

FIRST REGULAR SESSION

HOUSE BILL NO. 1140

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LYNCH.

2393H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 324.008 and 324.009, RSMo, and to enact in lieu thereof one new section relating to professional licensing reciprocity.

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

Section A. Sections 324.008 and 324.009, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 324.009, to read as follows:

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

(1) "License", a license, certificate, registration, permit, or accreditation that enables a person to legally practice an occupation or profession in a particular jurisdiction; except that "license" shall not include a certificate of license to teach in public schools under section 168.021;

(2) "**Nonresident military spouse**", a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, is domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

(3) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses; except, for the purposes of this section, oversight body shall not include the state board of registration for the healing arts, the state board of nursing, the board of pharmacy, the state committee of psychologists, the Missouri dental board, the Missouri board for architects, professional engineers, professional land surveyors and professional landscape architects, the state board of optometry, or the Missouri veterinary medical board.

2. Any ~~resident of Missouri~~ **person including, but not limited to, any nonresident military spouse** who holds a valid current license issued by another state, territory of the United

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.

18 States, or the District of Columbia may submit an application for a license in Missouri in the
19 same occupation or profession for which he or she holds the current license, along with **any**
20 **required application fee and** proof of current licensure in ~~[the]~~ **all other [jurisdiction]**
21 **jurisdictions**, to the relevant oversight body in this state.

22 3. The oversight body in this state shall, within ~~[six months]~~ **ninety days** of receiving
23 an application described in subsection 2 of this section, waive any examination, educational, or
24 experience requirements for licensure in this state for the applicant if it determines that the
25 licensing requirements in the jurisdiction that issued the applicant's license are substantially
26 similar to or more stringent than the licensing requirements in Missouri for the same occupation
27 or profession.

28 4. The oversight body shall not waive any examination, educational, or experience
29 requirements for any applicant who is currently under disciplinary action with an oversight body
30 outside the state or who does not hold a valid current license in the other jurisdiction on the date
31 the oversight body receives his or her application under this section.

32 5. The oversight body shall not waive any examination, educational, or experience
33 requirements for any applicant if it determines that waiving the requirements for the applicant
34 may endanger the public health, safety, or welfare.

35 6. Nothing in this section shall prohibit the oversight body from denying a license to an
36 applicant under this section for any reason described in any section associated with the
37 occupation or profession for which the applicant seeks a license.

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

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

43 9. The provisions of this section shall not be construed to alter the authority granted by,
44 or any requirements promulgated pursuant to, any interjurisdictional or interstate compacts
45 adopted by Missouri statute or any reciprocity agreements with other states ~~[in effect on August~~
46 ~~28, 2018, and whenever possible this section shall be interpreted so as to imply no conflict~~
47 ~~between it and any compact, or any reciprocity agreements with other states in effect on August~~
48 ~~28, 2018]~~ **and should any conflict arise between the provisions of this section and the**
49 **provisions of any interjurisdictional or interstate compact or reciprocity agreement, the**
50 **provisions of such compact or agreement shall prevail.**

51 10. **For the purposes of this section, nonresident military spouses shall be eligible**
52 **to apply for a license with any board, department, agency, or office of a jurisdiction that**
53 **issues licenses, including the state board of registration for the healing arts; the state board**

54 of nursing; the board of pharmacy; the state committee of psychologists; the Missouri
55 dental board; the Missouri board for architects, professional engineers, professional land
56 surveyors, and professional landscape architects; the state board of optometry; and the
57 Missouri veterinary medical board.

2 [324.008. 1. As used in this section, "nonresident military spouse" means
3 a nonresident spouse of an active duty member of the Armed Forces of the United
4 States who has been transferred or is scheduled to be transferred to the state of
5 Missouri, is domiciled in the state of Missouri, or has moved to the state of
6 Missouri on a permanent change-of-station basis.

7 ~~2. Except as provided in subsection 6 of this section and notwithstanding~~
8 ~~any other provision of law, any agency of this state or board established under~~
9 ~~state law for the regulation of occupations and professions in this state shall, with~~
10 ~~respect to such occupation or profession that it regulates, by rule establish criteria~~
11 ~~for the issuance of a temporary courtesy license to a nonresident spouse of an~~
12 ~~active duty member of the military who is transferred to this state in the course~~
13 ~~of the member's military duty, so that, on a temporary basis, the nonresident~~
14 ~~military spouse may lawfully practice his or her occupation or profession in this~~
15 ~~state.~~

16 ~~3. Notwithstanding provisions to the contrary, a nonresident military~~
17 ~~spouse shall receive a temporary courtesy license under subsection 2 of this~~
18 ~~section if, at the time of application, the nonresident military spouse:~~

19 ~~(1) Holds a current license or certificate in another state, district, or~~
20 ~~territory of the United States with licensure requirements that the appropriate~~
21 ~~regulatory board or agency determines are equivalent to those established under~~
22 ~~Missouri law for that occupation or profession;~~

23 ~~(2) Was engaged in the active practice of the occupation or profession for~~
24 ~~which the nonresident military spouse seeks a temporary license or certificate in~~
25 ~~a state, district, or territory of the United States for at least two of the five years~~
26 ~~immediately preceding the date of application under this section;~~

27 ~~(3) Has not committed an act in any jurisdiction that would have~~
28 ~~constituted grounds for the refusal, suspension, or revocation of a license or~~
29 ~~certificate to practice that occupation or profession under Missouri law at the~~
30 ~~time the act was committed;~~

31 ~~(4) Has not been disciplined by a licensing or credentialing entity in~~
32 ~~another jurisdiction and is not the subject of an unresolved complaint, review~~
33 ~~procedure, or disciplinary proceeding conducted by a licensing or credentialing~~
34 ~~entity in another jurisdiction;~~

35 ~~(5) Authorizes the appropriate board or agency to conduct a criminal~~
36 ~~background check and pay for any costs associated with such background check;~~

37 ~~(6) Pays any fees required by the appropriate board or agency for that~~
38 ~~occupation or profession; and~~

~~(7) Complies with other requirements as provided by the board.~~

39 ~~4. Relevant full-time experience in the discharge of official duties in the~~
40 ~~military service or an agency of the federal government shall be credited in the~~
41 ~~counting of years of practice under subdivision (2) of subsection 3 of this section.~~
42 ~~5. A temporary courtesy license or certificate issued under this section~~
43 ~~is valid for one hundred eighty days and may be extended at the discretion of the~~
44 ~~applicable regulatory board or agency for another one hundred eighty days on~~
45 ~~application of the holder of the temporary courtesy license or certificate.~~
46 ~~6. This section shall not apply to the practice of law or the regulation of~~
47 ~~attorneys.~~
48 ~~7. The appropriate board or agency shall promulgate rules to implement~~
49 ~~the provisions of this section. Any rule or portion of a rule, as that term is~~
50 ~~defined in section 536.010, that is created under the authority delegated in this~~
51 ~~section shall become effective only if it complies with and is subject to all of the~~
52 ~~provisions of chapter 536 and, if applicable, section 536.028. This section and~~
53 ~~chapter 536 are nonseverable and if any of the powers vested with the general~~
54 ~~assembly under chapter 536 to review, to delay the effective date, or to~~
55 ~~disapprove and annul a rule are subsequently held unconstitutional, then the grant~~
56 ~~of rulemaking authority and any rule proposed or adopted after August 28, 2011,~~
57 ~~shall be invalid and void.]~~

✓