

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1816
98TH GENERAL ASSEMBLY

4462S.04T

2016

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.

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

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2 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, 335.355, 336.020, 376.1237, 3 and 630.175, RSMo, are repealed and thirty-two new sections enacted in lieu thereof, to be 4 known as sections 324.001, 334.040, 334.285, 334.1200, 334.1203, 334.1206, 334.1209, 5 334.1212,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

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

- 2 (1) "Department", the department of insurance, financial institutions and professional 3 registration;
- 4 (2) "Director", the director of the division of professional registration; and
- 5 (3) "Division", the division of professional registration.

6 2. There is hereby established a "Division of Professional Registration" assigned to the 7 department of insurance, financial institutions and professional registration as a type III transfer, 8 headed by a director appointed by the governor with the advice and consent of the senate. All

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

9 of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State
10 Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its
11 divisions, agencies, and personnel.

12 3. The director of the division of professional registration shall promulgate rules and
13 regulations which designate for each board or commission assigned to the division the renewal
14 date for licenses or certificates. After the initial establishment of renewal dates, no director of
15 the division shall promulgate a rule or regulation which would change the renewal date for
16 licenses or certificates if such change in renewal date would occur prior to the date on which the
17 renewal date in effect at the time such new renewal date is specified next occurs. Each board or
18 commission shall by rule or regulation establish licensing periods of one, two, or three years.
19 Registration fees set by a board or commission shall be effective for the entire licensing period
20 involved, and shall not be increased during any current licensing period. Persons who are
21 required to pay their first registration fees shall be allowed to pay the pro rata share of such fees
22 for the remainder of the period remaining at the time the fees are paid. Each board or
23 commission shall provide the necessary forms for initial registration, and thereafter the director
24 may prescribe standard forms for renewal of licenses and certificates. Each board or commission
25 shall by rule and regulation require each applicant to provide the information which is required
26 to keep the board's records current. Each board or commission shall have the authority to collect
27 and analyze information required to support workforce planning and policy development. Such
28 information shall not be publicly disclosed so as to identify a specific health care provider, as
29 defined in section 376.1350. Each board or commission shall issue the original license or
30 certificate.

31 4. The division shall provide clerical and other staff services relating to the issuance and
32 renewal of licenses for all the professional licensing and regulating boards and commissions
33 assigned to the division. The division shall perform the financial management and clerical
34 functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and
35 renewal of licenses and certificates" means the ministerial function of preparing and delivering
36 licenses or certificates, and obtaining material and information for the board or commission in
37 connection with the renewal thereof. It does not include any discretionary authority with regard
38 to the original review of an applicant's qualifications for licensure or certification, or the
39 subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action
40 contemplated against the licensee or certificate holder. The division may develop and implement
41 microfilming systems and automated or manual management information systems.

42 5. The director of the division shall maintain a system of accounting and budgeting, in
43 cooperation with the director of the department, the office of administration, and the state
44 auditor's office, to ensure proper charges are made to the various boards for services rendered

45 to them. The general assembly shall appropriate to the division and other state agencies from
46 each board's funds moneys sufficient to reimburse the division and other state agencies for all
47 services rendered and all facilities and supplies furnished to that board.

48 6. For accounting purposes, the appropriation to the division and to the office of
49 administration for the payment of rent for quarters provided for the division shall be made from
50 the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for
51 the purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited
52 into it from each board's fund. Each board shall contribute a prorated amount necessary to fund
53 the division for services rendered and rent based upon the system of accounting and budgeting
54 established by the director of the division as provided in subsection 5 of this section. Transfers
55 of funds to the professional registration fees fund shall be made by each board on July first of
56 each year; provided, however, that the director of the division may establish an alternative date
57 or dates of transfers at the request of any board. Such transfers shall be made until they equal
58 the prorated amount for services rendered and rent by the division. The provisions of section
59 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed
60 to the credit of general revenue.

61 7. The director of the division shall be responsible for collecting and accounting for all
62 moneys received by the division or its component agencies. Any money received by a board or
63 commission shall be promptly given, identified by type and source, to the director. The director
64 shall keep a record by board and state accounting system classification of the amount of revenue
65 the director receives. The director shall promptly transmit all receipts to the department of
66 revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall
67 provide each board with all relevant financial information in a timely fashion. Each board shall
68 cooperate with the director by providing necessary information.

69 8. All educational transcripts, test scores, complaints, investigatory reports, and
70 information pertaining to any person who is an applicant or licensee of any agency assigned to
71 the division of professional registration by statute or by the department are confidential and may
72 not be disclosed to the public or any member of the public, except with the written consent of
73 the person whose records are involved. The agency which possesses the records or information
74 shall disclose the records or information if the person whose records or information is involved
75 has consented to the disclosure. Each agency is entitled to the attorney-client privilege and
76 work-product privilege to the same extent as any other person. Provided, however, that any
77 board may disclose confidential information without the consent of the person involved in the
78 course of voluntary interstate exchange of information, or in the course of any litigation
79 concerning that person, or pursuant to a lawful request, or to other administrative or law
80 enforcement agencies acting within the scope of their statutory authority. Information regarding

81 identity, including names and addresses, registration, and currency of the license of the persons
82 possessing licenses to engage in a professional occupation and the names and addresses of
83 applicants for such licenses is not confidential information.

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

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

92 11. (1) The following boards and commissions are assigned by specific type transfers
93 to the division of professional registration: Missouri state board of accountancy, chapter 326;
94 board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects,
95 professional engineers, professional land surveyors and landscape architects, chapter 327;
96 Missouri state board of chiropractic examiners, chapter 331; state board of registration for the
97 healing arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers and
98 funeral directors, chapter 333; state board of optometry, chapter 336; Missouri state board of
99 nursing, chapter 335; board of pharmacy, chapter 338; state board of podiatric medicine, chapter
100 330; Missouri real estate appraisers commission, chapter 339; and Missouri veterinary medical
101 board, chapter 340. The governor shall appoint members of these boards by and with the advice
102 and consent of the senate.

103 (2) The boards and commissions assigned to the division shall exercise all their
104 respective statutory duties and powers, except those clerical and other staff services involving
105 collecting and accounting for moneys and financial management relating to the issuance and
106 renewal of licenses, which services shall be provided by the division, within the appropriation
107 therefor. Nothing herein shall prohibit employment of professional examining or testing services
108 from professional associations or others as required by the boards or commissions on contract.
109 Nothing herein shall be construed to affect the power of a board or commission to expend its
110 funds as appropriated. However, the division shall review the expense vouchers of each board.
111 The results of such review shall be submitted to the board reviewed and to the house and senate
112 appropriations committees annually.

113 (3) Notwithstanding any other provisions of law, the director of the division shall
114 exercise only those management functions of the boards and commissions specifically provided
115 in the Reorganization Act of 1974, and those relating to the allocation and assignment of space,
116 personnel other than board personnel, and equipment.

117 (4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330,
118 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, shall mean personnel whose functions
119 and responsibilities are in areas not related to the clerical duties involving the issuance and
120 renewal of licenses, to the collecting and accounting for moneys, or to financial management
121 relating to issuance and renewal of licenses; specifically included are executive secretaries (or
122 comparable positions), consultants, inspectors, investigators, counsel, and secretarial support
123 staff for these positions; and such other positions as are established and authorized by statute for
124 a particular board or commission. Boards and commissions may employ legal counsel, if
125 authorized by law, and temporary personnel if the board is unable to meet its responsibilities with
126 the employees authorized above. Any board or commission which hires temporary employees
127 shall annually provide the division director and the appropriation committees of the general
128 assembly with a complete list of all persons employed in the previous year, the length of their
129 employment, the amount of their remuneration, and a description of their responsibilities.

130 (5) Board personnel for each board or commission shall be employed by and serve at the
131 pleasure of the board or commission, shall be supervised as the board or commission designates,
132 and shall have their duties and compensation prescribed by the board or commission, within
133 appropriations for that purpose, except that compensation for board personnel shall not exceed
134 that established for comparable positions as determined by the board or commission pursuant
135 to the job and pay plan of the department of insurance, financial institutions and professional
136 registration. Nothing herein shall be construed to permit salaries for any board personnel to be
137 lowered except by board action.

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

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

143 **14. (1) The state board of nursing, board of pharmacy, Missouri dental board,**
144 **state committee of psychologists, state board of chiropractic examiners, state board of**
145 **optometry, Missouri board of occupational therapy, or state board of registration for the**
146 **healing arts may individually or collectively enter into a contractual agreement with the**
147 **department of health and senior services, a public institution of higher education, or a**
148 **nonprofit entity for the purpose of collecting and analyzing workforce data from its**
149 **licensees, registrants, or permit holders for future workforce planning and to assess the**
150 **accessibility and availability of qualified health care services and practitioners in Missouri.**
151 **The boards shall work collaboratively with other state governmental entities to ensure**
152 **coordination and avoid duplication of efforts.**

153 **(2) The boards may expend appropriated funds necessary for operational expenses**
154 **of the program formed under this subsection. Each board is authorized to accept grants**
155 **to fund the collection or analysis authorized in this subsection. Any such funds shall be**
156 **deposited in the respective board's fund.**

157 **(3) Data collection shall be controlled and approved by the applicable state board**
158 **conducting or requesting the collection. Notwithstanding the provisions of sections 324.010**
159 **and 334.001, the boards may release identifying data to the contractor to facilitate data**
160 **analysis of the health care workforce including, but not limited to, geographic,**
161 **demographic, and practice or professional characteristics of licensees. The state board**
162 **shall not request or be authorized to collect income or other financial earnings data.**

163 **(4) Data collected under this subsection shall be deemed the property of the state**
164 **board requesting the data. Data shall be maintained by the state board in accordance with**
165 **chapter 610, provided that any information deemed closed or confidential under subsection**
166 **8 of this section or any other provision of state law shall not be disclosed without consent**
167 **of the applicable licensee or entity or as otherwise authorized by law. Data shall only be**
168 **released in an aggregate form by geography, profession or professional specialization, or**
169 **population characteristic in a manner that cannot be used to identify a specific individual**
170 **or entity. Data suppression standards shall be addressed and established in the contractual**
171 **agreement.**

172 **(5) Contractors shall maintain the security and confidentiality of data received or**
173 **collected under this subsection and shall not use, disclose, or release any data without**
174 **approval of the applicable state board. The contractual agreement between the applicable**
175 **state board and contractor shall establish a data release and research review policy to**
176 **include legal and institutional review board, or agency equivalent, approval.**

177 **(6) Each board may promulgate rules subject to the provisions of this subsection**
178 **and chapter 536 to effectuate and implement the workforce data collection and analysis**
179 **authorized by this subsection. Any rule or portion of a rule, as that term is defined in**
180 **section 536.010, that is created under the authority delegated in this section shall become**
181 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
182 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**
183 **of the powers vested with the general assembly under chapter 536 to review, to delay the**
184 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
185 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
186 **2016, shall be invalid and void.**

334.040. 1. Except as provided in section 334.260, all persons desiring to practice as
2 physicians and surgeons in this state shall be examined as to their fitness to engage in such

3 practice by the board. All persons applying for examination shall file a completed application
4 with the board upon forms furnished by the board.

5 2. The examination shall be sufficient to test the applicant's fitness to practice as a
6 physician and surgeon. The examination shall be conducted in such a manner as to conceal the
7 identity of the applicant until all examinations have been scored. In all such examinations an
8 average score of not less than seventy-five percent is required to pass; provided, however, that
9 the board may require applicants to take the Federation Licensing Examination, also known as
10 FLEX, or the United States Medical Licensing Examination (USMLE). If the FLEX
11 examination is required, a weighted average score of no less than seventy-five is required to pass.
12 Scores from one test administration of [the FLEX] **an examination** shall not be combined or
13 averaged with scores from other test administrations to achieve a passing score. [The passing
14 score of the United States Medical Licensing Examination shall be determined by the board
15 through rule and regulation.] Applicants graduating from a medical or osteopathic college, as
16 [defined] **described** in section 334.031 prior to January 1, 1994, shall provide proof of successful
17 completion of the FLEX, USMLE, [an exam administered by] the National Board of Osteopathic
18 Medical Examiners [(NBOME),] **Comprehensive Licensing Exam (COMLEX)**, a state board
19 examination approved by the board, compliance with subsection 2 of section 334.031, or
20 compliance with 20 CSR 2150-2.005. Applicants graduating from a medical or osteopathic
21 college, as [defined] **described** in section 334.031 on or after January 1, 1994, must provide
22 proof of **successful** completion of the USMLE or [an exam administered by NBOME] **the**
23 **COMLEX** or provide proof of compliance with subsection 2 of section 334.031. The board
24 shall not issue a permanent license as a physician and surgeon or allow the Missouri state board
25 examination to be administered to any applicant who has failed to achieve a passing score within
26 three attempts on licensing examinations administered in one or more states or territories of the
27 United States, the District of Columbia or Canada. The steps one, two and three of the United
28 States Medical Licensing Examination **or the National Board of Osteopathic Medical**
29 **Examiners Comprehensive Licensing Exam** shall be taken within a seven-year period with no
30 more than three attempts on any step of the examination; however, the board may grant an
31 extension of the seven-year period if the applicant has obtained a MD/PhD degree in a program
32 accredited by the Liaison Committee on Medical Education (LCME) and a regional university
33 accrediting body or a DO/PhD degree accredited by the American Osteopathic Association and
34 a regional university accrediting body. The board may waive the provisions of this section if the
35 applicant is licensed to practice as a physician and surgeon in another state of the United States,
36 the District of Columbia or Canada and the applicant has achieved a passing score on a licensing
37 examination administered in a state or territory of the United States or the District of Columbia
38 and no license issued to the applicant has been disciplined in any state or territory of the United

39 States or the District of Columbia [and the applicant is certified in the applicant's area of
40 specialty by the American Board of Medical Specialties, the American Osteopathic Association,
41 or other certifying agency approved by the board by rule].

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

45 4. If an applicant has not actively engaged in the practice of clinical medicine or held a
46 teaching or faculty position in a medical or osteopathic school approved by the American
47 Medical Association, the Liaison Committee on Medical Education, or the American Osteopathic
48 Association for any two years in the three-year period immediately preceding the filing of his or
49 her application for licensure, the board may require successful completion of another
50 examination, continuing medical education, or further training before issuing a permanent
51 license. The board shall adopt rules to prescribe the form and manner of such reexamination,
52 continuing medical education, and training.

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

2 **(1) "Continuing medical education", continued postgraduate medical education**
3 **intended to provide medical professionals with knowledge of new developments in their**
4 **field;**

5 **(2) "Maintenance of certification", any process requiring periodic recertification**
6 **examinations to maintain specialty medical board certification;**

7 **(3) "Maintenance of licensure", the Federation of State Medical Boards'**
8 **proprietary framework for physician license renewal including additional periodic testing**
9 **other than continuing medical education;**

10 **(4) "Specialty medical board certification", certification by a board that specializes**
11 **in one particular area of medicine and typically requires additional and more strenuous**
12 **exams than state board of registration for the healing arts requirements to practice**
13 **medicine.**

14 **2. The state shall not require any form of maintenance of licensure as a condition**
15 **of physician licensure including requiring any form of maintenance of licensure tied to**
16 **maintenance of certification. Current requirements including continuing medical**
17 **education shall suffice to demonstrate professional competency.**

18 **3. The state shall not require any form of specialty medical board certification or**
19 **any maintenance of certification to practice medicine within the state. There shall be no**
20 **discrimination by the state board of registration for the healing arts or any other state**
21 **agency against physicians who do not maintain specialty medical board certification**
22 **including recertification.**

334.1200. PURPOSE

2 The purpose of this compact is to facilitate interstate practice of physical therapy
3 with the goal of improving public access to physical therapy services. The practice of
4 physical therapy occurs in the state where the patient/client is located at the time of the
5 patient/client encounter. The compact preserves the regulatory authority of states to
6 protect public health and safety through the current system of state licensure.

7 This compact is designed to achieve the following objectives:

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

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

11 3. Encourage the cooperation of member states in regulating multistate physical
12 therapy practice;

13 4. Support spouses of relocating military members;

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

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

334.1203. DEFINITIONS

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

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

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

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

13 4. "Compact privilege" means the authorization granted by a remote state to allow
14 a licensee from another member state to practice as a physical therapist or work as a
15 physical therapist assistant in the remote state under its laws and rules. The practice of
16 physical therapy occurs in the member state where the patient/client is located at the time
17 of the patient/client encounter.

- 18 **5. "Continuing competence" means a requirement, as a condition of license**
19 **renewal, to provide evidence of participation in, and/or completion of, educational and**
20 **professional activities relevant to practice or area of work.**
- 21 **6. "Data system" means a repository of information about licensees, including**
22 **examination, licensure, investigative, compact privilege, and adverse action.**
- 23 **7. "Encumbered license" means a license that a physical therapy licensing board**
24 **has limited in any way.**
- 25 **8. "Executive Board" means a group of directors elected or appointed to act on**
26 **behalf of, and within the powers granted to them by, the commission.**
- 27 **9. "Home state" means the member state that is the licensee's primary state of**
28 **residence.**
- 29 **10. "Investigative information" means information, records, and documents**
30 **received or generated by a physical therapy licensing board pursuant to an investigation.**
- 31 **11. "Jurisprudence requirement" means the assessment of an individual's**
32 **knowledge of the laws and rules governing the practice of physical therapy in a state.**
- 33 **12. "Licensee" means an individual who currently holds an authorization from the**
34 **state to practice as a physical therapist or to work as a physical therapist assistant.**
- 35 **13. "Member state" means a state that has enacted the compact.**
- 36 **14. "Party state" means any member state in which a licensee holds a current**
37 **license or compact privilege or is applying for a license or compact privilege.**
- 38 **15. "Physical therapist" means an individual who is licensed by a state to practice**
39 **physical therapy.**
- 40 **16. "Physical therapist assistant" means an individual who is licensed/certified by**
41 **a state and who assists the physical therapist in selected components of physical therapy.**
- 42 **17. "Physical therapy", "physical therapy practice", and "the practice of physical**
43 **therapy" mean the care and services provided by or under the direction and supervision**
44 **of a licensed physical therapist.**
- 45 **18. "Physical therapy compact commission" or "commission" means the national**
46 **administrative body whose membership consists of all states that have enacted the**
47 **compact.**
- 48 **19. "Physical therapy licensing board" or "licensing board" means the agency of**
49 **a state that is responsible for the licensing and regulation of physical therapists and**
50 **physical therapist assistants.**
- 51 **20. "Remote state" means a member state other than the home state, where a**
52 **licensee is exercising or seeking to exercise the compact privilege.**

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

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

334.1206. STATE PARTICIPATION IN THE COMPACT

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

3 **1. Participate fully in the commission's data system, including using the**
4 **commission's unique identifier as defined in rules;**

5 **2. Have a mechanism in place for receiving and investigating complaints about**
6 **licensees;**

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

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

13 **5. Comply with the rules of the commission;**

14 **6. Utilize a recognized national examination as a requirement for licensure**
15 **pursuant to the rules of the commission; and**

16 **7. Have continuing competence requirements as a condition for license renewal.**

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

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

24 **D. Member states may charge a fee for granting a compact privilege.**

334.1209. COMPACT PRIVILEGE

2 **A. To exercise the compact privilege under the terms and provisions of the**
3 **compact, the licensee shall:**

4 **1. Hold a license in the home state;**

5 **2. Have no encumbrance on any state license;**

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

- 8 **4. Have not had any adverse action against any license or compact privilege within**
9 **the previous 2 years;**
- 10 **5. Notify the commission that the licensee is seeking the compact privilege within**
11 **a remote state(s);**
- 12 **6. Pay any applicable fees, including any state fee, for the compact privilege;**
- 13 **7. Meet any jurisprudence requirements established by the remote state(s) in which**
14 **the licensee is seeking a compact privilege; and**
- 15 **8. Report to the commission adverse action taken by any nonmember state within**
16 **thirty days from the date the adverse action is taken.**
- 17 **B. The compact privilege is valid until the expiration date of the home license. The**
18 **licensee must comply with the requirements of section 334.1209A to maintain the compact**
19 **privilege in the remote state.**
- 20 **C. A licensee providing physical therapy in a remote state under the compact**
21 **privilege shall function within the laws and regulations of the remote state.**
- 22 **D. A licensee providing physical therapy in a remote state is subject to that state's**
23 **regulatory authority. A remote state may, in accordance with due process and that state's**
24 **laws, remove a licensee's compact privilege in the remote state for a specific period of time,**
25 **impose fines, and/or take any other necessary actions to protect the health and safety of its**
26 **citizens. The licensee is not eligible for a compact privilege in any state until the specific**
27 **time for removal has passed and all fines are paid.**
- 28 **E. If a home state license is encumbered, the licensee shall lose the compact**
29 **privilege in any remote state until the following occur:**
- 30 **1. The home state license is no longer encumbered; and**
- 31 **2. Two years have elapsed from the date of the adverse action.**
- 32 **F. Once an encumbered license in the home state is restored to good standing, the**
33 **licensee must meet the requirements of section 334.1209A to obtain a compact privilege in**
34 **any remote state.**
- 35 **G. If a licensee's compact privilege in any remote state is removed, the individual**
36 **shall lose the compact privilege in any remote state until the following occur:**
- 37 **1. The specific period of time for which the compact privilege was removed has**
38 **ended;**
- 39 **2. All fines have been paid; and**
- 40 **3. Two years have elapsed from the date of the adverse action.**
- 41 **H. Once the requirements of section 334.1209G have been met, the license must**
42 **meet the requirements in section 334.1209A to obtain a compact privilege in a remote state.**

334.1212. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

2 **A licensee who is active duty military or is the spouse of an individual who is active**
3 **duty military may designate one of the following as the home state:**

4 **A. Home of record;**

5 **B. Permanent change of station (PCS); or**

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

334.1215. ADVERSE ACTIONS

2 **A. A home state shall have exclusive power to impose adverse action against a**
3 **license issued by the home state.**

4 **B. A home state may take adverse action based on the investigative information of**
5 **a remote state, so long as the home state follows its own procedures for imposing adverse**
6 **action.**

7 **C. Nothing in this compact shall override a member state's decision that**
8 **participation in an alternative program may be used in lieu of adverse action and that such**
9 **participation shall remain nonpublic if required by the member state's laws. Member**
10 **states must require licensees who enter any alternative programs in lieu of discipline to**
11 **agree not to practice in any other member state during the term of the alternative program**
12 **without prior authorization from such other member state.**

13 **D. Any member state may investigate actual or alleged violations of the statutes and**
14 **rules authorizing the practice of physical therapy in any other member state in which a**
15 **physical therapist or physical therapist assistant holds a license or compact privilege.**

16 **E. A remote state shall have the authority to:**

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

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

28 **3. If otherwise permitted by state law, recover from the licensee the costs of**
29 **investigations and disposition of cases resulting from any adverse action taken against that**
30 **licensee.**

31 **F. Joint Investigations**

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

35 **2. Member states shall share any investigative, litigation, or compliance materials**
36 **in furtherance of any joint or individual investigation initiated under the compact.**

334.1218. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT
2 **COMMISSION.**

3 **A. The compact member states hereby create and establish a joint public agency**
4 **known as the physical therapy compact commission:**

5 **1. The commission is an instrumentality of the compact states.**

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

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

12 **B. Membership, Voting, and Meetings**

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

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

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

19 **4. The member state board shall fill any vacancy occurring in the commission.**

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

23 **6. A delegate shall vote in person or by such other means as provided in the bylaws.**
24 **The bylaws may provide for delegates' participation in meetings by telephone or other**
25 **means of communication.**

26 **7. The commission shall meet at least once during each calendar year. Additional**
27 **meetings shall be held as set forth in the bylaws.**

28 **C. The commission shall have the following powers and duties:**

29 **1. Establish the fiscal year of the commission;**

30 **2. Establish bylaws;**

31 **3. Maintain its financial records in accordance with the bylaws;**

32 **4. Meet and take such actions as are consistent with the provisions of this compact**
33 **and the bylaws;**

34 **5. Promulgate uniform rules to facilitate and coordinate implementation and**
35 **administration of this compact. The rules shall have the force and effect of law and shall**
36 **be binding in all member states;**

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

40 **7. Purchase and maintain insurance and bonds;**

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

43 **9. Hire employees, elect or appoint officers, fix compensation, define duties, grant**
44 **such individuals appropriate authority to carry out the purposes of the compact, and to**
45 **establish the commission's personnel policies and programs relating to conflicts of interest,**
46 **qualifications of personnel, and other related personnel matters;**

47 **10. Accept any and all appropriate donations and grants of money, equipment,**
48 **supplies, materials and services, and to receive, utilize and dispose of the same; provided**
49 **that at all times the commission shall avoid any appearance of impropriety and/or conflict**
50 **of interest;**

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

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

56 **13. Establish a budget and make expenditures;**

57 **14. Borrow money;**

58 **15. Appoint committees, including standing committees comprised of members,**
59 **state regulators, state legislators or their representatives, and consumer representatives,**
60 **and such other interested persons as may be designated in this compact and the bylaws;**

61 **16. Provide and receive information from, and cooperate with, law enforcement**
62 **agencies;**

63 **17. Establish and elect an executive board; and**

64 **18. Perform such other functions as may be necessary or appropriate to achieve the**
65 **purposes of this compact consistent with the state regulation of physical therapy licensure**
66 **and practice.**

67 **D. The Executive Board**

68 **The executive board shall have the power to act on behalf of the commission**
69 **according to the terms of this compact.**

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

71 **a. Seven voting members who are elected by the commission from the current**
72 **membership of the commission;**

73 **b. One ex officio, nonvoting member from the recognized national physical therapy**
74 **professional association; and**

75 **c. One ex officio, nonvoting member from the recognized membership organization**
76 **of the physical therapy licensing boards.**

77 **2. The ex officio members will be selected by their respective organizations.**

78 **3. The commission may remove any member of the executive board as provided in**
79 **bylaws.**

80 **4. The executive board shall meet at least annually.**

81 **5. The executive board shall have the following duties and responsibilities:**

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

85 **b. Ensure compact administration services are appropriately provided, contractual**
86 **or otherwise;**

87 **c. Prepare and recommend the budget;**

88 **d. Maintain financial records on behalf of the commission;**

89 **e. Monitor compact compliance of member states and provide compliance reports**
90 **to the commission;**

91 **f. Establish additional committees as necessary; and**

92 **g. Other duties as provided in rules or bylaws.**

93 **E. Meetings of the Commission**

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

96 **2. The commission or the executive board or other committees of the commission**
97 **may convene in a closed, nonpublic meeting if the commission or executive board or other**
98 **committees of the commission must discuss:**

99 **a. Noncompliance of a member state with its obligations under the compact;**

100 **b. The employment, compensation, discipline or other matters, practices or**
101 **procedures related to specific employees or other matters related to the commission's**
102 **internal personnel practices and procedures;**

103 **c. Current, threatened, or reasonably anticipated litigation;**

- 104 **d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real**
105 **estate;**
- 106 **e. Accusing any person of a crime or formally censuring any person;**
- 107 **f. Disclosure of trade secrets or commercial or financial information that is**
108 **privileged or confidential;**
- 109 **g. Disclosure of information of a personal nature where disclosure would constitute**
110 **a clearly unwarranted invasion of personal privacy;**
- 111 **h. Disclosure of investigative records compiled for law enforcement purposes;**
- 112 **i. Disclosure of information related to any investigative reports prepared by or on**
113 **behalf of or for use of the commission or other committee charged with responsibility of**
114 **investigation or determination of compliance issues pursuant to the compact; or**
- 115 **j. Matters specifically exempted from disclosure by federal or member state statute.**
- 116 **3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the**
117 **commission's legal counsel or designee shall certify that the meeting may be closed and**
118 **shall reference each relevant exempting provision.**
- 119 **4. The commission shall keep minutes that fully and clearly describe all matters**
120 **discussed in a meeting and shall provide a full and accurate summary of actions taken, and**
121 **the reasons therefore, including a description of the views expressed. All documents**
122 **considered in connection with an action shall be identified in such minutes. All minutes**
123 **and documents of a closed meeting shall remain under seal, subject to release by a majority**
124 **vote of the commission or order of a court of competent jurisdiction.**
- 125 **F. Financing of the Commission**
- 126 **1. The commission shall pay, or provide for the payment of, the reasonable**
127 **expenses of its establishment, organization, and ongoing activities.**
- 128 **2. The commission may accept any and all appropriate revenue sources, donations,**
129 **and grants of money, equipment, supplies, materials, and services.**
- 130 **3. The commission may levy on and collect an annual assessment from each**
131 **member state or impose fees on other parties to cover the cost of the operations and**
132 **activities of the commission and its staff, which must be in a total amount sufficient to**
133 **cover its annual budget as approved each year for which revenue is not provided by other**
134 **sources. The aggregate annual assessment amount shall be allocated based upon a formula**
135 **to be determined by the commission, which shall promulgate a rule binding upon all**
136 **member states.**
- 137 **4. The commission shall not incur obligations of any kind prior to securing the**
138 **funds adequate to meet the same; nor shall the commission pledge the credit of any of the**
139 **member states, except by and with the authority of the member state.**

140 **5. The commission shall keep accurate accounts of all receipts and disbursements.**
141 **The receipts and disbursements of the commission shall be subject to the audit and**
142 **accounting procedures established under its bylaws. However, all receipts and**
143 **disbursements of funds handled by the commission shall be audited yearly by a certified**
144 **or licensed public accountant, and the report of the audit shall be included in and become**
145 **part of the annual report of the commission.**

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

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

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

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

334.1221. DATA SYSTEM

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

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

8 **1. Identifying information;**

9 **2. Licensure data;**

10 **3. Adverse actions against a license or compact privilege;**

11 **4. Nonconfidential information related to alternative program participation;**

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

13 **6. Other information that may facilitate the administration of this compact, as**
14 **determined by the rules of the commission.**

15 **C. Investigative information pertaining to a licensee in any member state will only**
16 **be available to other party states.**

17 **D. The commission shall promptly notify all member states of any adverse action**
18 **taken against a licensee or an individual applying for a license. Adverse action information**
19 **pertaining to a licensee in any member state will be available to any other member state.**

20 **E. Member states contributing information to the data system may designate**
21 **information that may not be shared with the public without the express permission of the**
22 **contributing state.**

23 **F. Any information submitted to the data system that is subsequently required to**
24 **be expunged by the laws of the member state contributing the information shall be**
25 **removed from the data system.**

334.1224. RULEMAKING

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

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

9 **C. Rules or amendments to the rules shall be adopted at a regular or special**
10 **meeting of the commission.**

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

- 14 **1. On the website of the commission or other publicly accessible platform; and**
15 **2. On the website of each member state physical therapy licensing board or other**
16 **publicly accessible platform or the publication in which each state would otherwise publish**
17 **proposed rules.**

18 **E. The notice of proposed rulemaking shall include:**

- 19 **1. The proposed time, date, and location of the meeting in which the rule will be**
20 **considered and voted upon;**
21 **2. The text of the proposed rule or amendment and the reason for the proposed**
22 **rule;**
23 **3. A request for comments on the proposed rule from any interested person; and**
24 **4. The manner in which interested persons may submit notice to the commission**
25 **of their intention to attend the public hearing and any written comments.**

26 **F. Prior to adoption of a proposed rule, the commission shall allow persons to**
27 **submit written data, facts, opinions, and arguments, which shall be made available to the**
28 **public.**

29 **G. The commission shall grant an opportunity for a public hearing before it adopts**
30 **a rule or amendment if a hearing is requested by:**

- 31 **1. At least twenty-five persons;**
32 **2. A state or federal governmental subdivision or agency; or**
33 **3. An association having at least twenty-five members.**

34 **H. If a hearing is held on the proposed rule or amendment, the commission shall**
35 **publish the place, time, and date of the scheduled public hearing. If the hearing is held via**
36 **electronic means, the commission shall publish the mechanism for access to the electronic**
37 **hearing.**

38 **1. All persons wishing to be heard at the hearing shall notify the executive director**
39 **of the commission or other designated member in writing of their desire to appear and**
40 **testify at the hearing not less than five business days before the scheduled date of the**
41 **hearing.**

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

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

46 **4. Nothing in this section shall be construed as requiring a separate hearing on each**
47 **rule. Rules may be grouped for the convenience of the commission at hearings required**
48 **by this section.**

49 **I. Following the scheduled hearing date, or by the close of business on the scheduled**
50 **hearing date if the hearing was not held, the commission shall consider all written and oral**
51 **comments received.**

52 **J. If no written notice of intent to attend the public hearing by interested parties**
53 **is received, the commission may proceed with promulgation of the proposed rule without**
54 **a public hearing.**

55 **K. The commission shall, by majority vote of all members, take final action on the**
56 **proposed rule and shall determine the effective date of the rule, if any, based on the**
57 **rulemaking record and the full text of the rule.**

58 **L. Upon determination that an emergency exists, the commission may consider and**
59 **adopt an emergency rule without prior notice, opportunity for comment, or hearing,**
60 **provided that the usual rulemaking procedures provided in the compact and in this section**
61 **shall be retroactively applied to the rule as soon as reasonably possible, in no event later**
62 **than ninety days after the effective date of the rule. For the purposes of this provision, an**
63 **emergency rule is one that must be adopted immediately in order to:**

64 **1. Meet an imminent threat to public health, safety, or welfare;**

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

66 **3. Meet a deadline for the promulgation of an administrative rule that is established**
67 **by federal law or rule; or**

68 **4. Protect public health and safety.**

69 **M. The commission or an authorized committee of the commission may direct**
70 **revisions to a previously adopted rule or amendment for purposes of correcting**
71 **typographical errors, errors in format, errors in consistency, or grammatical errors.**
72 **Public notice of any revisions shall be posted on the website of the commission. The**
73 **revision shall be subject to challenge by any person for a period of thirty days after**
74 **posting. The revision may be challenged only on grounds that the revision results in a**
75 **material change to a rule. A challenge shall be made in writing, and delivered to the chair**
76 **of the commission prior to the end of the notice period. If no challenge is made, the**
77 **revision will take effect without further action. If the revision is challenged, the revision**
78 **may not take effect without the approval of the commission.**

334.1227. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

2 A. Oversight

3 **1. The executive, legislative, and judicial branches of state government in each**
4 **member state shall enforce this compact and take all actions necessary and appropriate to**
5 **effectuate the compact's purposes and intent. The provisions of this compact and the rules**
6 **promulgated hereunder shall have standing as statutory law.**

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

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

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

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

18 **a. Provide written notice to the defaulting state and other member states of the**
19 **nature of the default, the proposed means of curing the default and/or any other action to**
20 **be taken by the commission; and**

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

22 **2. If a state in default fails to cure the default, the defaulting state may be**
23 **terminated from the compact upon an affirmative vote of a majority of the member states,**
24 **and all rights, privileges and benefits conferred by this compact may be terminated on the**
25 **effective date of termination. A cure of the default does not relieve the offending state of**
26 **obligations or liabilities incurred during the period of default.**

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

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

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

37 **6. The defaulting state may appeal the action of the commission by petitioning the**
38 **United States District Court for the District of Columbia or the federal district where the**

39 **commission has its principal offices. The prevailing member shall be awarded all costs of**
40 **such litigation, including reasonable attorney's fees.**

41 **C. Dispute Resolution**

42 **1. Upon request by a member state, the commission shall attempt to resolve**
43 **disputes related to the compact that arise among member states and between member and**
44 **nonmember states.**

45 **2. The commission shall promulgate a rule providing for both mediation and**
46 **binding dispute resolution for disputes as appropriate.**

47 **D. Enforcement**

48 **1. The commission, in the reasonable exercise of its discretion, shall enforce the**
49 **provisions and rules of this compact.**

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

57 **3. The remedies herein shall not be the exclusive remedies of the commission. The**
58 **commission may pursue any other remedies available under federal or state law.**

334.1230. DATE OF IMPLEMENTATION OF THE INTERSTATE
2 **COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES,**
3 **WITHDRAWAL, AND AMENDMENT**

4 **A. The compact shall come into effect on the date on which the compact statute is**
5 **enacted into law in the tenth member state. The provisions, which become effective at that**
6 **time, shall be limited to the powers granted to the commission relating to assembly and the**
7 **promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking**
8 **powers necessary to the implementation and administration of the compact.**

9 **B. Any state that joins the compact subsequent to the commission's initial adoption**
10 **of the rules shall be subject to the rules as they exist on the date on which the compact**
11 **becomes law in that state. Any rule that has been previously adopted by the commission**
12 **shall have the full force and effect of law on the day the compact becomes law in that state.**

13 **C. Any member state may withdraw from this compact by enacting a statute**
14 **repealing the same.**

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

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

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

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

334.1233. CONSTRUCTION AND SEVERABILITY

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

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

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

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

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

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

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

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

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

335.360. 1. The party states find that:

2 **(1) The health and safety of the public are affected by the degree of compliance**
3 **with and the effectiveness of enforcement activities related to state nurse licensure laws;**

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

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

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

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

13 **(6) Uniformity of nurse licensure requirements throughout the states promotes**
14 **public safety and public health benefits.**

2. The general purposes of this compact are to:

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

16 **(2) Ensure and encourage the cooperation of party states in the areas of nurse**
17 **licensure and regulation;**

18 **(3) Facilitate the exchange of information between party states in the areas of nurse**
19 **regulation, investigation, and adverse actions;**

20 **(4) Promote compliance with the laws governing the practice of nursing in each**
21 **jurisdiction;**
22

23 **(5) Invest all party states with the authority to hold a nurse accountable for meeting**
24 **all state practice laws in the state in which the patient is located at the time care is rendered**
25 **through the mutual recognition of party state licenses;**

26 **(6) Decrease redundancies in the consideration and issuance of nurse licenses; and**

27 **(7) Provide opportunities for interstate practice by nurses who meet uniform**
28 **licensure requirements.**

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

2 **(1) "Adverse action", any administrative, civil, equitable, or criminal action**
3 **permitted by a state's laws which is imposed by a licensing board or other authority**
4 **against a nurse, including actions against an individual's license or multistate licensure**
5 **privilege such as revocation, suspension, probation, monitoring of the licensee, limitation**
6 **on the licensee's practice, or any other encumbrance on licensure affecting a nurse's**
7 **authorization to practice, including issuance of a cease and desist action;**

8 **(2) "Alternative program", a nondisciplinary monitoring program approved by a**
9 **licensing board;**

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

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

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

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

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

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

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

27 **(8) "Multistate license", a license to practice as a registered nurse, "RN", or a**
28 **licensed practical or vocational nurse, "LPN" or "VN", issued by a home state licensing**
29 **board that authorizes the licensed nurse to practice in all party states under a multistate**
30 **licensure privilege;**

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

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

36 **(11) "Party state", any state that has adopted this compact;**

37 **(12) "Remote state", a party state, other than the home state;**

38 **(13) "Single-state license", a nurse license issued by a party state that authorizes**
39 **practice only within the issuing state and does not include a multistate licensure privilege**
40 **to practice in any other party state;**

41 **(14) "State", a state, territory, or possession of the United States and the District**
42 **of Columbia;**

43 **(15) "State practice laws", a party state's laws, rules, and regulations that govern**
44 **the practice of nursing, define the scope of nursing practice, and create the methods and**
45 **grounds for imposing discipline. State practice laws do not include requirements necessary**
46 **to obtain and retain a license, except for qualifications or requirements of the home state.**

335.370. 1. A multistate license to practice registered or licensed practical or
2 **vocational nursing issued by a home state to a resident in that state shall be recognized by**
3 **each party state as authorizing a nurse to practice as a registered nurse, "RN", or as a**
4 **licensed practical or vocational nurse, "LPN" or "VN", under a multistate licensure**
5 **privilege, in each party state.**

6 **2. A state must implement procedures for considering the criminal history records**
7 **of applicants for initial multistate license or licensure by endorsement. Such procedures**
8 **shall include the submission of fingerprints or other biometric-based information by**
9 **applicants for the purpose of obtaining an applicant's criminal history record information**
10 **from the Federal Bureau of Investigation and the agency responsible for retaining that**
11 **state's criminal records.**

12 **3. Each party state shall require the following for an applicant to obtain or retain**
13 **a multistate license in the home state:**

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

16 **(2) (a) Has graduated or is eligible to graduate from a licensing board-approved**
17 **RN or LPN or VN prelicensure education program; or**

18 **(b) Has graduated from a foreign RN or LPN or VN prelicensure education**
19 **program that has been approved by the authorized accrediting body in the applicable**

20 country and has been verified by an independent credentials review agency to be
21 comparable to a licensing board-approved prelicensure education program;

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

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

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

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

33 (7) Has not been convicted or found guilty, or has entered into an agreed
34 disposition, of a felony offense under applicable state or federal criminal law;

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

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

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

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

42 4. All party states shall be authorized, in accordance with existing state due process
43 law, to take adverse action against a nurse's multistate licensure privilege such as
44 revocation, suspension, probation, or any other action that affects a nurse's authorization
45 to practice under a multistate licensure privilege, including cease and desist actions. If a
46 party state takes such action, it shall promptly notify the administrator of the coordinated
47 licensure information system. The administrator of the coordinated licensure information
48 system shall promptly notify the home state of any such actions by remote states.

49 5. A nurse practicing in a party state shall comply with the state practice laws of
50 the state in which the client is located at the time service is provided. The practice of
51 nursing is not limited to patient care, but shall include all nursing practice as defined by
52 the state practice laws of the party state in which the client is located. The practice of
53 nursing in a party state under a multistate licensure privilege shall subject a nurse to the
54 jurisdiction of the licensing board, the courts, and the laws of the party state in which the
55 client is located at the time service is provided.

56 **6. Individuals not residing in a party state shall continue to be able to apply for a**
57 **party state's single-state license as provided under the laws of each party state. However,**
58 **the single-state license granted to these individuals shall not be recognized as granting the**
59 **privilege to practice nursing in any other party state. Nothing in this compact shall affect**
60 **the requirements established by a party state for the issuance of a single-state license.**

61 **7. Any nurse holding a home state multistate license on the effective date of this**
62 **compact may retain and renew the multistate license issued by the nurse's then current**
63 **home state, provided that:**

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

67 **(2) A nurse who fails to satisfy the multistate licensure requirements in subsection**
68 **3 of this section due to a disqualifying event occurring after this compact's effective date**
69 **shall be ineligible to retain or renew a multistate license, and the nurse's multistate license**
70 **shall be revoked or deactivated in accordance with applicable rules adopted by the**
71 **Interstate Commission of Nurse Licensure Compact Administrators commission.**

335.375. 1. Upon application for a multistate license, the licensing board in the
2 **issuing party state shall ascertain, through the coordinated licensure information system,**
3 **whether the applicant has ever held, or is the holder of, a license issued by any other state,**
4 **whether there are any encumbrances on any license or multistate licensure privilege held**
5 **by the applicant, whether any adverse action has been taken against any license or**
6 **multistate licensure privilege held by the applicant, and whether the applicant is currently**
7 **participating in an alternative program.**

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

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

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

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

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

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

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

5 **(a) Only the home state shall have the power to take adverse action against a**
6 **nurse's license issued by the home state;**

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

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

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

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

27 **(5) Obtain and submit, for each nurse licensure applicant, fingerprint or other**
28 **biometric based information to the Federal Bureau of Investigation for criminal**
29 **background checks, receive the results of the Federal Bureau of Investigation record**
30 **search on criminal background checks, and use the results in making licensure decisions;**

31 **(6) If otherwise permitted by state law, recover from the affected nurse the costs**
32 **of investigations and disposition of cases resulting from any adverse action taken against**
33 **that nurse; and**

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

36 **2. If adverse action is taken by the home state against a nurse's multistate license,**
37 **the nurse's multistate licensure privilege to practice in all other party states shall be**
38 **deactivated until all encumbrances have been removed from the multistate license. All**
39 **home state disciplinary orders that impose adverse action against a nurse's multistate**
40 **license shall include a statement that the nurse's multistate licensure privilege is**
41 **deactivated in all party states during the pendency of the order.**

42 **3. Nothing in this compact shall override a party state's decision that participation**
43 **in an alternative program may be used in lieu of adverse action. The home state licensing**
44 **board shall deactivate the multistate licensure privilege under the multistate license of any**
45 **nurse for the duration of the nurse's participation in an alternative program.**

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

6 **2. The commission, in consultation with the administrator of the coordinated**
7 **licensure information system, shall formulate necessary and proper procedures for the**
8 **identification, collection, and exchange of information under this compact.**

9 **3. All licensing boards shall promptly report to the coordinated licensure**
10 **information system any adverse action, any current significant investigative information,**
11 **denials of applications with the reasons for such denials, and nurse participation in**
12 **alternative programs known to the licensing board regardless of whether such**
13 **participation is deemed nonpublic or confidential under state law.**

14 **4. Current significant investigative information and participation in nonpublic or**
15 **confidential alternative programs shall be transmitted through the coordinated licensure**
16 **information system only to party state licensing boards.**

17 **5. Notwithstanding any other provision of law, all party state licensing boards**
18 **contributing information to the coordinated licensure information system may designate**
19 **information that shall not be shared with non-party states or disclosed to other entities or**
20 **individuals without the express permission of the contributing state.**

21 **6. Any personally identifiable information obtained from the coordinated licensure**
22 **information system by a party state licensing board shall not be shared with non-party**
23 **states or disclosed to other entities or individuals except to the extent permitted by the laws**
24 **of the party state contributing the information.**

25 **7. Any information contributed to the coordinated licensure information system**
26 **that is subsequently required to be expunged by the laws of the party state contributing**
27 **that information shall also be expunged from the coordinated licensure information**
28 **system.**

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

31 **(1) Identifying information;**

32 **(2) Licensure data;**

33 **(3) Information related to alternative program participation; and**

34 **(4) Other information that may facilitate the administration of this compact, as**
35 **determined by commission rules.**

36 **9. The compact administrator of a party state shall provide all investigative**
37 **documents and information requested by another party state.**

335.390. 1. The party states hereby create and establish a joint public entity known
2 **as the "Interstate Commission of Nurse Licensure Compact Administrators".**

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

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

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

11 **2. (1) Each party state shall have and be limited to one administrator. The head**
12 **of the state licensing board or designee shall be the administrator of this compact for each**
13 **party state. Any administrator may be removed or suspended from office as provided by**
14 **the law of the state from which the administrator is appointed. Any vacancy occurring in**
15 **the commission shall be filled in accordance with the laws of the party state in which the**
16 **vacancy exists.**

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

22 **(3) The commission shall meet at least once during each calendar year. Additional**
23 **meetings shall be held as set forth in the bylaws or rules of the commission.**

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

26 **(5) The commission may convene in a closed, nonpublic meeting if the commission**
27 **must discuss:**

28 **(a) Noncompliance of a party state with its obligations under this compact;**

29 **(b) The employment, compensation, discipline, or other personnel matters,**
30 **practices, or procedures related to specific employees, or other matters related to the**
31 **commission's internal personnel practices and procedures;**

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

33 **(d) Negotiation of contracts for the purchase or sale of goods, services, or real**
34 **estate;**

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

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

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

40 **(h) Disclosure of investigatory records compiled for law enforcement purposes;**

41 **(i) Disclosure of information related to any reports prepared by or on behalf of the**
42 **commission for the purpose of investigation of compliance with this compact; or**

43 **(j) Matters specifically exempted from disclosure by federal or state statute.**

44 **(6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of this**
45 **subsection, the commission's legal counsel or designee shall certify that the meeting shall**
46 **be closed and shall reference each relevant exempting provision. The commission shall**
47 **keep minutes that fully and clearly describe all matters discussed in a meeting and shall**
48 **provide a full and accurate summary of actions taken, and the reasons therefor, including**
49 **a description of the views expressed. All documents considered in connection with an**
50 **action shall be identified in such minutes. All minutes and documents of a closed meeting**
51 **shall remain under seal, subject to release by a majority vote of the commission or order**
52 **of a court of competent jurisdiction.**

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

56 **(1) Establishing the fiscal year of the commission;**

57 **(2) Providing reasonable standards and procedures:**

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

59 **(b) Governing any general or specific delegation of any authority or function of the**
60 **commission;**

61 **(3) Providing reasonable procedures for calling and conducting meetings of the**
62 **commission, ensuring reasonable advance notice of all meetings and providing an**
63 **opportunity for attendance of such meetings by interested parties, with enumerated**
64 **exceptions designed to protect the public's interest, the privacy of individuals, and**
65 **proprietary information, including trade secrets. The commission may meet in closed**
66 **session only after a majority of the administrators vote to close a meeting in whole or in**
67 **part. As soon as practicable, the commission must make public a copy of the vote to close**
68 **the meeting revealing the vote of each administrator, with no proxy votes allowed;**

69 **(4) Establishing the titles, duties, and authority and reasonable procedures for the**
70 **election of the officers of the commission;**

71 **(5) Providing reasonable standards and procedures for the establishment of the**
72 **personnel policies and programs of the commission. Notwithstanding any civil service or**
73 **other similar laws of any party state, the bylaws shall exclusively govern the personnel**
74 **policies and programs of the commission; and**

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

78 **4. The commission shall publish its bylaws and rules, and any amendments thereto,**
79 **in a convenient form on the website of the commission.**

80 **5. The commission shall maintain its financial records in accordance with the**
81 **bylaws.**

82 **6. The commission shall meet and take such actions as are consistent with the**
83 **provisions of this compact and the bylaws.**

84 **7. The commission shall have the following powers:**

85 **(1) To promulgate uniform rules to facilitate and coordinate implementation and**
86 **administration of this compact. The rules shall have the force and effect of law and shall**
87 **be binding in all party states;**

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

91 **(3) To purchase and maintain insurance and bonds;**

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

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

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

101 **(7) To accept any and all appropriate donations, grants and gifts of money,**
102 **equipment, supplies, materials, and services, and to receive, utilize, and dispose of the**
103 **same; provided that, at all times the commission shall avoid any appearance of impropriety**
104 **or conflict of interest;**

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

108 **(9) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise**
109 **dispose of any property, whether real, personal, or mixed;**

110 **(10) To establish a budget and make expenditures;**

111 **(11) To borrow money;**

112 **(12) To appoint committees, including advisory committees comprised of**
113 **administrators, state nursing regulators, state legislators or their representatives, consumer**
114 **representatives, and other such interested persons;**

115 **(13) To provide and receive information from, and to cooperate with, law**
116 **enforcement agencies;**

117 **(14) To adopt and use an official seal; and**

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

121 **8. (1) The commission shall pay, or provide for the payment of, the reasonable**
122 **expenses of its establishment, organization, and ongoing activities.**

123 **(2) The commission may also levy on and collect an annual assessment from each**
124 **party state to cover the cost of its operations, activities, and staff in its annual budget as**
125 **approved each year. The aggregate annual assessment amount, if any, shall be allocated**
126 **based upon a formula to be determined by the commission, which shall promulgate a rule**
127 **that is binding upon all party states.**

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

131 **(4) The commission shall keep accurate accounts of all receipts and disbursements.**
132 **The receipts and disbursements of the commission shall be subject to the audit and**
133 **accounting procedures established under its bylaws. However, all receipts and**
134 **disbursements of funds handled by the commission shall be audited yearly by a certified**
135 **or licensed public accountant, and the report of the audit shall be included in and become**
136 **part of the annual report of the commission.**

137 **9. (1) The administrators, officers, executive director, employees, and**
138 **representatives of the commission shall be immune from suit and liability, either personally**
139 **or in their official capacity, for any claim for damage to or loss of property, personal**
140 **injury, or other civil liability caused by or arising out of any actual or alleged act, error,**
141 **or omission that occurred, or that the person against whom the claim is made had a**
142 **reasonable basis for believing occurred, within the scope of commission employment,**
143 **duties, or responsibilities; provided that, nothing in this paragraph shall be construed to**
144 **protect any such person from suit or liability for any damage, loss, injury, or liability**
145 **caused by the intentional, willful, or wanton misconduct of that person.**

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

155 **(3) The commission shall indemnify and hold harmless any administrator, officer,**
156 **executive director, employee, or representative of the commission for the amount of any**
157 **settlement or judgment obtained against that person arising out of any actual or alleged**
158 **act, error, or omission that occurred within the scope of commission employment, duties,**
159 **or responsibilities, or that such person had a reasonable basis for believing occurred within**
160 **the scope of commission employment, duties, or responsibilities; provided that, the actual**
161 **or alleged act, error, or omission did not result from the intentional, willful, or wanton**
162 **misconduct of that person.**

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

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

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

(1) On the website of the commission; and

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

4. The notice of proposed rulemaking shall include:

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

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

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

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

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

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

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

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

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

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

36 **9. Following the scheduled hearing date, or by the close of business on the**
37 **scheduled hearing date if the hearing was not held, the commission shall consider all**
38 **written and oral comments received.**

39 **10. The commission shall, by majority vote of all administrators, take final action**
40 **on the proposed rule and shall determine the effective date of the rule, if any, based on the**
41 **rulemaking record and the full text of the rule.**

42 **11. Upon determination that an emergency exists, the commission may consider and**
43 **adopt an emergency rule without prior notice, opportunity for comment, or hearing;**
44 **provided that, the usual rulemaking procedures provided in this compact and in this**
45 **section shall be retroactively applied to the rule as soon as reasonably possible, in no event**
46 **later than ninety days after the effective date of the rule. For the purposes of this**
47 **provision, an emergency rule is one that shall be adopted immediately in order to:**

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

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

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

52 **12. The commission may direct revisions to a previously adopted rule or**
53 **amendment for purposes of correcting typographical errors, errors in format, errors in**
54 **consistency, or grammatical errors. Public notice of any revisions shall be posted on the**
55 **website of the commission. The revision shall be subject to challenge by any person for a**
56 **period of thirty days after posting. The revision shall be challenged only on grounds that**
57 **the revision results in a material change to a rule. A challenge shall be made in writing and**
58 **delivered to the commission prior to the end of the notice period. If no challenge is made,**
59 **the revision shall take effect without further action. If the revision is challenged, the**
60 **revision shall not take effect without the approval of the commission.**

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

3 **(2) The commission shall be entitled to receive service of process in any proceeding**
4 **that may affect the powers, responsibilities, or actions of the commission, and shall have**
5 **standing to intervene in such a proceeding for all purposes. Failure to provide service of**
6 **process in such proceeding to the commission shall render a judgment or order void as to**
7 **the commission, this compact, or promulgated rules.**

8 **2. (1) If the commission determines that a party state has defaulted in the**
9 **performance of its obligations or responsibilities under this compact or the promulgated**
10 **rules, the commission shall:**

11 **(a) Provide written notice to the defaulting state and other party states of the**
12 **nature of the default, the proposed means of curing the default, or any other action to be**
13 **taken by the commission; and**

14 **(b) Provide remedial training and specific technical assistance regarding the**
15 **default.**

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

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

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

28 **(5) The commission shall not bear any costs related to a state that is found to be in**
29 **default or whose membership in this compact has been terminated unless agreed upon in**
30 **writing between the commission and the defaulting state.**

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

35 **3. (1) Upon request by a party state, the commission shall attempt to resolve**
36 **disputes related to the compact that arise among party states and between party and non-**
37 **party states.**

38 **(2) The commission shall promulgate a rule providing for both mediation and**
39 **binding dispute resolution for disputes, as appropriate.**

40 **(3) In the event the commission cannot resolve disputes among party states arising**
41 **under this compact:**

42 **(a) The party states shall submit the issues in dispute to an arbitration panel, which**
43 **shall be comprised of individuals appointed by the compact administrator in each of the**
44 **affected party states and an individual mutually agreed upon by the compact**
45 **administrators of all the party states involved in the dispute.**

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

47 **4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the**
48 **provisions and rules of this compact.**

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

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

335.405. 1. This compact shall become effective and binding on the earlier of the
2 **date of legislative enactment of this compact into law by no less than twenty-six states or**
3 **December 31, 2018. All party states to this compact that also were parties to the prior**
4 **Nurse Licensure Compact superseded by this compact "prior compact" shall be deemed**
5 **to have withdrawn from said prior compact within six months after the effective date of**
6 **this compact.**

7 **2. Each party state to this compact shall continue to recognize a nurse's multistate**
8 **licensure privilege to practice in that party state issued under the prior compact until such**
9 **party state has withdrawn from the prior compact.**

10 **3. Any party state may withdraw from this compact by enacting a statute repealing**
11 **the same. A party state's withdrawal shall not take effect until six months after enactment**
12 **of the repealing statute.**

13 **4. A party state's withdrawal or termination shall not affect the continuing**
14 **requirement of the withdrawing or terminated state's licensing board to report adverse**
15 **actions and significant investigations occurring prior to the effective date of such**
16 **withdrawal or termination.**

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

20 **6. This compact may be amended by the party states. No amendment to this**
21 **compact shall become effective and binding upon the party states unless and until it is**
22 **enacted into the laws of all party states.**

23 **7. Representatives of non-party states to this compact shall be invited to participate**
24 **in the activities of the commission on a nonvoting basis prior to the adoption of this**
25 **compact by all states.**

335.410. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, this compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

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

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

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

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

338.202. 1. Notwithstanding any other provision of law to the contrary, unless the prescriber has specified on the prescription that dispensing a prescription for a maintenance medication in an initial amount followed by periodic refills is medically necessary, a pharmacist may exercise his or her professional judgment to dispense varying quantities of maintenance medication per fill up to the total number of dosage units as authorized by the prescriber on the original prescription, including any refills. Dispensing of the maintenance medication based on refills authorized by the prescriber on the prescription shall be limited to no more than a ninety-day supply of the medication, and the maintenance medication shall have been previously prescribed to the patient for at least a three-month period.

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

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

8 2. For the purposes of this section, health carrier and health benefit plan shall have the
9 same meaning as defined in section 376.1350.

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

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

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

 630.175. 1. No person admitted on a voluntary or involuntary basis to any mental health
2 facility or mental health program in which people are civilly detained pursuant to chapter 632
3 and no patient, resident or client of a residential facility or day program operated, funded or
4 licensed by the department shall be subject to physical or chemical restraint, isolation or
5 seclusion unless it is determined by the head of the facility, the attending licensed physician, or
6 in the circumstances specifically set forth in this section, by an advanced practice registered
7 nurse in a collaborative practice arrangement, **or a physician assistant or an assistant**
8 **physician with a supervision agreement**, with the attending licensed physician that the chosen
9 intervention is imminently necessary to protect the health and safety of the patient, resident,
10 client or others and that it provides the least restrictive environment. An advanced practice
11 registered nurse in a collaborative practice arrangement, **or a physician assistant or an**
12 **assistant physician with a supervision agreement**, with the attending licensed physician may
13 make a determination that the chosen intervention is necessary for patients, residents, or clients
14 of facilities or programs operated by the department, in hospitals as defined in section 197.020
15 that only provide psychiatric care and in dedicated psychiatric units of general acute care

16 hospitals as hospitals are defined in section 197.020. Any determination made by the advanced
17 practice registered nurse, **physician assistant, or assistant physician** shall be documented as
18 required in subsection 2 of this section and reviewed in person by the attending licensed
19 physician if the episode of restraint is to extend beyond:

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

25

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

28 2. Every use of physical or chemical restraint, isolation or seclusion and the reasons
29 therefor shall be made a part of the clinical record of the patient, resident or client under the
30 signature of the head of the facility, or the attending licensed physician, or the advanced practice
31 registered nurse in a collaborative practice arrangement, **or a physician assistant or an**
32 **assistant physician with a supervision agreement**, with the attending licensed physician.

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

36 4. The use of security escort devices, including devices designed to restrict physical
37 movement, which are used to maintain safety and security and to prevent escape during transport
38 outside of a facility shall not be considered physical restraint within the meaning of this section.
39 Individuals who have been civilly detained under sections 632.300 to 632.475 may be placed in
40 security escort devices when transported outside of the facility if it is determined by the head of
41 the facility, or the attending licensed physician, or the advanced practice registered nurse in a
42 collaborative practice arrangement, **or a physician assistant or an assistant physician with a**
43 **supervision agreement**, with the attending licensed physician that the use of security escort
44 devices is necessary to protect the health and safety of the patient, resident, client, or other
45 persons or is necessary to prevent escape. Individuals who have been civilly detained under
46 sections 632.480 to 632.513 or committed under chapter 552 shall be placed in security escort
47 devices when transported outside of the facility unless it is determined by the head of the facility,
48 or the attending licensed physician, or the advanced practice registered nurse in a collaborative
49 practice arrangement, **or a physician assistant or an assistant physician with a supervision**
50 **agreement**, with the attending licensed physician that security escort devices are not necessary

51 to protect the health and safety of the patient, resident, client, or other persons or is not necessary
52 to prevent escape.

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

57 6. Orders issued under this section by the advanced practice registered nurse in a
58 collaborative practice arrangement, **or a physician assistant or an assistant physician with a**
59 **supervision agreement**, with the attending licensed physician shall be reviewed in person by
60 the attending licensed physician of the facility within twenty-four hours or the next regular
61 working day of the order being issued, and such review shall be documented in the clinical
62 record of the patient, resident, or client.

63 7. For purposes of this subsection, "division" shall mean the division of developmental
64 disabilities. Restraint or seclusion shall not be used in habilitation centers or community
65 programs that serve persons with developmental disabilities that are operated or funded by the
66 division unless such procedure is part of an emergency intervention system approved by the
67 division and is identified in such person's individual support plan. Direct-care staff that serve
68 persons with developmental disabilities in habilitation centers or community programs operated
69 or funded by the division shall be trained in an emergency intervention system approved by the
70 division when such emergency intervention system is identified in a consumer's individual
71 support plan.

[335.300. 1. The party states find that:

2 (1) The health and safety of the public are affected by the degree of
3 compliance with and the effectiveness of enforcement activities related to state
4 nurse licensure laws;

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

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

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

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

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

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

- 18 (2) Ensure and encourage the cooperation of party states in the areas of
19 nurse licensure and regulation;
- 20 (3) Facilitate the exchange of information between party states in the
21 areas of nurse regulation, investigation, and adverse actions;
- 22 (4) Promote compliance with the laws governing the practice of nursing
23 in each jurisdiction;
- 24 (5) Invest all party states with the authority to hold a nurse accountable
25 for meeting all state practice laws in the state in which the patient is located at the
26 time care is rendered through the mutual recognition of party state licenses.]
27

[335.305. As used in this compact, the following terms shall mean:

- 2 (1) "Adverse action", a home or remote state action;
- 3 (2) "Alternative program", a voluntary, nondisciplinary monitoring
4 program approved by a nurse licensing board;
- 5 (3) "Coordinated licensure information system", an integrated process for
6 collecting, storing, and sharing information on nurse licensure and enforcement
7 activities related to nurse licensure laws, which is administered by a nonprofit
8 organization composed of and controlled by state nurse licensing boards;
- 9 (4) "Current significant investigative information":
- 10 (a) Investigative information that a licensing board, after a preliminary
11 inquiry that includes notification and an opportunity for the nurse to respond if
12 required by state law, has reason to believe is not groundless and, if proved true,
13 would indicate more than a minor infraction; or
- 14 (b) Investigative information that indicates that the nurse represents an
15 immediate threat to public health and safety regardless of whether the nurse has
16 been notified and had an opportunity to respond;
- 17 (5) "Home state", the party state that is the nurse's primary state of
18 residence;
- 19 (6) "Home state action", any administrative, civil, equitable, or criminal
20 action permitted by the home state's laws that are imposed on a nurse by the
21 home state's licensing board or other authority including actions against an
22 individual's license such as: revocation, suspension, probation, or any other
23 action affecting a nurse's authorization to practice;
- 24 (7) "Licensing board", a party state's regulatory body responsible for
25 issuing nurse licenses;
- 26 (8) "Multistate licensing privilege", current, official authority from a
27 remote state permitting the practice of nursing as either a registered nurse or a
28 licensed practical/vocational nurse in such party state. All party states have the
29 authority, in accordance with existing state due process law, to take actions
30 against the nurse's privilege such as: revocation, suspension, probation, or any
31 other action that affects a nurse's authorization to practice;
- 32 (9) "Nurse", a registered nurse or licensed/vocational nurse, as those
33 terms are defined by each state's practice laws;

- 34 (10) "Party state", any state that has adopted this compact;
35 (11) "Remote state", a party state, other than the home state:
36 (a) Where a patient is located at the time nursing care is provided; or
37 (b) In the case of the practice of nursing not involving a patient, in such
38 party state where the recipient of nursing practice is located;
39 (12) "Remote state action":
40 (a) Any administrative, civil, equitable, or criminal action permitted by
41 a remote state's laws which are imposed on a nurse by the remote state's licensing
42 board or other authority including actions against an individual's multistate
43 licensure privilege to practice in the remote state; and
44 (b) Cease and desist and other injunctive or equitable orders issued by
45 remote states or the licensing boards thereof;
46 (13) "State", a state, territory, or possession of the United States, the
47 District of Columbia, or the Commonwealth of Puerto Rico;
48 (14) "State practice laws", those individual party's state laws and
49 regulations that govern the practice of nursing, define the scope of nursing
50 practice, and create the methods and grounds for imposing discipline. State
51 practice laws does not include the initial qualifications for licensure or
52 requirements necessary to obtain and retain a license, except for qualifications or
53 requirements of the home state.]
54

2 [335.310. 1. A license to practice registered nursing issued by a home
3 state to a resident in that state will be recognized by each party state as
4 authorizing a multistate licensure privilege to practice as a registered nurse in
5 such party state. A license to practice licensed practical/vocational nursing issued
6 by a home state to a resident in that state will be recognized by each party state
7 as authorizing a multistate licensure privilege to practice as a licensed
8 practical/vocational nurse in such party state. In order to obtain or retain a
9 license, an applicant must meet the home state's qualifications for licensure and
10 license renewal as well as all other applicable state laws.

11 2. Party states may, in accordance with state due process laws, limit or
12 revoke the multistate licensure privilege of any nurse to practice in their state and
13 may take any other actions under their applicable state laws necessary to protect
14 the health and safety of their citizens. If a party state takes such action, it shall
15 promptly notify the administrator of the coordinated licensure information
16 system. The administrator of the coordinated licensure information system shall
17 promptly notify the home state of any such actions by remote states.

18 3. Every nurse practicing in a party state must comply with the state
19 practice laws of the state in which the patient is located at the time care is
20 rendered. In addition, the practice of nursing is not limited to patient care, but
21 shall include all nursing practice as defined by the state practice laws of a party
22 state. The practice of nursing will subject a nurse to the jurisdiction of the nurse
licensing board and the courts, as well as the laws, in that party state.

23 4. This compact does not affect additional requirements imposed by
24 states for advanced practice registered nursing. However, a multistate licensure
25 privilege to practice registered nursing granted by a party state shall be
26 recognized by other party states as a license to practice registered nursing if one
27 is required by state law as a precondition for qualifying for advanced practice
28 registered nurse authorization.

29 5. Individuals not residing in a party state shall continue to be able to
30 apply for nurse licensure as provided for under the laws of each party state.
31 However, the license granted to these individuals will not be recognized as
32 granting the privilege to practice nursing in any other party state unless explicitly
33 agreed to by that party state.]
34

2 [335.315. 1. Upon application for a license, the licensing board in a party
3 state shall ascertain, through the coordinated licensure information system,
4 whether the applicant has ever held, or is the holder of, a license issued by any
5 other state, whether there are any restrictions on the multistate licensure privilege,
6 and whether any other adverse action by any state has been taken against the
7 license.

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

10 3. A nurse who intends to change primary state of residence may apply
11 for licensure in the new home state in advance of such change. However, new
12 licenses will not be issued by a party state until after a nurse provides evidence
13 of change in primary state of residence satisfactory to the new home state's
14 licensing board.

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

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

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

22 (3) Moving from a party state to a nonparty state, the license issued by
23 the prior home state converts to an individual state license, valid only in the
24 former home state, without the multistate licensure privilege to practice in other
25 party states.]

2 [335.320. In addition to the general provisions described in article III of
3 this compact, the following provisions apply:

4 (1) The licensing board of a remote state shall promptly report to the
5 administrator of the coordinated licensure information system any remote state
6 actions including the factual and legal basis for such action, if known. The
7 licensing board of a remote state shall also promptly report any significant current

7 investigative information yet to result in a remote state action. The administrator
8 of the coordinated licensure information system shall promptly notify the home
9 state of any such reports;

10 (2) The licensing board of a party state shall have the authority to
11 complete any pending investigations for a nurse who changes primary state of
12 residence during the course of such investigations. It shall also have the authority
13 to take appropriate actions, and shall promptly report the conclusions of such
14 investigations to the administrator of the coordinated licensure information
15 system. The administrator of the coordinated licensure information system shall
16 promptly notify the new home state of any such actions;

17 (3) A remote state may take adverse action affecting the multistate
18 licensure privilege to practice within that party state. However, only the home
19 state shall have the power to impose adverse action against the license issued by
20 the home state;

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

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

29 (6) Nothing in this compact shall override a party state's decision that
30 participation in an alternative program may be used in lieu of licensure action and
31 that such participation shall remain nonpublic if required by the party state's laws.
32 Party states must require nurses who enter any alternative programs to agree not
33 to practice in any other party state during the term of the alternative program
34 without prior authorization from such other party state.]

35
2 [335.325. Notwithstanding any other powers, party state nurse licensing
3 boards shall have the authority to:

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

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

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

17 (4) Promulgate uniform rules and regulations as provided for in
18 subsection 3 of section 335.335.]
19

2 [335.330. 1. All party states shall participate in a cooperative effort to
3 create a coordinated database of all licensed registered nurses and licensed
4 practical/vocational nurses. This system will include information on the
5 licensure and disciplinary history of each nurse, as contributed by party states, to
6 assist in the coordination of nurse licensure and enforcement efforts.

7 2. Notwithstanding any other provision of law, all party states' licensing
8 boards shall promptly report adverse actions, actions against multistate licensure
9 privileges, any current significant investigative information yet to result in
10 adverse action, denials of applications, and the reasons for such denials to the
11 coordinated licensure information system.

12 3. Current significant investigative information shall be transmitted
13 through the coordinated licensure information system only to party state licensing
14 boards.

15 4. Notwithstanding any other provision of law, all party states' licensing
16 boards contributing information to the coordinated licensure information system
17 may designate information that may not be shared with nonparty states or
18 disclosed to other entities or individuals without the express permission of the
19 contributing state.

20 5. Any personally identifiable information obtained by a party state's
21 licensing board from the coordinated licensure information system may not be
22 shared with nonparty states or disclosed to other entities or individuals except to
23 the extent permitted by the laws of the party state contributing the information.

24 6. Any information contributed to the coordinated licensure information
25 system that is subsequently required to be expunged by the laws of the party state
26 contributing that information shall also be expunged from the coordinated
27 licensure information system.

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

2 [335.335. 1. The head of the nurse licensing board, or his/her designee,
3 of each party state shall be the administrator of this compact for his/her state.

4 2. The compact administrator of each party shall furnish to the compact
5 administrator of each other party state any information and documents including,
6 but not limited to, a uniform data set of investigations, identifying information,
7 licensure data, and disclosable alternative program participation information to
facilitate the administration of this compact.

8 3. Compact administrators shall have the authority to develop uniform
9 rules to facilitate and coordinate implementation of this compact. These uniform
10 rules shall be adopted by party states, under the authority invested under
11 subsection 4 of section 335.325.]
12

2 [335.340. No party state or the officers or employees or agents of a party
3 state's nurse licensing board who acts in accordance with the provisions of this
4 compact shall be liable on account of any act or omission in good faith while
5 engaged in the performance of their duties under this compact. Good faith in this
6 article shall not include willful misconduct, gross negligence, or recklessness.]

2 [335.345. 1. This compact shall enter into force and become effective as
3 to any state when it has been enacted into the laws of that state. Any party state
4 may withdraw from this compact by enacting a statute repealing the same, but no
5 such withdrawal shall take effect until six months after the withdrawing state has
6 given notice of the withdrawal to the executive heads of all other party states.

7 2. No withdrawal shall affect the validity or applicability by the licensing
8 boards of states remaining party to the compact of any report of adverse action
9 occurring prior to the withdrawal.

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

14 4. This compact may be amended by the party states. No amendment to
15 this compact shall become effective and binding upon the party states unless and
16 until it is enacted into the laws of all party states.]

2 [335.350. 1. This compact shall be liberally construed so as to effectuate
3 the purposes thereof. The provisions of this compact shall be severable and if
4 any phrase, clause, sentence, or provision of this compact is declared to be
5 contrary to the constitution of any party state or of the United States or the
6 applicability thereof to any government, agency, person, or circumstance is held
7 invalid, the validity of the remainder of this compact and the applicability thereof
8 to any government, agency, person, or circumstance shall not be affected thereby.
9 If this compact shall be held contrary to the constitution of any state party thereto,
10 the compact shall remain in full force and effect as to the remaining party states
11 and in full force and effect as to the party state affected as to all severable
12 matters.

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

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

17 administrator in the remote states involved, and an individual mutually agreed
18 upon by the compact administrators of all the party states involved in the dispute;

19 (2) The decision of a majority of the arbitrators shall be final and
20 binding.]

21

2 [335.355. 1. The term "head of the nurse licensing board" as referred to
3 in article VIII of this compact shall mean the executive director of the Missouri
4 state board of nursing.

5 2. A person who is extended the privilege to practice in this state
6 pursuant to the nurse licensure compact is subject to discipline by the board, as
7 set forth in this chapter, for violation of this chapter or the rules and regulations
8 promulgated herein. A person extended the privilege to practice in this state
9 pursuant to the nurse licensure compact shall be subject to adhere to all
10 requirements of this chapter, as if such person were originally licensed in this
11 state.

12 3. Sections 335.300 to 335.355 are applicable only to nurses whose home
13 states are determined by the Missouri state board of nursing to have licensure
14 requirements that are substantially equivalent or more stringent than those of
15 Missouri.

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

18 5. This compact does not supercede existing state labor laws.]

Section B. The repeal of sections 335.300, 335.305, 335.310, 335.315, 335.320, 335.325,
2 335.330, 335.335, 335.340, 335.345, 335.350, and 335.355 of this act, and the enactment of
3 sections 335.360 to 335.415 of this act shall become effective on December 31, 2018, or upon
4 the enactment of sections 335.360, 335.365, 335.370, 335.375, 335.380, 335.385, 335.390,
5 335.395, 335.400, 335.405, 335.410, and 335.415, of this act by no less than twenty-six states
6 and notification of such enactment to the revisor of statutes by the Interstate Commission of
7 Nurse Licensure Compact Administrators, whichever occurs first.

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