. This compact may be amended by the member states. No  
24 amendment to this compact shall become effective and binding upon  
25 any member state until it is enacted into the laws of all member  
26 states.

27 334.1233. CONSTRUCTION AND SEVERABILITY

28 This compact shall be liberally construed so as to

1 effectuate the purposes thereof. The provisions of this compact  
2 shall be severable and if any phrase, clause, sentence or  
3 provision of this compact is declared to be contrary to the  
4 constitution of any party state or of the United States or the  
5 applicability thereof to any government, agency, person or  
6 circumstance is held invalid, the validity of the remainder of  
7 this compact and the applicability thereof to any government,  
8 agency, person or circumstance shall not be affected thereby. If  
9 this compact shall be held contrary to the constitution of any  
10 party state, the compact shall remain in full force and effect as  
11 to the remaining party states and in full force and effect as to  
12 the party state affected as to all severable matters.

13 335.203. 1. There is hereby established the "Nursing  
14 Education Incentive Program" within the [department of higher  
15 education] state board of nursing.

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

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

27 4. The board and the department shall determine categories  
28 and areas of need for designating grants to eligible institutions

1 of higher education. In establishing categories and areas of  
2 need, the board and department may consider criteria including,  
3 but not limited to:

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

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

8 5. The [department] board shall be the administrative  
9 agency responsible for implementation of the program established  
10 under sections 335.200 to 335.203, and shall promulgate  
11 reasonable rules for the exercise of its functions and the  
12 effectuation of the purposes of sections 335.200 to 335.203. The  
13 [department] board shall, by rule, prescribe the form, time, and  
14 method of filing applications and shall supervise the processing  
15 of such applications.

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

27 335.360. 1. The party states find that:

28 (1) The health and safety of the public are affected by the

1 degree of compliance with and the effectiveness of enforcement  
2 activities related to state nurse licensure laws;

3 (2) Violations of nurse licensure and other laws regulating  
4 the practice of nursing may result in injury or harm to the  
5 public;

6 (3) The expanded mobility of nurses and the use of advanced  
7 communication technologies as part of our nation's health care  
8 delivery system require greater coordination and cooperation  
9 among states in the areas of nurse licensure and regulation;

10 (4) New practice modalities and technology make compliance  
11 with individual state nurse licensure laws difficult and complex;

12 (5) The current system of duplicative licensure for nurses  
13 practicing in multiple states is cumbersome and redundant to both  
14 nurses and states; and

15 (6) Uniformity of nurse licensure requirements throughout  
16 the states promotes public safety and public health benefits.

17 2. The general purposes of this compact are to:

18 (1) Facilitate the states' responsibility to protect the  
19 public's health and safety;

20 (2) Ensure and encourage the cooperation of party states in  
21 the areas of nurse licensure and regulation;

22 (3) Facilitate the exchange of information between party  
23 states in the areas of nurse regulation, investigation, and  
24 adverse actions;

25 (4) Promote compliance with the laws governing the practice  
26 of nursing in each jurisdiction;

27 (5) Invest all party states with the authority to hold a  
28 nurse accountable for meeting all state practice laws in the

1 state in which the patient is located at the time care is  
2 rendered through the mutual recognition of party state licenses;

3 (6) Decrease redundancies in the consideration and issuance  
4 of nurse licenses; and

5 (7) Provide opportunities for interstate practice by nurses  
6 who meet uniform licensure requirements.

7 335.365. As used in this compact, the following terms shall  
8 mean:

9 (1) "Adverse action", any administrative, civil, equitable,  
10 or criminal action permitted by a state's laws which is imposed  
11 by a licensing board or other authority against a nurse,  
12 including actions against an individual's license or multistate  
13 licensure privilege such as revocation, suspension, probation,  
14 monitoring of the licensee, limitation on the licensee's  
15 practice, or any other encumbrance on licensure affecting a  
16 nurse's authorization to practice, including issuance of a cease  
17 and desist action;

18 (2) "Alternative program", a nondisciplinary monitoring  
19 program approved by a licensing board;

20 (3) "Coordinated licensure information system", an  
21 integrated process for collecting, storing, and sharing  
22 information on nurse licensure and enforcement activities related  
23 to nurse licensure laws that is administered by a nonprofit  
24 organization composed of and controlled by licensing boards;

25 (4) "Current significant investigative information":

26 (a) Investigative information that a licensing board, after  
27 a preliminary inquiry that includes notification and an  
28 opportunity for the nurse to respond, if required by state law,

1 has reason to believe is not groundless and, if proved true,  
2 would indicate more than a minor infraction; or

3 (b) Investigative information that indicates that the nurse  
4 represents an immediate threat to public health and safety,  
5 regardless of whether the nurse has been notified and had an  
6 opportunity to respond;

7 (5) "Encumbrance", a revocation or suspension of, or any  
8 limitation on, the full and unrestricted practice of nursing  
9 imposed by a licensing board;

10 (6) "Home state", the party state which is the nurse's  
11 primary state of residence;

12 (7) "Licensing board", a party state's regulatory body  
13 responsible for issuing nurse licenses;

14 (8) "Multistate license", a license to practice as a  
15 registered nurse, "RN", or a licensed practical or vocational  
16 nurse, "LPN" or "VN", issued by a home state licensing board that  
17 authorizes the licensed nurse to practice in all party states  
18 under a multistate licensure privilege;

19 (9) "Multistate licensure privilege", a legal authorization  
20 associated with a multistate license permitting the practice of  
21 nursing as either an RN, LPN, or VN in a remote state;

22 (10) "Nurse", an RN, LPN, or VN, as those terms are defined  
23 by each party state's practice laws;

24 (11) "Party state", any state that has adopted this  
25 compact;

26 (12) "Remote state", a party state, other than the home  
27 state;

28 (13) "Single-state license", a nurse license issued by a

1 party state that authorizes practice only within the issuing  
2 state and does not include a multistate licensure privilege to  
3 practice in any other party state;

4 (14) "State", a state, territory, or possession of the  
5 United States and the District of Columbia;

6 (15) "State practice laws", a party state's laws, rules,  
7 and regulations that govern the practice of nursing, define the  
8 scope of nursing practice, and create the methods and grounds for  
9 imposing discipline. State practice laws do not include  
10 requirements necessary to obtain and retain a license, except for  
11 qualifications or requirements of the home state.

12 335.370. 1. A multistate license to practice registered or  
13 licensed practical or vocational nursing issued by a home state  
14 to a resident in that state shall be recognized by each party  
15 state as authorizing a nurse to practice as a registered nurse,  
16 "RN", or as a licensed practical or vocational nurse, "LPN" or  
17 "VN", under a multistate licensure privilege, in each party  
18 state.

19 2. A state must implement procedures for considering the  
20 criminal history records of applicants for initial multistate  
21 license or licensure by endorsement. Such procedures shall  
22 include the submission of fingerprints or other biometric-based  
23 information by applicants for the purpose of obtaining an  
24 applicant's criminal history record information from the Federal  
25 Bureau of Investigation and the agency responsible for retaining  
26 that state's criminal records.

27 3. Each party state shall require the following for an  
28 applicant to obtain or retain a multistate license in the home

1 state:

2 (1) Meets the home state's qualifications for licensure or  
3 renewal of licensure as well as all other applicable state laws;

4 (2) (a) Has graduated or is eligible to graduate from a  
5 licensing board-approved RN or LPN or VN prelicensure education  
6 program; or

7 (b) Has graduated from a foreign RN or LPN or VN  
8 prelicensure education program that has been approved by the  
9 authorized accrediting body in the applicable country and has  
10 been verified by an independent credentials review agency to be  
11 comparable to a licensing board-approved prelicensure education  
12 program;

13 (3) Has, if a graduate of a foreign prelicensure education  
14 program not taught in English or if English is not the  
15 individual's native language, successfully passed an English  
16 proficiency examination that includes the components of reading,  
17 speaking, writing, and listening;

18 (4) Has successfully passed an NCLEX-RN or NCLEX-PN  
19 examination or recognized predecessor, as applicable;

20 (5) Is eligible for or holds an active, unencumbered  
21 license;

22 (6) Has submitted, in connection with an application for  
23 initial licensure or licensure by endorsement, fingerprints or  
24 other biometric data for the purpose of obtaining criminal  
25 history record information from the Federal Bureau of  
26 Investigation and the agency responsible for retaining that  
27 state's criminal records;

28 (7) Has not been convicted or found guilty, or has entered

1 into an agreed disposition, of a felony offense under applicable  
2 state or federal criminal law;

3 (8) Has not been convicted or found guilty, or has entered  
4 into an agreed disposition, of a misdemeanor offense related to  
5 the practice of nursing as determined on a case-by-case basis;

6 (9) Is not currently enrolled in an alternative program;

7 (10) Is subject to self-disclosure requirements regarding  
8 current participation in an alternative program; and

9 (11) Has a valid United States Social Security number.

10 4. All party states shall be authorized, in accordance with  
11 existing state due process law, to take adverse action against a  
12 nurse's multistate licensure privilege such as revocation,  
13 suspension, probation, or any other action that affects a nurse's  
14 authorization to practice under a multistate licensure privilege,  
15 including cease and desist actions. If a party state takes such  
16 action, it shall promptly notify the administrator of the  
17 coordinated licensure information system. The administrator of  
18 the coordinated licensure information system shall promptly  
19 notify the home state of any such actions by remote states.

20 5. A nurse practicing in a party state shall comply with  
21 the state practice laws of the state in which the client is  
22 located at the time service is provided. The practice of nursing  
23 is not limited to patient care, but shall include all nursing  
24 practice as defined by the state practice laws of the party state  
25 in which the client is located. The practice of nursing in a  
26 party state under a multistate licensure privilege shall subject  
27 a nurse to the jurisdiction of the licensing board, the courts,  
28 and the laws of the party state in which the client is located at

1 the time service is provided.

2 6. Individuals not residing in a party state shall continue  
3 to be able to apply for a party state's single-state license as  
4 provided under the laws of each party state. However, the  
5 single-state license granted to these individuals shall not be  
6 recognized as granting the privilege to practice nursing in any  
7 other party state. Nothing in this compact shall affect the  
8 requirements established by a party state for the issuance of a  
9 single-state license.

10 7. Any nurse holding a home state multistate license on the  
11 effective date of this compact may retain and renew the  
12 multistate license issued by the nurse's then current home state,  
13 provided that:

14 (1) A nurse who changes primary state of residence after  
15 this compact's effective date shall meet all applicable  
16 requirements as provided in subsection 3 of this section to  
17 obtain a multistate license from a new home state;

18 (2) A nurse who fails to satisfy the multistate licensure  
19 requirements in subsection 3 of this section due to a  
20 disqualifying event occurring after this compact's effective date  
21 shall be ineligible to retain or renew a multistate license, and  
22 the nurse's multistate license shall be revoked or deactivated in  
23 accordance with applicable rules adopted by the Interstate  
24 Commission of Nurse Licensure Compact Administrators commission.

25 335.375. 1. Upon application for a multistate license, the  
26 licensing board in the issuing party state shall ascertain,  
27 through the coordinated licensure information system, whether the  
28 applicant has ever held, or is the holder of, a license issued by

1 any other state, whether there are any encumbrances on any  
2 license or multistate licensure privilege held by the applicant,  
3 whether any adverse action has been taken against any license or  
4 multistate licensure privilege held by the applicant, and whether  
5 the applicant is currently participating in an alternative  
6 program.

7 2. A nurse shall hold a multistate license, issued by the  
8 home state, in only one party state at a time.

9 3. If a nurse changes primary state of residence by moving  
10 between two party states, the nurse shall apply for licensure in  
11 the new home state, and the multistate license issued by the  
12 prior home state shall be deactivated in accordance with  
13 applicable rules adopted by the commission.

14 (1) The nurse may apply for licensure in advance of a  
15 change in primary state of residence.

16 (2) A multistate license shall not be issued by the new  
17 home state until the nurse provides satisfactory evidence of a  
18 change in primary state of residence to the new home state and  
19 satisfies all applicable requirements to obtain a multistate  
20 license from the new home state.

21 4. If a nurse changes primary state of residence by moving  
22 from a party state to a non-party state, the multistate license  
23 issued by the prior home state shall convert to a single-state  
24 license, valid only in the former home state.

25 335.380. 1. In addition to the other powers conferred by  
26 state law, a licensing board shall have the authority to:

27 (1) Take adverse action against a nurse's multistate  
28 licensure privilege to practice within that party state;

1       (a) Only the home state shall have the power to take  
2 adverse action against a nurse's license issued by the home  
3 state;

4       (b) For purposes of taking adverse action, the home state  
5 licensing board shall give the same priority and effect to  
6 reported conduct received from a remote state as it would if such  
7 conduct had occurred within the home state. In so doing, the  
8 home state shall apply its own state laws to determine  
9 appropriate action;

10       (2) Issue cease and desist orders or impose an encumbrance  
11 on a nurse's authority to practice within that party state;

12       (3) Complete any pending investigations of a nurse who  
13 changes primary state of residence during the course of such  
14 investigations. The licensing board shall also have the  
15 authority to take appropriate action and shall promptly report  
16 the conclusions of such investigations to the administrator of  
17 the coordinated licensure information system. The administrator  
18 of the coordinated licensure information system shall promptly  
19 notify the new home state of any such actions;

20       (4) Issue subpoenas for both hearings and investigations  
21 that require the attendance and testimony of witnesses as well as  
22 the production of evidence. Subpoenas issued by a licensing  
23 board in a party state for the attendance and testimony of  
24 witnesses or the production of evidence from another party state  
25 shall be enforced in the latter state by any court of competent  
26 jurisdiction according to the practice and procedure of that  
27 court applicable to subpoenas issued in proceedings pending  
28 before it. The issuing authority shall pay any witness fees,

1 travel expenses, mileage, and other fees required by the service  
2 statutes of the state in which the witnesses or evidence are  
3 located;

4 (5) Obtain and submit, for each nurse licensure applicant,  
5 fingerprint or other biometric based information to the Federal  
6 Bureau of Investigation for criminal background checks, receive  
7 the results of the Federal Bureau of Investigation record search  
8 on criminal background checks, and use the results in making  
9 licensure decisions;

10 (6) If otherwise permitted by state law, recover from the  
11 affected nurse the costs of investigations and disposition of  
12 cases resulting from any adverse action taken against that nurse;  
13 and

14 (7) Take adverse action based on the factual findings of  
15 the remote state; provided that, the licensing board follows its  
16 own procedures for taking such adverse action.

17 2. If adverse action is taken by the home state against a  
18 nurse's multistate license, the nurse's multistate licensure  
19 privilege to practice in all other party states shall be  
20 deactivated until all encumbrances have been removed from the  
21 multistate license. All home state disciplinary orders that  
22 impose adverse action against a nurse's multistate license shall  
23 include a statement that the nurse's multistate licensure  
24 privilege is deactivated in all party states during the pendency  
25 of the order.

26 3. Nothing in this compact shall override a party state's  
27 decision that participation in an alternative program may be used  
28 in lieu of adverse action. The home state licensing board shall

1 deactivate the multistate licensure privilege under the  
2 multistate license of any nurse for the duration of the nurse's  
3 participation in an alternative program.

4 335.385. 1. All party states shall participate in a  
5 coordinated licensure information system of all licensed  
6 registered nurses, "RNs", and licensed practical or vocational  
7 nurses, "LPNs" or "VNs". This system shall include information  
8 on the licensure and disciplinary history of each nurse, as  
9 submitted by party states, to assist in the coordination of nurse  
10 licensure and enforcement efforts.

11 2. The commission, in consultation with the administrator  
12 of the coordinated licensure information system, shall formulate  
13 necessary and proper procedures for the identification,  
14 collection, and exchange of information under this compact.

15 3. All licensing boards shall promptly report to the  
16 coordinated licensure information system any adverse action, any  
17 current significant investigative information, denials of  
18 applications with the reasons for such denials, and nurse  
19 participation in alternative programs known to the licensing  
20 board regardless of whether such participation is deemed  
21 nonpublic or confidential under state law.

22 4. Current significant investigative information and  
23 participation in nonpublic or confidential alternative programs  
24 shall be transmitted through the coordinated licensure  
25 information system only to party state licensing boards.

26 5. Notwithstanding any other provision of law, all party  
27 state licensing boards contributing information to the  
28 coordinated licensure information system may designate

1 information that shall not be shared with non-party states or  
2 disclosed to other entities or individuals without the express  
3 permission of the contributing state.

4 6. Any personally identifiable information obtained from  
5 the coordinated licensure information system by a party state  
6 licensing board shall not be shared with non-party states or  
7 disclosed to other entities or individuals except to the extent  
8 permitted by the laws of the party state contributing the  
9 information.

10 7. Any information contributed to the coordinated licensure  
11 information system that is subsequently required to be expunged  
12 by the laws of the party state contributing that information  
13 shall also be expunged from the coordinated licensure information  
14 system.

15 8. The compact administrator of each party state shall  
16 furnish a uniform data set to the compact administrator of each  
17 other party state, which shall include, at a minimum:

18 (1) Identifying information;

19 (2) Licensure data;

20 (3) Information related to alternative program  
21 participation; and

22 (4) Other information that may facilitate the  
23 administration of this compact, as determined by commission  
24 rules.

25 9. The compact administrator of a party state shall provide  
26 all investigative documents and information requested by another  
27 party state.

28 335.390. 1. The party states hereby create and establish a

1 joint public entity known as the "Interstate Commission of Nurse  
2 Licensure Compact Administrators".

3 (1) The commission is an instrumentality of the party  
4 states.

5 (2) Venue is proper, and judicial proceedings by or against  
6 the commission shall be brought solely and exclusively in a court  
7 of competent jurisdiction where the principal office of the  
8 commission is located. The commission may waive venue and  
9 jurisdictional defenses to the extent it adopts or consents to  
10 participate in alternative dispute resolution proceedings.

11 (3) Nothing in this compact shall be construed to be a  
12 waiver of sovereign immunity.

13 2. (1) Each party state shall have and be limited to one  
14 administrator. The head of the state licensing board or designee  
15 shall be the administrator of this compact for each party state.  
16 Any administrator may be removed or suspended from office as  
17 provided by the law of the state from which the administrator is  
18 appointed. Any vacancy occurring in the commission shall be  
19 filled in accordance with the laws of the party state in which  
20 the vacancy exists.

21 (2) Each administrator shall be entitled to one vote with  
22 regard to the promulgation of rules and creation of bylaws and  
23 shall otherwise have an opportunity to participate in the  
24 business and affairs of the commission. An administrator shall  
25 vote in person or by such other means as provided in the bylaws.  
26 The bylaws may provide for an administrator's participation in  
27 meetings by telephone or other means of communication.

28 (3) The commission shall meet at least once during each

1 calendar year. Additional meetings shall be held as set forth in  
2 the bylaws or rules of the commission.

3 (4) All meetings shall be open to the public, and public  
4 notice of meetings shall be given in the same manner as required  
5 under the rulemaking provisions in section 335.395.

6 (5) The commission may convene in a closed, nonpublic  
7 meeting if the commission must discuss:

8 (a) Noncompliance of a party state with its obligations  
9 under this compact;

10 (b) The employment, compensation, discipline, or other  
11 personnel matters, practices, or procedures related to specific  
12 employees, or other matters related to the commission's internal  
13 personnel practices and procedures;

14 (c) Current, threatened, or reasonably anticipated  
15 litigation;

16 (d) Negotiation of contracts for the purchase or sale of  
17 goods, services, or real estate;

18 (e) Accusing any person of a crime or formally censuring  
19 any person;

20 (f) Disclosure of trade secrets or commercial or financial  
21 information that is privileged or confidential;

22 (g) Disclosure of information of a personal nature where  
23 disclosure would constitute a clearly unwarranted invasion of  
24 personal privacy;

25 (h) Disclosure of investigatory records compiled for law  
26 enforcement purposes;

27 (i) Disclosure of information related to any reports  
28 prepared by or on behalf of the commission for the purpose of

1 investigation of compliance with this compact; or

2 (j) Matters specifically exempted from disclosure by  
3 federal or state statute.

4 (6) If a meeting, or portion of a meeting, is closed  
5 pursuant to subdivision (5) of this subsection, the commission's  
6 legal counsel or designee shall certify that the meeting shall be  
7 closed and shall reference each relevant exempting provision.  
8 The commission shall keep minutes that fully and clearly describe  
9 all matters discussed in a meeting and shall provide a full and  
10 accurate summary of actions taken, and the reasons therefor,  
11 including a description of the views expressed. All documents  
12 considered in connection with an action shall be identified in  
13 such minutes. All minutes and documents of a closed meeting  
14 shall remain under seal, subject to release by a majority vote of  
15 the commission or order of a court of competent jurisdiction.

16 3. The commission shall, by a majority vote of the  
17 administrators, prescribe bylaws or rules to govern its conduct  
18 as may be necessary or appropriate to carry out the purposes and  
19 exercise the powers of this compact including, but not limited  
20 to:

21 (1) Establishing the fiscal year of the commission;

22 (2) Providing reasonable standards and procedures:

23 (a) For the establishment and meetings of other committees;

24 and

25 (b) Governing any general or specific delegation of any  
26 authority or function of the commission;

27 (3) Providing reasonable procedures for calling and  
28 conducting meetings of the commission, ensuring reasonable

1 advance notice of all meetings and providing an opportunity for  
2 attendance of such meetings by interested parties, with  
3 enumerated exceptions designed to protect the public's interest,  
4 the privacy of individuals, and proprietary information,  
5 including trade secrets. The commission may meet in closed  
6 session only after a majority of the administrators vote to close  
7 a meeting in whole or in part. As soon as practicable, the  
8 commission must make public a copy of the vote to close the  
9 meeting revealing the vote of each administrator, with no proxy  
10 votes allowed;

11 (4) Establishing the titles, duties, and authority and  
12 reasonable procedures for the election of the officers of the  
13 commission;

14 (5) Providing reasonable standards and procedures for the  
15 establishment of the personnel policies and programs of the  
16 commission. Notwithstanding any civil service or other similar  
17 laws of any party state, the bylaws shall exclusively govern the  
18 personnel policies and programs of the commission; and

19 (6) Providing a mechanism for winding up the operations of  
20 the commission and the equitable disposition of any surplus funds  
21 that may exist after the termination of this compact after the  
22 payment or reserving of all of its debts and obligations.

23 4. The commission shall publish its bylaws and rules, and  
24 any amendments thereto, in a convenient form on the website of  
25 the commission.

26 5. The commission shall maintain its financial records in  
27 accordance with the bylaws.

28 6. The commission shall meet and take such actions as are

1 consistent with the provisions of this compact and the bylaws.

2 7. The commission shall have the following powers:

3 (1) To promulgate uniform rules to facilitate and  
4 coordinate implementation and administration of this compact.  
5 The rules shall have the force and effect of law and shall be  
6 binding in all party states;

7 (2) To bring and prosecute legal proceedings or actions in  
8 the name of the commission; provided that, the standing of any  
9 licensing board to sue or be sued under applicable law shall not  
10 be affected;

11 (3) To purchase and maintain insurance and bonds;

12 (4) To borrow, accept, or contract for services of  
13 personnel including, but not limited to, employees of a party  
14 state or nonprofit organizations;

15 (5) To cooperate with other organizations that administer  
16 state compacts related to the regulation of nursing including,  
17 but not limited to, sharing administrative or staff expenses,  
18 office space, or other resources;

19 (6) To hire employees, elect or appoint officers, fix  
20 compensation, define duties, grant such individuals appropriate  
21 authority to carry out the purposes of this compact, and to  
22 establish the commission's personnel policies and programs  
23 relating to conflicts of interest, qualifications of personnel,  
24 and other related personnel matters;

25 (7) To accept any and all appropriate donations, grants and  
26 gifts of money, equipment, supplies, materials, and services, and  
27 to receive, utilize, and dispose of the same; provided that, at  
28 all times the commission shall avoid any appearance of

1 impropriety or conflict of interest;

2 (8) To lease, purchase, accept appropriate gifts or  
3 donations of, or otherwise to own, hold, improve, or use, any  
4 property, whether real, personal, or mixed; provided that, at all  
5 times the commission shall avoid any appearance of impropriety;

6 (9) To sell, convey, mortgage, pledge, lease, exchange,  
7 abandon, or otherwise dispose of any property, whether real,  
8 personal, or mixed;

9 (10) To establish a budget and make expenditures;

10 (11) To borrow money;

11 (12) To appoint committees, including advisory committees  
12 comprised of administrators, state nursing regulators, state  
13 legislators or their representatives, consumer representatives,  
14 and other such interested persons;

15 (13) To provide and receive information from, and to  
16 cooperate with, law enforcement agencies;

17 (14) To adopt and use an official seal; and

18 (15) To perform such other functions as may be necessary or  
19 appropriate to achieve the purposes of this compact consistent  
20 with the state regulation of nurse licensure and practice.

21 8. (1) The commission shall pay, or provide for the  
22 payment of, the reasonable expenses of its establishment,  
23 organization, and ongoing activities.

24 (2) The commission may also levy on and collect an annual  
25 assessment from each party state to cover the cost of its  
26 operations, activities, and staff in its annual budget as  
27 approved each year. The aggregate annual assessment amount, if  
28 any, shall be allocated based upon a formula to be determined by

1 the commission, which shall promulgate a rule that is binding  
2 upon all party states.

3 (3) The commission shall not incur obligations of any kind  
4 prior to securing the funds adequate to meet the same; nor shall  
5 the commission pledge the credit of any of the party states,  
6 except by and with the authority of such party state.

7 (4) The commission shall keep accurate accounts of all  
8 receipts and disbursements. The receipts and disbursements of  
9 the commission shall be subject to the audit and accounting  
10 procedures established under its bylaws. However, all receipts  
11 and disbursements of funds handled by the commission shall be  
12 audited yearly by a certified or licensed public accountant, and  
13 the report of the audit shall be included in and become part of  
14 the annual report of the commission.

15 9. (1) The administrators, officers, executive director,  
16 employees, and representatives of the commission shall be immune  
17 from suit and liability, either personally or in their official  
18 capacity, for any claim for damage to or loss of property,  
19 personal injury, or other civil liability caused by or arising  
20 out of any actual or alleged act, error, or omission that  
21 occurred, or that the person against whom the claim is made had a  
22 reasonable basis for believing occurred, within the scope of  
23 commission employment, duties, or responsibilities; provided  
24 that, nothing in this paragraph shall be construed to protect any  
25 such person from suit or liability for any damage, loss, injury,  
26 or liability caused by the intentional, willful, or wanton  
27 misconduct of that person.

28 (2) The commission shall defend any administrator, officer,

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

13 (3) The commission shall indemnify and hold harmless any  
14 administrator, officer, executive director, employee, or  
15 representative of the commission for the amount of any settlement  
16 or judgment obtained against that person arising out of any  
17 actual or alleged act, error, or omission that occurred within  
18 the scope of commission employment, duties, or responsibilities,  
19 or that such person had a reasonable basis for believing occurred  
20 within the scope of commission employment, duties, or  
21 responsibilities; provided that, the actual or alleged act,  
22 error, or omission did not result from the intentional, willful,  
23 or wanton misconduct of that person.

24 335.395. 1. The commission shall exercise its rulemaking  
25 powers pursuant to the criteria set forth in this section and the  
26 rules adopted thereunder. Rules and amendments shall become  
27 binding as of the date specified in each rule or amendment and  
28 shall have the same force and effect as provisions of this

1 compact.

2 2. Rules or amendments to the rules shall be adopted at a  
3 regular or special meeting of the commission.

4 3. Prior to promulgation and adoption of a final rule or  
5 rules by the commission, and at least sixty days in advance of  
6 the meeting at which the rule shall be considered and voted upon,  
7 the commission shall file a notice of proposed rulemaking:

8 (1) On the website of the commission; and

9 (2) On the website of each licensing board or the  
10 publication in which each state would otherwise publish proposed  
11 rules.

12 4. The notice of proposed rulemaking shall include:

13 (1) The proposed time, date, and location of the meeting in  
14 which the rule shall be considered and voted upon;

15 (2) The text of the proposed rule or amendment, and the  
16 reason for the proposed rule;

17 (3) A request for comments on the proposed rule from any  
18 interested person;

19 (4) The manner in which interested persons may submit  
20 notice to the commission of their intention to attend the public  
21 hearing and any written comments.

22 5. Prior to adoption of a proposed rule, the commission  
23 shall allow persons to submit written data, facts, opinions, and  
24 arguments, which shall be made available to the public.

25 6. The commission shall grant an opportunity for a public  
26 hearing before it adopts a rule or amendment.

27 7. The commission shall publish the place, time, and date  
28 of the scheduled public hearing.

1       (1) Hearings shall be conducted in a manner providing each  
2 person who wishes to comment a fair and reasonable opportunity to  
3 comment orally or in writing. All hearings shall be recorded,  
4 and a copy shall be made available upon request.

5       (2) Nothing in this section shall be construed as requiring  
6 a separate hearing on each rule. Rules may be grouped for the  
7 convenience of the commission at hearings required by this  
8 section.

9       8. If no one appears at the public hearing, the commission  
10 may proceed with promulgation of the proposed rule.

11       9. Following the scheduled hearing date, or by the close of  
12 business on the scheduled hearing date if the hearing was not  
13 held, the commission shall consider all written and oral comments  
14 received.

15       10. The commission shall, by majority vote of all  
16 administrators, take final action on the proposed rule and shall  
17 determine the effective date of the rule, if any, based on the  
18 rulemaking record and the full text of the rule.

19       11. Upon determination that an emergency exists, the  
20 commission may consider and adopt an emergency rule without prior  
21 notice, opportunity for comment, or hearing; provided that, the  
22 usual rulemaking procedures provided in this compact and in this  
23 section shall be retroactively applied to the rule as soon as  
24 reasonably possible, in no event later than ninety days after the  
25 effective date of the rule. For the purposes of this provision,  
26 an emergency rule is one that shall be adopted immediately in  
27 order to:

28       (1) Meet an imminent threat to public health, safety, or

1 welfare;

2 (2) Prevent a loss of commission or party state funds; or

3 (3) Meet a deadline for the promulgation of an  
4 administrative rule that is required by federal law or rule.

5 12. The commission may direct revisions to a previously  
6 adopted rule or amendment for purposes of correcting  
7 typographical errors, errors in format, errors in consistency, or  
8 grammatical errors. Public notice of any revisions shall be  
9 posted on the website of the commission. The revision shall be  
10 subject to challenge by any person for a period of thirty days  
11 after posting. The revision shall be challenged only on grounds  
12 that the revision results in a material change to a rule. A  
13 challenge shall be made in writing and delivered to the  
14 commission prior to the end of the notice period. If no  
15 challenge is made, the revision shall take effect without further  
16 action. If the revision is challenged, the revision shall not  
17 take effect without the approval of the commission.

18 335.400. 1. (1) Each party state shall enforce this  
19 compact and take all actions necessary and appropriate to  
20 effectuate this compact's purposes and intent.

21 (2) The commission shall be entitled to receive service of  
22 process in any proceeding that may affect the powers,  
23 responsibilities, or actions of the commission, and shall have  
24 standing to intervene in such a proceeding for all purposes.  
25 Failure to provide service of process in such proceeding to the  
26 commission shall render a judgment or order void as to the  
27 commission, this compact, or promulgated rules.

28 2. (1) If the commission determines that a party state has

1 defaulted in the performance of its obligations or  
2 responsibilities under this compact or the promulgated rules, the  
3 commission shall:

4 (a) Provide written notice to the defaulting state and  
5 other party states of the nature of the default, the proposed  
6 means of curing the default, or any other action to be taken by  
7 the commission; and

8 (b) Provide remedial training and specific technical  
9 assistance regarding the default.

10 (2) If a state in default fails to cure the default, the  
11 defaulting state's membership in this compact shall be terminated  
12 upon an affirmative vote of a majority of the administrators, and  
13 all rights, privileges, and benefits conferred by this compact  
14 shall be terminated on the effective date of termination. A cure  
15 of the default does not relieve the offending state of  
16 obligations or liabilities incurred during the period of default.

17 (3) Termination of membership in this compact shall be  
18 imposed only after all other means of securing compliance have  
19 been exhausted. Notice of intent to suspend or terminate shall  
20 be given by the commission to the governor of the defaulting  
21 state, to the executive officer of the defaulting state's  
22 licensing board, and each of the party states.

23 (4) A state whose membership in this compact has been  
24 terminated is responsible for all assessments, obligations, and  
25 liabilities incurred through the effective date of termination,  
26 including obligations that extend beyond the effective date of  
27 termination.

28 (5) The commission shall not bear any costs related to a

1 state that is found to be in default or whose membership in this  
2 compact has been terminated unless agreed upon in writing between  
3 the commission and the defaulting state.

4 (6) The defaulting state may appeal the action of the  
5 commission by petitioning the United States District Court for  
6 the District of Columbia or the federal district in which the  
7 commission has its principal offices. The prevailing party shall  
8 be awarded all costs of such litigation, including reasonable  
9 attorneys' fees.

10 3. (1) Upon request by a party state, the commission shall  
11 attempt to resolve disputes related to the compact that arise  
12 among party states and between party and non-party states.

13 (2) The commission shall promulgate a rule providing for  
14 both mediation and binding dispute resolution for disputes, as  
15 appropriate.

16 (3) In the event the commission cannot resolve disputes  
17 among party states arising under this compact:

18 (a) The party states shall submit the issues in dispute to  
19 an arbitration panel, which shall be comprised of individuals  
20 appointed by the compact administrator in each of the affected  
21 party states and an individual mutually agreed upon by the  
22 compact administrators of all the party states involved in the  
23 dispute.

24 (b) The decision of a majority of the arbitrators shall be  
25 final and binding.

26 4. (1) The commission, in the reasonable exercise of its  
27 discretion, shall enforce the provisions and rules of this  
28 compact.

1           (2) By majority vote, the commission may initiate legal  
2 action in the United States District Court for the District of  
3 Columbia or the federal district in which the commission has its  
4 principal offices against a party state that is in default to  
5 enforce compliance with the provisions of this compact and its  
6 promulgated rules and bylaws. The relief sought may include both  
7 injunctive relief and damages. In the event judicial enforcement  
8 is necessary, the prevailing party shall be awarded all costs of  
9 such litigation, including reasonable attorneys' fees.

10           (3) The remedies herein shall not be the exclusive remedies  
11 of the commission. The commission may pursue any other remedies  
12 available under federal or state law.

13           335.405. 1. This compact shall become effective and  
14 binding on the earlier of the date of legislative enactment of  
15 this compact into law by no less than twenty-six states or  
16 December 31, 2018. All party states to this compact that also  
17 were parties to the prior Nurse Licensure Compact superseded by  
18 this compact "prior compact" shall be deemed to have withdrawn  
19 from said prior compact within six months after the effective  
20 date of this compact.

21           2. Each party state to this compact shall continue to  
22 recognize a nurse's multistate licensure privilege to practice in  
23 that party state issued under the prior compact until such party  
24 state has withdrawn from the prior compact.

25           3. Any party state may withdraw from this compact by  
26 enacting a statute repealing the same. A party state's  
27 withdrawal shall not take effect until six months after enactment  
28 of the repealing statute.

1           4. A party state's withdrawal or termination shall not  
2 affect the continuing requirement of the withdrawing or  
3 terminated state's licensing board to report adverse actions and  
4 significant investigations occurring prior to the effective date  
5 of such withdrawal or termination.

6           5. Nothing contained in this compact shall be construed to  
7 invalidate or prevent any nurse licensure agreement or other  
8 cooperative arrangement between a party state and a non-party  
9 state that is made in accordance with the other provisions of  
10 this compact.

11           6. This compact may be amended by the party states. No  
12 amendment to this compact shall become effective and binding upon  
13 the party states unless and until it is enacted into the laws of  
14 all party states.

15           7. Representatives of non-party states to this compact  
16 shall be invited to participate in the activities of the  
17 commission on a nonvoting basis prior to the adoption of this  
18 compact by all states.

19           335.410. This compact shall be liberally construed so as to  
20 effectuate the purposes thereof. The provisions of this compact  
21 shall be severable and if any phrase, clause, sentence, or  
22 provision of this compact is declared to be contrary to the  
23 constitution of any party state or of the United States or the  
24 applicability thereof to any government, agency, person, or  
25 circumstance is held invalid, the validity of the remainder of  
26 this compact and the applicability thereof to any government,  
27 agency, person, or circumstance shall not be affected thereby.  
28 If this compact shall be held contrary to the constitution of any

1 party state, this compact shall remain in full force and effect  
2 as to the remaining party states and in full force and effect as  
3 to the party state affected as to all severable matters.

4 335.415. 1. The term "head of the nurse licensing board"  
5 as referred to in section 335.390 of this compact shall mean the  
6 executive director of the Missouri state board of nursing.

7 2. This compact is designed to facilitate the regulation of  
8 nurses, and does not relieve employers from complying with  
9 statutorily imposed obligations.

10 3. This compact does not supersede existing state labor  
11 laws.

12 336.020. It shall be unlawful for any person to practice,  
13 to attempt to practice, or to offer to practice optometry, or to  
14 be employed by any person, corporation, partnership, association,  
15 or other entity that practice or attempts to practice without a  
16 license as an optometrist issued by the board. Nothing in this  
17 section shall be construed to prohibit a person licensed or  
18 registered under chapter 334 whose license is in good standing  
19 from acting within the scope of his or her practice or a person  
20 licensed as an optometrist in any state to serve as an expert  
21 witness in a civil, criminal, or administrative proceeding or  
22 optometry students in any accredited optometry school from  
23 training in the practice of optometry under the direct  
24 supervision of a physician licensed under chapter 334 or an  
25 optometrist licensed under chapter 336.

26 338.202. 1. Notwithstanding any other provision of law to  
27 the contrary, unless the prescriber has specified on the  
28 prescription that dispensing a prescription for a maintenance

1 medication in an initial amount followed by periodic refills is  
2 medically necessary, a pharmacist may exercise his or her  
3 professional judgment to dispense varying quantities of  
4 maintenance medication per fill up to the total number of dosage  
5 units as authorized by the prescriber on the original  
6 prescription, including any refills. Dispensing of the  
7 maintenance medication based on refills authorized by the  
8 prescriber on the prescription shall be limited to no more than a  
9 ninety-day supply of the medication, and the maintenance  
10 medication shall have been previously prescribed to the patient  
11 for at least a three-month period.

12 2. For the purposes of this section "maintenance  
13 medication" is a medication prescribed for chronic, long-term  
14 conditions and is taken on a regular, recurring basis, except  
15 that it shall not include controlled substances as defined in  
16 section 195.010.

17 376.1237. 1. Each health carrier or health benefit plan  
18 that offers or issues health benefit plans which are delivered,  
19 issued for delivery, continued, or renewed in this state on or  
20 after January 1, 2014, and that provides coverage for  
21 prescription eye drops shall provide coverage for the refilling  
22 of an eye drop prescription prior to the last day of the  
23 prescribed dosage period without regard to a coverage restriction  
24 for early refill of prescription renewals as long as the  
25 prescribing health care provider authorizes such early refill,  
26 and the health carrier or the health benefit plan is notified.

27 2. For the purposes of this section, health carrier and  
28 health benefit plan shall have the same meaning as defined in

1 section 376.1350.

2 3. The coverage required by this section shall not be  
3 subject to any greater deductible or co-payment than other  
4 similar health care services provided by the health benefit plan.

5 4. The provisions of this section shall not apply to a  
6 supplemental insurance policy, including a life care contract,  
7 accident-only policy, specified disease policy, hospital policy  
8 providing a fixed daily benefit only, Medicare supplement policy,  
9 long-term care policy, short-term major medical policies of six  
10 months' or less duration, or any other supplemental policy as  
11 determined by the director of the department of insurance,  
12 financial institutions and professional registration.

13 5. The provisions of this section shall terminate on  
14 January 1, [2017] 2020.

15 630.175. 1. No person admitted on a voluntary or  
16 involuntary basis to any mental health facility or mental health  
17 program in which people are civilly detained pursuant to chapter  
18 632 and no patient, resident or client of a residential facility  
19 or day program operated, funded or licensed by the department  
20 shall be subject to physical or chemical restraint, isolation or  
21 seclusion unless it is determined by the head of the facility,  
22 the attending licensed physician, or in the circumstances  
23 specifically set forth in this section, by an advanced practice  
24 registered nurse in a collaborative practice arrangement, or a  
25 physician assistant or an assistant physician with a supervision  
26 agreement, with the attending licensed physician that the chosen  
27 intervention is imminently necessary to protect the health and  
28 safety of the patient, resident, client or others and that it

1 provides the least restrictive environment. An advanced practice  
2 registered nurse in a collaborative practice arrangement, or a  
3 physician assistant or an assistant physician with a supervision  
4 agreement, with the attending licensed physician may make a  
5 determination that the chosen intervention is necessary for  
6 patients, residents, or clients of facilities or programs  
7 operated by the department, in hospitals as defined in section  
8 197.020 that only provide psychiatric care and in dedicated  
9 psychiatric units of general acute care hospitals as hospitals  
10 are defined in section 197.020. Any determination made by the  
11 advanced practice registered nurse, physician assistant, or  
12 assistant physician shall be documented as required in subsection  
13 2 of this section and reviewed in person by the attending  
14 licensed physician if the episode of restraint is to extend  
15 beyond:

16 (1) Four hours duration in the case of a person under  
17 eighteen years of age;

18 (2) Eight hours duration in the case of a person eighteen  
19 years of age or older; or

20 (3) For any total length of restraint lasting more than  
21 four hours duration in a twenty-four-hour period in the case of a  
22 person under eighteen years of age or beyond eight hours duration  
23 in the case of a person eighteen years of age or older in a  
24 twenty-four-hour period.

25  
26 The review shall occur prior to the time limit specified under  
27 subsection 6 of this section and shall be documented by the  
28 licensed physician under subsection 2 of this section.

1           2. Every use of physical or chemical restraint, isolation  
2 or seclusion and the reasons therefor shall be made a part of the  
3 clinical record of the patient, resident or client under the  
4 signature of the head of the facility, or the attending licensed  
5 physician, or the advanced practice registered nurse in a  
6 collaborative practice arrangement, or a physician assistant or  
7 an assistant physician with a supervision agreement, with the  
8 attending licensed physician.

9           3. Physical or chemical restraint, isolation or seclusion  
10 shall not be considered standard treatment or habilitation and  
11 shall cease as soon as the circumstances causing the need for  
12 such action have ended.

13           4. The use of security escort devices, including devices  
14 designed to restrict physical movement, which are used to  
15 maintain safety and security and to prevent escape during  
16 transport outside of a facility shall not be considered physical  
17 restraint within the meaning of this section. Individuals who  
18 have been civilly detained under sections 632.300 to 632.475 may  
19 be placed in security escort devices when transported outside of  
20 the facility if it is determined by the head of the facility, or  
21 the attending licensed physician, or the advanced practice  
22 registered nurse in a collaborative practice arrangement, or a  
23 physician assistant or an assistant physician with a supervision  
24 agreement, with the attending licensed physician that the use of  
25 security escort devices is necessary to protect the health and  
26 safety of the patient, resident, client, or other persons or is  
27 necessary to prevent escape. Individuals who have been civilly  
28 detained under sections 632.480 to 632.513 or committed under

1 chapter 552 shall be placed in security escort devices when  
2 transported outside of the facility unless it is determined by  
3 the head of the facility, or the attending licensed physician, or  
4 the advanced practice registered nurse in a collaborative  
5 practice arrangement, or a physician assistant or an assistant  
6 physician with a supervision agreement, with the attending  
7 licensed physician that security escort devices are not necessary  
8 to protect the health and safety of the patient, resident,  
9 client, or other persons or is not necessary to prevent escape.

10 5. Extraordinary measures employed by the head of the  
11 facility to ensure the safety and security of patients,  
12 residents, clients, and other persons during times of natural or  
13 man-made disasters shall not be considered restraint, isolation,  
14 or seclusion within the meaning of this section.

15 6. Orders issued under this section by the advanced  
16 practice registered nurse in a collaborative practice  
17 arrangement, or a physician assistant or an assistant physician  
18 with a supervision agreement, with the attending licensed  
19 physician shall be reviewed in person by the attending licensed  
20 physician of the facility within twenty-four hours or the next  
21 regular working day of the order being issued, and such review  
22 shall be documented in the clinical record of the patient,  
23 resident, or client.

24 7. For purposes of this subsection, "division" shall mean  
25 the division of developmental disabilities. Restraint or  
26 seclusion shall not be used in habilitation centers or community  
27 programs that serve persons with developmental disabilities that  
28 are operated or funded by the division unless such procedure is

1 part of an emergency intervention system approved by the division  
2 and is identified in such person's individual support plan.  
3 Direct-care staff that serve persons with developmental  
4 disabilities in habilitation centers or community programs  
5 operated or funded by the division shall be trained in an  
6 emergency intervention system approved by the division when such  
7 emergency intervention system is identified in a consumer's  
8 individual support plan.

9 [335.300. 1. The party states find that:

10 (1) The health and safety of the public are  
11 affected by the degree of compliance with and the  
12 effectiveness of enforcement activities related to  
13 state nurse licensure laws;

14 (2) Violations of nurse licensure and other laws  
15 regulating the practice of nursing may result in injury  
16 or harm to the public;

17 (3) The expanded mobility of nurses and the use  
18 of advanced communication technologies as part of our  
19 nation's health care delivery system require greater  
20 coordination and cooperation among states in the areas  
21 of nurse licensure and regulation;

22 (4) New practice modalities and technology make  
23 compliance with individual state nurse licensure laws  
24 difficult and complex;

25 (5) The current system of duplicative licensure  
26 for nurses practicing in multiple states is cumbersome  
27 and redundant to both nurses and states.

28 2. The general purposes of this compact are to:

29 (1) Facilitate the states' responsibility to  
30 protect the public's health and safety;

31 (2) Ensure and encourage the cooperation of party  
32 states in the areas of nurse licensure and regulation;

33 (3) Facilitate the exchange of information  
34 between party states in the areas of nurse regulation,  
35 investigation, and adverse actions;

36 (4) Promote compliance with the laws governing  
37 the practice of nursing in each jurisdiction;

38 (5) Invest all party states with the authority to  
39 hold a nurse accountable for meeting all state practice  
40 laws in the state in which the patient is located at  
41 the time care is rendered through the mutual  
42 recognition of party state licenses.]

43  
44 [335.305. As used in this compact, the following

1 terms shall mean:

2 (1) "Adverse action", a home or remote state  
3 action;

4 (2) "Alternative program", a voluntary,  
5 nondisciplinary monitoring program approved by a nurse  
6 licensing board;

7 (3) "Coordinated licensure information system",  
8 an integrated process for collecting, storing, and  
9 sharing information on nurse licensure and enforcement  
10 activities related to nurse licensure laws, which is  
11 administered by a nonprofit organization composed of  
12 and controlled by state nurse licensing boards;

13 (4) "Current significant investigative  
14 information":

15 (a) Investigative information that a licensing  
16 board, after a preliminary inquiry that includes  
17 notification and an opportunity for the nurse to  
18 respond if required by state law, has reason to believe  
19 is not groundless and, if proved true, would indicate  
20 more than a minor infraction; or

21 (b) Investigative information that indicates that  
22 the nurse represents an immediate threat to public  
23 health and safety regardless of whether the nurse has  
24 been notified and had an opportunity to respond;

25 (5) "Home state", the party state that is the  
26 nurse's primary state of residence;

27 (6) "Home state action", any administrative,  
28 civil, equitable, or criminal action permitted by the  
29 home state's laws that are imposed on a nurse by the  
30 home state's licensing board or other authority  
31 including actions against an individual's license such  
32 as: revocation, suspension, probation, or any other  
33 action affecting a nurse's authorization to practice;

34 (7) "Licensing board", a party state's regulatory  
35 body responsible for issuing nurse licenses;

36 (8) "Multistate licensing privilege", current,  
37 official authority from a remote state permitting the  
38 practice of nursing as either a registered nurse or a  
39 licensed practical/vocational nurse in such party  
40 state. All party states have the authority, in  
41 accordance with existing state due process law, to take  
42 actions against the nurse's privilege such as:  
43 revocation, suspension, probation, or any other action  
44 that affects a nurse's authorization to practice;

45 (9) "Nurse", a registered nurse or  
46 licensed/vocational nurse, as those terms are defined  
47 by each state's practice laws;

48 (10) "Party state", any state that has adopted  
49 this compact;

50 (11) "Remote state", a party state, other than  
51 the home state:

1 (a) Where a patient is located at the time  
2 nursing care is provided; or

3 (b) In the case of the practice of nursing not  
4 involving a patient, in such party state where the  
5 recipient of nursing practice is located;

6 (12) "Remote state action":

7 (a) Any administrative, civil, equitable, or  
8 criminal action permitted by a remote state's laws  
9 which are imposed on a nurse by the remote state's  
10 licensing board or other authority including actions  
11 against an individual's multistate licensure privilege  
12 to practice in the remote state; and

13 (b) Cease and desist and other injunctive or  
14 equitable orders issued by remote states or the  
15 licensing boards thereof;

16 (13) "State", a state, territory, or possession  
17 of the United States, the District of Columbia, or the  
18 Commonwealth of Puerto Rico;

19 (14) "State practice laws", those individual  
20 party's state laws and regulations that govern the  
21 practice of nursing, define the scope of nursing  
22 practice, and create the methods and grounds for  
23 imposing discipline. State practice laws does not  
24 include the initial qualifications for licensure or  
25 requirements necessary to obtain and retain a license,  
26 except for qualifications or requirements of the home  
27 state.]

28  
29 [335.310. 1. A license to practice registered  
30 nursing issued by a home state to a resident in that  
31 state will be recognized by each party state as  
32 authorizing a multistate licensure privilege to  
33 practice as a registered nurse in such party state. A  
34 license to practice licensed practical/vocational  
35 nursing issued by a home state to a resident in that  
36 state will be recognized by each party state as  
37 authorizing a multistate licensure privilege to  
38 practice as a licensed practical/vocational nurse in  
39 such party state. In order to obtain or retain a  
40 license, an applicant must meet the home state's  
41 qualifications for licensure and license renewal as  
42 well as all other applicable state laws.

43 2. Party states may, in accordance with state due  
44 process laws, limit or revoke the multistate licensure  
45 privilege of any nurse to practice in their state and  
46 may take any other actions under their applicable state  
47 laws necessary to protect the health and safety of  
48 their citizens. If a party state takes such action, it  
49 shall promptly notify the administrator of the  
50 coordinated licensure information system. The  
51 administrator of the coordinated licensure information

1 system shall promptly notify the home state of any such  
2 actions by remote states.

3 3. Every nurse practicing in a party state must  
4 comply with the state practice laws of the state in  
5 which the patient is located at the time care is  
6 rendered. In addition, the practice of nursing is not  
7 limited to patient care, but shall include all nursing  
8 practice as defined by the state practice laws of a  
9 party state. The practice of nursing will subject a  
10 nurse to the jurisdiction of the nurse licensing board  
11 and the courts, as well as the laws, in that party  
12 state.

13 4. This compact does not affect additional  
14 requirements imposed by states for advanced practice  
15 registered nursing. However, a multistate licensure  
16 privilege to practice registered nursing granted by a  
17 party state shall be recognized by other party states  
18 as a license to practice registered nursing if one is  
19 required by state law as a precondition for qualifying  
20 for advanced practice registered nurse authorization.

21 5. Individuals not residing in a party state  
22 shall continue to be able to apply for nurse licensure  
23 as provided for under the laws of each party state.  
24 However, the license granted to these individuals will  
25 not be recognized as granting the privilege to practice  
26 nursing in any other party state unless explicitly  
27 agreed to by that party state.]

28  
29 [335.315. 1. Upon application for a license, the  
30 licensing board in a party state shall ascertain,  
31 through the coordinated licensure information system,  
32 whether the applicant has ever held, or is the holder  
33 of, a license issued by any other state, whether there  
34 are any restrictions on the multistate licensure  
35 privilege, and whether any other adverse action by any  
36 state has been taken against the license.

37 2. A nurse in a party state shall hold licensure  
38 in only one party state at a time, issued by the home  
39 state.

40 3. A nurse who intends to change primary state of  
41 residence may apply for licensure in the new home state  
42 in advance of such change. However, new licenses will  
43 not be issued by a party state until after a nurse  
44 provides evidence of change in primary state of  
45 residence satisfactory to the new home state's  
46 licensing board.

47 4. When a nurse changes primary state of  
48 residence by:

49 (1) Moving between two party states, and obtains  
50 a license from the new home state, the license from the  
51 former home state is no longer valid;

1 (2) Moving from a nonparty state to a party  
2 state, and obtains a license from the new home state,  
3 the individual state license issued by the nonparty  
4 state is not affected and will remain in full force if  
5 so provided by the laws of the nonparty state;

6 (3) Moving from a party state to a nonparty  
7 state, the license issued by the prior home state  
8 converts to an individual state license, valid only in  
9 the former home state, without the multistate licensure  
10 privilege to practice in other party states.]

11  
12 [335.320. In addition to the general provisions  
13 described in article III of this compact, the following  
14 provisions apply:

15 (1) The licensing board of a remote state shall  
16 promptly report to the administrator of the coordinated  
17 licensure information system any remote state actions  
18 including the factual and legal basis for such action,  
19 if known. The licensing board of a remote state shall  
20 also promptly report any significant current  
21 investigative information yet to result in a remote  
22 state action. The administrator of the coordinated  
23 licensure information system shall promptly notify the  
24 home state of any such reports;

25 (2) The licensing board of a party state shall  
26 have the authority to complete any pending  
27 investigations for a nurse who changes primary state of  
28 residence during the course of such investigations. It  
29 shall also have the authority to take appropriate  
30 actions, and shall promptly report the conclusions of  
31 such investigations to the administrator of the  
32 coordinated licensure information system. The  
33 administrator of the coordinated licensure information  
34 system shall promptly notify the new home state of any  
35 such actions;

36 (3) A remote state may take adverse action  
37 affecting the multistate licensure privilege to  
38 practice within that party state. However, only the  
39 home state shall have the power to impose adverse  
40 action against the license issued by the home state;

41 (4) For purposes of imposing adverse action, the  
42 licensing board of the home state shall give the same  
43 priority and effect to reported conduct received from a  
44 remote state as it would if such conduct had occurred  
45 within the home state, in so doing, it shall apply its  
46 own state laws to determine appropriate action;

47 (5) The home state may take adverse action based  
48 on the factual findings of the remote state, so long as  
49 each state follows its own procedures for imposing such  
50 adverse action;

51 (6) Nothing in this compact shall override a

1 party state's decision that participation in an  
2 alternative program may be used in lieu of licensure  
3 action and that such participation shall remain  
4 nonpublic if required by the party state's laws. Party  
5 states must require nurses who enter any alternative  
6 programs to agree not to practice in any other party  
7 state during the term of the alternative program  
8 without prior authorization from such other party  
9 state.]

10  
11 [335.325. Notwithstanding any other powers, party  
12 state nurse licensing boards shall have the authority  
13 to:

14 (1) If otherwise permitted by state law, recover  
15 from the affected nurse the costs of investigations and  
16 disposition of cases resulting from any adverse action  
17 taken against that nurse;

18 (2) Issue subpoenas for both hearings and  
19 investigations which require the attendance and  
20 testimony of witnesses, and the production of evidence.  
21 Subpoenas issued by a nurse licensing board in a party  
22 state for the attendance and testimony of witnesses,  
23 and/or the production of evidence from another party  
24 state, shall be enforced in the latter state by any  
25 court of competent jurisdiction, according to the  
26 practice and procedure of that court applicable to  
27 subpoenas issued in proceedings pending before it. The  
28 issuing authority shall pay any witness fees, travel  
29 expenses, mileage, and other fees required by the  
30 service statutes of the state where the witnesses and  
31 evidence are located;

32 (3) Issue cease and desist orders to limit or  
33 revoke a nurse's authority to practice in their state;

34 (4) Promulgate uniform rules and regulations as  
35 provided for in subsection 3 of section 335.335.]

36  
37 [335.330. 1. All party states shall participate  
38 in a cooperative effort to create a coordinated  
39 database of all licensed registered nurses and licensed  
40 practical/vocational nurses. This system will include  
41 information on the licensure and disciplinary history  
42 of each nurse, as contributed by party states, to  
43 assist in the coordination of nurse licensure and  
44 enforcement efforts.

45 2. Notwithstanding any other provision of law,  
46 all party states' licensing boards shall promptly  
47 report adverse actions, actions against multistate  
48 licensure privileges, any current significant  
49 investigative information yet to result in adverse  
50 action, denials of applications, and the reasons for  
51 such denials to the coordinated licensure information

1 system.

2 3. Current significant investigative information  
3 shall be transmitted through the coordinated licensure  
4 information system only to party state licensing  
5 boards.

6 4. Notwithstanding any other provision of law,  
7 all party states' licensing boards contributing  
8 information to the coordinated licensure information  
9 system may designate information that may not be shared  
10 with nonparty states or disclosed to other entities or  
11 individuals without the express permission of the  
12 contributing state.

13 5. Any personally identifiable information  
14 obtained by a party state's licensing board from the  
15 coordinated licensure information system may not be  
16 shared with nonparty states or disclosed to other  
17 entities or individuals except to the extent permitted  
18 by the laws of the party state contributing the  
19 information.

20 6. Any information contributed to the coordinated  
21 licensure information system that is subsequently  
22 required to be expunged by the laws of the party state  
23 contributing that information shall also be expunged  
24 from the coordinated licensure information system.

25 7. The compact administrators, acting jointly  
26 with each other and in consultation with the  
27 administrator of the coordinated licensure information  
28 system, shall formulate necessary and proper procedures  
29 for the identification, collection, and exchange of  
30 information under this compact.]

31  
32 [335.335. 1. The head of the nurse licensing  
33 board, or his/her designee, of each party state shall  
34 be the administrator of this compact for his/her state.

35 2. The compact administrator of each party shall  
36 furnish to the compact administrator of each other  
37 party state any information and documents including,  
38 but not limited to, a uniform data set of  
39 investigations, identifying information, licensure  
40 data, and disclosable alternative program participation  
41 information to facilitate the administration of this  
42 compact.

43 3. Compact administrators shall have the  
44 authority to develop uniform rules to facilitate and  
45 coordinate implementation of this compact. These  
46 uniform rules shall be adopted by party states, under  
47 the authority invested under subsection 4 of section  
48 335.325.]

49  
50 [335.340. No party state or the officers or  
51 employees or agents of a party state's nurse licensing

1 board who acts in accordance with the provisions of  
2 this compact shall be liable on account of any act or  
3 omission in good faith while engaged in the performance  
4 of their duties under this compact. Good faith in this  
5 article shall not include willful misconduct, gross  
6 negligence, or recklessness.]  
7

8 [335.345. 1. This compact shall enter into force  
9 and become effective as to any state when it has been  
10 enacted into the laws of that state. Any party state  
11 may withdraw from this compact by enacting a statute  
12 repealing the same, but no such withdrawal shall take  
13 effect until six months after the withdrawing state has  
14 given notice of the withdrawal to the executive heads  
15 of all other party states.

16 2. No withdrawal shall affect the validity or  
17 applicability by the licensing boards of states  
18 remaining party to the compact of any report of adverse  
19 action occurring prior to the withdrawal.

20 3. Nothing contained in this compact shall be  
21 construed to invalidate or prevent any nurse licensure  
22 agreement or other cooperative arrangement between a  
23 party state and a non-party state that is made in  
24 accordance with the other provisions of this compact.

25 4. This compact may be amended by the party  
26 states. No amendment to this compact shall become  
27 effective and binding upon the party states unless and  
28 until it is enacted into the laws of all party states.]  
29

30 [335.350. 1. This compact shall be liberally  
31 construed so as to effectuate the purposes thereof.  
32 The provisions of this compact shall be severable and  
33 if any phrase, clause, sentence, or provision of this  
34 compact is declared to be contrary to the constitution  
35 of any party state or of the United States or the  
36 applicability thereof to any government, agency,  
37 person, or circumstance is held invalid, the validity  
38 of the remainder of this compact and the applicability  
39 thereof to any government, agency, person, or  
40 circumstance shall not be affected thereby. If this  
41 compact shall be held contrary to the constitution of  
42 any state party thereto, the compact shall remain in  
43 full force and effect as to the remaining party states  
44 and in full force and effect as to the party state  
45 affected as to all severable matters.

46 2. In the event party states find a need for  
47 settling disputes arising under this compact:

48 (1) The party states may submit the issues in  
49 dispute to an arbitration panel which will be comprised  
50 of an individual appointed by the compact administrator  
51 in the home state, an individual appointed by the

1 compact administrator in the remote states involved,  
2 and an individual mutually agreed upon by the compact  
3 administrators of all the party states involved in the  
4 dispute;

5 (2) The decision of a majority of the arbitrators  
6 shall be final and binding.]  
7

8 [335.355. 1. The term "head of the nurse  
9 licensing board" as referred to in article VIII of this  
10 compact shall mean the executive director of the  
11 Missouri state board of nursing.

12 2. A person who is extended the privilege to  
13 practice in this state pursuant to the nurse licensure  
14 compact is subject to discipline by the board, as set  
15 forth in this chapter, for violation of this chapter or  
16 the rules and regulations promulgated herein. A person  
17 extended the privilege to practice in this state  
18 pursuant to the nurse licensure compact shall be  
19 subject to adhere to all requirements of this chapter,  
20 as if such person were originally licensed in this  
21 state.

22 3. Sections 335.300 to 335.355 are applicable  
23 only to nurses whose home states are determined by the  
24 Missouri state board of nursing to have licensure  
25 requirements that are substantially equivalent or more  
26 stringent than those of Missouri.

27 4. This compact is designed to facilitate the  
28 regulation of nurses, and does not relieve employers  
29 from complying with statutorily imposed obligations.

30 5. This compact does not supercede existing state  
31 labor laws.]  
32

33 Section B. The repeal of sections 335.300, 335.305,  
34 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340,  
35 335.345, 335.350, and 335.355 of this act, and the enactment of  
36 sections 335.360 to 335.415 of this act shall become effective on  
37 December 31, 2018, or upon the enactment of sections 335.360,  
38 335.365, 335.370, 335.375, 335.380, 335.385, 335.390, 335.395,  
39 335.400, 335.405, 335.410, and 335.415, of this act by no less  
40 than twenty-six states and notification of such enactment to the  
41 revisor of statutes by the Interstate Commission of Nurse  
42 Licensure Compact Administrators, whichever occurs first.