

SENATE SUBSTITUTE  
FOR  
HOUSE BILL NO. 542  
AN ACT

To repeal sections 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 337.068, and 338.710, RSMo, and to enact in lieu thereof twelve new sections relating to professional registration.

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

Section A. Sections 324.200, 324.206, 327.011, 327.091,  
2 327.101, 327.131, 327.191, 327.241, 327.612, 337.068, and  
3 338.710, RSMo, are repealed and twelve new sections enacted in  
4 lieu thereof, to be known as sections 324.093, 324.200, 324.206,  
5 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612,  
6 337.068, and 338.710, to read as follows:

324.093. OCCUPATIONAL THERAPY LICENSURE COMPACT

SECTION 1. PURPOSE

The purpose of this Compact is to facilitate interstate  
4 practice of Occupational Therapy with the goal of improving  
5 public access to Occupational Therapy services. The  
6 Practice of Occupational Therapy occurs in the State where  
7 the patient/client is located at the time of the  
8 patient/client encounter. The Compact preserves the  
9 regulatory authority of States to protect public health and  
10 safety through the current system of State licensure.

This Compact is designed to achieve the following  
12 objectives:

A. Increase public access to Occupational Therapy  
14 services by providing for the mutual recognition of other  
15 Member State licenses;

B. Enhance the States' ability to protect the public's  
17 health and safety;

- 18           C. Encourage the cooperation of Member States in  
19 regulating multi-State Occupational Therapy Practice;  
20           D. Support spouses of relocating military members;  
21           E. Enhance the exchange of licensure, investigative,  
22 and disciplinary information between Member States;  
23           F. Allow a Remote State to hold a provider of services  
24 with a Compact Privilege in that State accountable to that  
25 State's practice standards; and  
26           G. Facilitate the use of Telehealth technology in  
27 order to increase access to Occupational Therapy services.

28           SECTION 2. DEFINITIONS

29           As used in this Compact, and except as otherwise  
30 provided, the following definitions shall apply:

31           A. "Active Duty Military" means full-time duty status  
32 in the active uniformed service of the United States,  
33 including members of the National Guard and Reserve on  
34 active duty orders pursuant to 10 U.S.C. Chapter 1209 and  
35 Section 1211.

36           B. "Adverse Action" means any administrative, civil,  
37 equitable, or criminal action permitted by a State's laws  
38 which is imposed by a Licensing Board or other authority  
39 against an Occupational Therapist or Occupational Therapy  
40 Assistant, including actions against an individual's license  
41 or Compact Privilege such as censure, revocation,  
42 suspension, probation, monitoring of the Licensee, or  
43 restriction on the Licensee's practice.

44           C. "Alternative Program" means a non-disciplinary  
45 monitoring process approved by an Occupational Therapy  
46 Licensing Board.

47           D. "Compact Privilege" means the authorization, which  
48 is equivalent to a license, granted by a Remote State to  
49 allow a Licensee from another Member State to practice as an  
50 Occupational Therapist or practice as an Occupational

51 Therapy Assistant in the Remote State under its laws and  
52 rules. The Practice of Occupational Therapy occurs in the  
53 Member State where the patient/client is located at the time  
54 of the patient/client encounter.

55 E. "Continuing Competence/Education" means a  
56 requirement, as a condition of license renewal, to provide  
57 evidence of participation in, and/or completion of,  
58 educational and professional activities relevant to practice  
59 or area of work.

60 F. "Current Significant Investigative Information"  
61 means Investigative Information that a Licensing Board,  
62 after an inquiry or investigation that includes notification  
63 and an opportunity for the Occupational Therapist or  
64 Occupational Therapy Assistant to respond, if required by  
65 State law, has reason to believe is not groundless and, if  
66 proved true, would indicate more than a minor infraction.

67 G. "Data System" means a repository of information  
68 about Licensees, including but not limited to license  
69 status, Investigative Information, Compact Privileges, and  
70 Adverse Actions.

71 H. "Encumbered License" means a license in which an  
72 Adverse Action restricts the Practice of Occupational  
73 Therapy by the Licensee or said Adverse Action has been  
74 reported to the National Practitioners Data Bank (NPDB).

75 I. "Executive Committee" means a group of directors  
76 elected or appointed to act on behalf of, and within the  
77 powers granted to them by, the Commission.

78 J. "Home State" means the Member State that is the  
79 Licensee's Primary State of Residence.

80 K. "Impaired Practitioner" means individuals whose  
81 professional practice is adversely affected by substance  
82 abuse, addiction, or other health-related conditions.

83 L. "Investigative Information" means information,  
84 records, and/or documents received or generated by an  
85 Occupational Therapy Licensing Board pursuant to an  
86 investigation.

87 M. "Jurisprudence Requirement" means the assessment of  
88 an individual's knowledge of the laws and rules governing  
89 the Practice of Occupational Therapy in a State.

90 N. "Licensee" means an individual who currently holds  
91 an authorization from the State to practice as an  
92 Occupational Therapist or as an Occupational Therapy  
93 Assistant.

94 O. "Member State" means a State that has enacted the  
95 Compact.

96 P. "Occupational Therapist" means an individual who is  
97 licensed by a State to practice Occupational Therapy.

98 Q. "Occupational Therapy Assistant" means an  
99 individual who is licensed by a State to assist in the  
100 Practice of Occupational Therapy.

101 R. "Occupational Therapy," "Occupational Therapy  
102 Practice," and the "Practice of Occupational Therapy" mean  
103 the care and services provided by an Occupational Therapist  
104 or an Occupational Therapy Assistant as set forth in the  
105 Member State's statutes and regulations.

106 S. "Occupational Therapy Compact Commission" or  
107 "Commission" means the national administrative body whose  
108 membership consists of all States that have enacted the  
109 Compact.

110 T. "Occupational Therapy Licensing Board" or  
111 "Licensing Board" means the agency of a State that is  
112 authorized to license and regulate Occupational Therapists  
113 and Occupational Therapy Assistants.

114 U. "Primary State of Residence" means the state (also  
115 known as the Home State) in which an Occupational Therapist

116 or Occupational Therapy Assistant who is not Active Duty  
117 Military declares a primary residence for legal purposes as  
118 verified by: driver's license, federal income tax return,  
119 lease, deed, mortgage or voter registration or other  
120 verifying documentation as further defined by Commission  
121 Rules.

122 V. "Remote State" means a Member State other than the  
123 Home State, where a Licensee is exercising or seeking to  
124 exercise the Compact Privilege.

125 W. "Rule" means a regulation promulgated by the  
126 Commission that has the force of law.

127 X. "State" means any state, commonwealth, district, or  
128 territory of the United States of America that regulates the  
129 Practice of Occupational Therapy.

130 Y. "Single-State License" means an Occupational  
131 Therapist or Occupational Therapy Assistant license issued  
132 by a Member State that authorizes practice only within the  
133 issuing State and does not include a Compact Privilege in  
134 any other Member State.

135 Z. "Telehealth" means the application of  
136 telecommunication technology to deliver Occupational Therapy  
137 services for assessment, intervention and/or consultation.

138 SECTION 3. STATE PARTICIPATION IN THE COMPACT

139 A. To participate in the Compact, a Member State shall:

140 1. License Occupational Therapists and Occupational  
141 Therapy Assistants;

142 2. Participate fully in the Commission's Data System,  
143 including but not limited to using the Commission's unique  
144 identifier as defined in Rules of the Commission;

145 3. Have a mechanism in place for receiving and  
146 investigating complaints about Licensees;

147 4. Notify the Commission, in compliance with the terms  
148 of the Compact and Rules, of any Adverse Action or the

149 availability of Investigative Information regarding a  
150 Licensee;

151 5. Implement or utilize procedures for considering the  
152 criminal history records of applicants for an initial  
153 Compact Privilege. These procedures shall include the  
154 submission of fingerprints or other biometric-based  
155 information by applicants for the purpose of obtaining an  
156 applicant's criminal history record information from the  
157 Federal Bureau of Investigation and the agency responsible  
158 for retaining that State's criminal records;

159 a. A Member State shall, within a time frame  
160 established by the Commission, require a criminal background  
161 check for a Licensee seeking/applying for a Compact  
162 Privilege whose Primary State of Residence is that Member  
163 State, by receiving the results of the Federal Bureau of  
164 Investigation criminal record search, and shall use the  
165 results in making licensure decisions.

166 b. Communication between a Member State, the  
167 Commission and among Member States regarding the  
168 verification of eligibility for licensure through the  
169 Compact shall not include any information received from the  
170 Federal Bureau of Investigation relating to a federal  
171 criminal records check performed by a Member State under  
172 Public Law 92-544.

173 6. Comply with the Rules of the Commission;

174 7. Utilize only a recognized national examination as a  
175 requirement for licensure pursuant to the Rules of the  
176 Commission; and

177 8. Have Continuing Competence/Education requirements  
178 as a condition for license renewal.

179 B. A Member State shall grant the Compact Privilege to  
180 a Licensee holding a valid unencumbered license in another

181 Member State in accordance with the terms of the Compact and  
182 Rules.

183 C. Member States may charge a fee for granting a  
184 Compact Privilege.

185 D. A Member State shall provide for the State's  
186 delegate to attend all Occupational Therapy Compact  
187 Commission meetings.

188 E. Individuals not residing in a Member State shall  
189 continue to be able to apply for a Member State's Single-  
190 State License as provided under the laws of each Member  
191 State. However, the Single-State License granted to these  
192 individuals shall not be recognized as granting the Compact  
193 Privilege in any other Member State.

194 F. Nothing in this Compact shall affect the  
195 requirements established by a Member State for the issuance  
196 of a Single-State License.

197 SECTION 4. COMPACT PRIVILEGE

198 A. To exercise the Compact Privilege under the terms  
199 and provisions of the Compact, the Licensee shall:

- 200 1. Hold a license in the Home State;
- 201 2. Have a valid United States Social Security Number  
202 or National Practitioner Identification number;
- 203 3. Have no encumbrance on any State license;
- 204 4. Be eligible for a Compact Privilege in any Member  
205 State in accordance with Section 4D, F, G, and H;
- 206 5. Have paid all fines and completed all requirements  
207 resulting from any Adverse Action against any license or  
208 Compact Privilege, and two years have elapsed from the date  
209 of such completion;
- 210 6. Notify the Commission that the Licensee is seeking  
211 the Compact Privilege within a Remote State(s);
- 212 7. Pay any applicable fees, including any State fee,  
213 for the Compact Privilege;

214 8. Complete a criminal background check in accordance  
215 with Section 3A(5);

216 a. The Licensee shall be responsible for the payment  
217 of any fee associated with the completion of a criminal  
218 background check.

219 9. Meet any Jurisprudence Requirements established by  
220 the Remote State(s) in which the Licensee is seeking a  
221 Compact Privilege; and

222 10. Report to the Commission Adverse Action taken by  
223 any non-Member State within 30 days from the date the  
224 Adverse Action is taken.

225 B. The Compact Privilege is valid until the expiration  
226 date of the Home State license. The Licensee must comply  
227 with the requirements of Section 4A to maintain the Compact  
228 Privilege in the Remote State.

229 C. A Licensee providing Occupational Therapy in a  
230 Remote State under the Compact Privilege shall function  
231 within the laws and regulations of the Remote State.

232 D. Occupational Therapy Assistants practicing in a  
233 Remote State shall be supervised by an Occupational  
234 Therapist licensed or holding a Compact Privilege in that  
235 Remote State.

236 E. A Licensee providing Occupational Therapy in a  
237 Remote State is subject to that State's regulatory  
238 authority. A Remote State may, in accordance with due  
239 process and that State's laws, remove a Licensee's Compact  
240 Privilege in the Remote State for a specific period of time,  
241 impose fines, and/or take any other necessary actions to  
242 protect the health and safety of its citizens. The Licensee  
243 may be ineligible for a Compact Privilege in any State until  
244 the specific time for removal has passed and all fines are  
245 paid.



246 F. If a Home State license is encumbered, the Licensee  
247 shall lose the Compact Privilege in any Remote State until  
248 the following occur:

249 1. The Home State license is no longer encumbered; and

250 2. Two years have elapsed from the date on which the  
251 Home State license is no longer encumbered in accordance  
252 with Section 4(F)(1).

253 G. Once an Encumbered License in the Home State is  
254 restored to good standing, the Licensee must meet the  
255 requirements of Section 4A to obtain a Compact Privilege in  
256 any Remote State.

257 H. If a Licensee's Compact Privilege in any Remote  
258 State is removed, the individual may lose the Compact  
259 Privilege in any other Remote State until the following  
260 occur:

261 1. The specific period of time for which the Compact  
262 Privilege was removed has ended;

263 2. All fines have been paid and all conditions have  
264 been met;

265 3. Two years have elapsed from the date of completing  
266 requirements for 4(H)(1) and (2); and

267 4. The Compact Privileges are reinstated by the  
268 Commission, and the compact Data System is updated to  
269 reflect reinstatement.

270 I. If a Licensee's Compact Privilege in any Remote  
271 State is removed due to an erroneous charge, privileges  
272 shall be restored through the compact Data System.

273 J. Once the requirements of Section 4H have been met,  
274 the license must meet the requirements in Section 4A to  
275 obtain a Compact Privilege in a Remote State.

276 SECTION 5. OBTAINING A NEW HOME STATE LICENSE BY  
277 VIRTUE OF COMPACT PRIVILEGE

278 A. An Occupational Therapist or Occupational Therapy  
279 Assistant may hold a Home State license, which allows for  
280 Compact Privileges in Member States, in only one Member  
281 State at a time.

282 B. If an Occupational Therapist or Occupational  
283 Therapy Assistant changes Primary State of Residence by  
284 moving between two Member States:

285 1. The Occupational Therapist or Occupational Therapy  
286 Assistant shall file an application for obtaining a new Home  
287 State license by virtue of a Compact Privilege, pay all  
288 applicable fees, and notify the current and new Home State  
289 in accordance with applicable Rules adopted by the  
290 Commission.

291 2. Upon receipt of an application for obtaining a new  
292 Home State license by virtue of compact privilege, the new  
293 Home State shall verify that the Occupational Therapist or  
294 Occupational Therapy Assistant meets the pertinent criteria  
295 outlined in Section 4 via the Data System, without need for  
296 primary source verification except for:

297 a. an FBI fingerprint based criminal background check  
298 if not previously performed or updated pursuant to  
299 applicable Rules adopted by the Commission in accordance  
300 with Public Law 92-544;

301 b. other criminal background check as required by the  
302 new Home State; and

303 c. submission of any requisite Jurisprudence  
304 Requirements of the new Home State.

305 3. The former Home State shall convert the former Home  
306 State license into a Compact Privilege once the new Home  
307 State has activated the new Home State license in accordance  
308 with applicable Rules adopted by the Commission.

309 4. Notwithstanding any other provision of this  
310 Compact, if the Occupational Therapist or Occupational

311 Therapy Assistant cannot meet the criteria in Section 4, the  
312 new Home State shall apply its requirements for issuing a  
313 new Single-State License.

314 5. The Occupational Therapist or the Occupational  
315 Therapy Assistant shall pay all applicable fees to the new  
316 Home State in order to be issued a new Home State license.

317 C. If an Occupational Therapist or Occupational  
318 Therapy Assistant changes Primary State of Residence by  
319 moving from a Member State to a non-Member State, or from a  
320 non-Member State to a Member State, the State criteria shall  
321 apply for issuance of a Single-State License in the new  
322 State.

323 D. Nothing in this compact shall interfere with a  
324 Licensee's ability to hold a Single-State License in  
325 multiple States; however, for the purposes of this compact,  
326 a Licensee shall have only one Home State license.

327 E. Nothing in this Compact shall affect the  
328 requirements established by a Member State for the issuance  
329 of a Single-State License.

330 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR  
331 SPOUSES

332 A. Active Duty Military personnel, or their spouses,  
333 shall designate a Home State where the individual has a  
334 current license in good standing. The individual may retain  
335 the Home State designation during the period the service  
336 member is on active duty. Subsequent to designating a Home  
337 State, the individual shall only change their Home State  
338 through application for licensure in the new State or  
339 through the process described in Section 5.

340 SECTION 7. ADVERSE ACTIONS

341 A. A Home State shall have exclusive power to impose  
342 Adverse Action against an Occupational Therapist's or

343 Occupational Therapy Assistant's license issued by the Home  
344 State.

345 B. In addition to the other powers conferred by State  
346 law, a Remote State shall have the authority, in accordance  
347 with existing State due process law, to:

348 1. Take Adverse Action against an Occupational  
349 Therapist's or Occupational Therapy Assistant's Compact  
350 Privilege within that Member State.

351 2. Issue subpoenas for both hearings and  
352 investigations that require the attendance and testimony of  
353 witnesses as well as the production of evidence. Subpoenas  
354 issued by a Licensing Board in a Member State for the  
355 attendance and testimony of witnesses or the production of  
356 evidence from another Member State shall be enforced in the  
357 latter State by any court of competent jurisdiction,  
358 according to the practice and procedure of that court  
359 applicable to subpoenas issued in proceedings pending before  
360 it. The issuing authority shall pay any witness fees,  
361 travel expenses, mileage and other fees required by the  
362 service statutes of the State in which the witnesses or  
363 evidence are located.

364 C. For purposes of taking Adverse Action, the Home  
365 State shall give the same priority and effect to reported  
366 conduct received from a Member State as it would if the  
367 conduct had occurred within the Home State. In so doing,  
368 the Home State shall apply its own State laws to determine  
369 appropriate action.

370 D. The Home State shall complete any pending  
371 investigations of an Occupational Therapist or Occupational  
372 Therapy Assistant who changes Primary State of Residence  
373 during the course of the investigations. The Home State,  
374 where the investigations were initiated, shall also have the  
375 authority to take appropriate action(s) and shall promptly

376 report the conclusions of the investigations to the OT  
377 Compact Commission Data System. The Occupational Therapy  
378 Compact Commission Data System administrator shall promptly  
379 notify the new Home State of any Adverse Actions.

380 E. A Member State, if otherwise permitted by State  
381 law, may recover from the affected Occupational Therapist or  
382 Occupational Therapy Assistant the costs of investigations  
383 and disposition of cases resulting from any Adverse Action  
384 taken against that Occupational Therapist or Occupational  
385 Therapy Assistant.

386 F. A Member State may take Adverse Action based on the  
387 factual findings of the Remote State, provided that the  
388 Member State follows its own procedures for taking the  
389 Adverse Action.

390 G. Joint Investigations

391 1. In addition to the authority granted to a Member  
392 State by its respective State Occupational Therapy laws and  
393 regulations or other applicable State law, any Member State  
394 may participate with other Member States in joint  
395 investigations of Licensees.

396 2. Member States shall share any investigative,  
397 litigation, or compliance materials in furtherance of any  
398 joint or individual investigation initiated under the  
399 Compact.

400 H. If an Adverse Action is taken by the Home State  
401 against an Occupational Therapist's or Occupational Therapy  
402 Assistant's license, the Occupational Therapist's or  
403 Occupational Therapy Assistant's Compact Privilege in all  
404 other Member States shall be deactivated until all  
405 encumbrances have been removed from the State license. All  
406 Home State disciplinary orders that impose Adverse Action  
407 against an Occupational Therapist's or Occupational Therapy  
408 Assistant's license shall include a Statement that the

409 Occupational Therapist's or Occupational Therapy Assistant's  
410 Compact Privilege is deactivated in all Member States during  
411 the pendency of the order.

412 I. If a Member State takes Adverse Action, it shall  
413 promptly notify the administrator of the Data System. The  
414 administrator of the Data System shall promptly notify the  
415 Home State of any Adverse Actions by Remote States.

416 J. Nothing in this Compact shall override a Member  
417 State's decision that participation in an Alternative  
418 Program may be used in lieu of Adverse Action.

419 SECTION 8. ESTABLISHMENT OF THE OCCUPATIONAL THERAPY  
420 COMPACT COMMISSION

421 A. The Compact Member States hereby create and  
422 establish a joint public agency known as the Occupational  
423 Therapy Compact Commission:

424 1. The Commission is an instrumentality of the Compact  
425 States.

426 2. Venue is proper and judicial proceedings by or  
427 against the Commission shall be brought solely and  
428 exclusively in a court of competent jurisdiction where the  
429 principal office of the Commission is located. The  
430 Commission may waive venue and jurisdictional defenses to  
431 the extent it adopts or consents to participate in  
432 alternative dispute resolution proceedings.

433 3. Nothing in this Compact shall be construed to be a  
434 waiver of sovereign immunity.

435 B. Membership, Voting, and Meetings

436 1. Each Member State shall have and be limited to one  
437 (1) delegate selected by that Member State's Licensing Board.

438 2. The delegate shall be either:

439 a. A current member of the Licensing Board, who is an  
440 Occupational Therapist, Occupational Therapy Assistant, or  
441 public member; or

442 b. An administrator of the Licensing Board.  
443 3. Any delegate may be removed or suspended from  
444 office as provided by the law of the State from which the  
445 delegate is appointed.  
446 4. The Member State board shall fill any vacancy  
447 occurring in the Commission within 90 days.  
448 5. Each delegate shall be entitled to one (1) vote  
449 with regard to the promulgation of Rules and creation of  
450 bylaws and shall otherwise have an opportunity to  
451 participate in the business and affairs of the Commission.  
452 A delegate shall vote in person or by such other means as  
453 provided in the bylaws. The bylaws may provide for  
454 delegates' participation in meetings by telephone or other  
455 means of communication.  
456 6. The Commission shall meet at least once during each  
457 calendar year. Additional meetings shall be held as set  
458 forth in the bylaws.  
459 7. The Commission shall establish by Rule a term of  
460 office for delegates.  
461 C. The Commission shall have the following powers and  
462 duties:  
463 1. Establish a Code of Ethics for the Commission;  
464 2. Establish the fiscal year of the Commission;  
465 3. Establish bylaws;  
466 4. Maintain its financial records in accordance with  
467 the bylaws;  
468 5. Meet and take such actions as are consistent with  
469 the provisions of this Compact and the bylaws;  
470 6. Promulgate uniform Rules to facilitate and  
471 coordinate implementation and administration of this  
472 Compact. The Rules shall have the force and effect of law  
473 and shall be binding in all Member States;

- 474 7. Bring and prosecute legal proceedings or actions in  
475 the name of the Commission, provided that the standing of  
476 any State Occupational Therapy Licensing Board to sue or be  
477 sued under applicable law shall not be affected;
- 478 8. Purchase and maintain insurance and bonds;
- 479 9. Borrow, accept, or contract for services of  
480 personnel, including, but not limited to, employees of a  
481 Member State;
- 482 10. Hire employees, elect or appoint officers, fix  
483 compensation, define duties, grant such individuals  
484 appropriate authority to carry out the purposes of the  
485 Compact, and establish the Commission's personnel policies  
486 and programs relating to conflicts of interest,  
487 qualifications of personnel, and other related personnel  
488 matters;
- 489 11. Accept any and all appropriate donations and  
490 grants of money, equipment, supplies, materials and  
491 services, and receive, utilize and dispose of the same;  
492 provided that at all times the Commission shall avoid any  
493 appearance of impropriety and/or conflict of interest;
- 494 12. Lease, purchase, accept appropriate gifts or  
495 donations of, or otherwise own, hold, improve or use, any  
496 property, real, personal or mixed; provided that at all  
497 times the Commission shall avoid any appearance of  
498 impropriety;
- 499 13. Sell, convey, mortgage, pledge, lease, exchange,  
500 abandon, or otherwise dispose of any property real,  
501 personal, or mixed;
- 502 14. Establish a budget and make expenditures;
- 503 15. Borrow money;
- 504 16. Appoint committees, including standing committees  
505 composed of members, State regulators, State legislators or  
506 their representatives, and consumer representatives, and



507 such other interested persons as may be designated in this  
508 Compact and the bylaws;

509 17. Provide and receive information from, and  
510 cooperate with, law enforcement agencies;

511 18. Establish and elect an Executive Committee; and

512 19. Perform such other functions as may be necessary  
513 or appropriate to achieve the purposes of this Compact  
514 consistent with the State regulation of Occupational Therapy  
515 licensure and practice.

516 D. The Executive Committee

517 The Executive Committee shall have the power to act on  
518 behalf of the Commission according to the terms of this  
519 Compact.

520 1. The Executive Committee shall be composed of nine  
521 members:

522 a. Seven voting members who are elected by the  
523 Commission from the current membership of the Commission;

524 b. One ex-officio, nonvoting member from a recognized  
525 national Occupational Therapy professional association; and

526 c. One ex-officio, nonvoting member from a recognized  
527 national Occupational Therapy certification organization.

528 2. The ex-officio members will be selected by their  
529 respective organizations.

530 3. The Commission may remove any member of the  
531 Executive Committee as provided in bylaws.

532 4. The Executive Committee shall meet at least  
533 annually.

534 5. The Executive Committee shall have the following  
535 Duties and responsibilities:

536 a. Recommend to the entire Commission changes to the  
537 Rules or bylaws, changes to this Compact legislation, fees  
538 paid by Compact Member States such as annual dues, and any

539 Commission Compact fee charged to Licensees for the Compact  
540 Privilege;

541 b. Ensure Compact administration services are  
542 appropriately provided, contractual or otherwise;

543 c. Prepare and recommend the budget;

544 d. Maintain financial records on behalf of the  
545 Commission;

546 e. Monitor Compact compliance of Member States and  
547 provide compliance reports to the Commission;

548 f. Establish additional committees as necessary; and

549 g. Perform other duties as provided in Rules or bylaws.

550 E. Meetings of the Commission

551 1. All meetings shall be open to the public, and  
552 public notice of meetings shall be given in the same manner  
553 as required under the Rulemaking provisions in Section 10.

554 2. The Commission or the Executive Committee or other  
555 committees of the Commission may convene in a closed, non-  
556 public meeting if the Commission or Executive Committee or  
557 other committees of the Commission must discuss:

558 a. Non-compliance of a Member State with its  
559 obligations under the Compact;

560 b. The employment, compensation, discipline or other  
561 matters, practices or procedures related to specific  
562 employees or other matters related to the Commission's  
563 internal personnel practices and procedures;

564 c. Current, threatened, or reasonably anticipated  
565 litigation;

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

568 e. Accusing any person of a crime or formally  
569 censuring any person;

570 f. Disclosure of trade secrets or commercial or  
571 financial information that is privileged or confidential;

572 g. Disclosure of information of a personal nature  
573 where disclosure would constitute a clearly unwarranted  
574 invasion of personal privacy;

575 h. Disclosure of investigative records compiled for  
576 law enforcement purposes;

577 i. Disclosure of information related to any  
578 investigative reports prepared by or on behalf of or for use  
579 of the Commission or other committee charged with  
580 responsibility of investigation or determination of  
581 compliance issues pursuant to the Compact; or

582 j. Matters specifically exempted from disclosure by  
583 federal or Member State statute.

584 3. If a meeting, or portion of a meeting, is closed  
585 pursuant to this provision, the Commission's legal counsel  
586 or designee shall certify that the meeting may be closed and  
587 shall reference each relevant exempting provision.

588 4. The Commission shall keep minutes that fully and  
589 clearly describe all matters discussed in a meeting and  
590 shall provide a full and accurate summary of actions taken,  
591 and the reasons therefore, including a description of the  
592 views expressed. All documents considered in connection  
593 with an action shall be identified in such minutes. All  
594 minutes and documents of a closed meeting shall remain under  
595 seal, subject to release by a majority vote of the  
596 Commission or order of a court of competent jurisdiction.

597 F. Financing of the Commission

598 1. The Commission shall pay, or provide for the  
599 payment of, the reasonable expenses of its establishment,  
600 organization, and ongoing activities.

601 2. The Commission may accept any and all appropriate  
602 revenue sources, donations, and grants of money, equipment,  
603 supplies, materials, and services.

604           3. The Commission may levy on and collect an annual  
605 assessment from each Member State or impose fees on other  
606 parties to cover the cost of the operations and activities  
607 of the Commission and its staff, which must be in a total  
608 amount sufficient to cover its annual budget as approved by  
609 the Commission each year for which revenue is not provided  
610 by other sources. The aggregate annual assessment amount  
611 shall be allocated based upon a formula to be determined by  
612 the Commission, which shall promulgate a Rule binding upon  
613 all Member States.

614           4. The Commission shall not incur obligations of any  
615 kind prior to securing the funds adequate to meet the same;  
616 nor shall the Commission pledge the credit of any of the  
617 Member States, except by and with the authority of the  
618 Member State.

619           5. The Commission shall keep accurate accounts of all  
620 receipts and disbursements. The receipts and disbursements  
621 of the Commission shall be subject to the audit and  
622 accounting procedures established under its bylaws.  
623 However, all receipts and disbursements of funds handled by  
624 the Commission shall be audited yearly by a certified or  
625 licensed public accountant, and the report of the audit  
626 shall be included in and become part of the annual report of  
627 the Commission.

628           G. Qualified Immunity, Defense, and Indemnification

629           1. The members, officers, executive director,  
630 employees and representatives of the Commission shall be  
631 immune from suit and liability, either personally or in  
632 their official capacity, for any claim for damage to or loss  
633 of property or personal injury or other civil liability  
634 caused by or arising out of any actual or alleged act, error  
635 or omission that occurred, or that the person against whom  
636 the claim is made had a reasonable basis for believing

637 occurred within the scope of Commission employment, duties  
638 or responsibilities; provided that nothing in this paragraph  
639 shall be construed to protect any such person from suit  
640 and/or liability for any damage, loss, injury, or liability  
641 caused by the intentional or willful or wanton misconduct of  
642 that person.

643 2. The Commission shall defend any member, officer,  
644 executive director, employee, or representative of the  
645 Commission in any civil action seeking to impose liability  
646 arising out of any actual or alleged act, error, or omission  
647 that occurred within the scope of Commission employment,  
648 duties, or responsibilities, or that the person against whom  
649 the claim is made had a reasonable basis for believing  
650 occurred within the scope of Commission employment, duties,  
651 or responsibilities; provided that nothing herein shall be  
652 construed to prohibit that person from retaining his or her  
653 own counsel; and provided further, that the actual or  
654 alleged act, error, or omission did not result from that  
655 person's intentional or willful or wanton misconduct.

656 3. The Commission shall indemnify and hold harmless  
657 any member, officer, executive director, employee, or  
658 representative of the Commission for the amount of any  
659 settlement or judgment obtained against that person arising  
660 out of any actual or alleged act, error or omission that  
661 occurred within the scope of Commission employment, duties,  
662 or responsibilities, or that such person had a reasonable  
663 basis for believing occurred within the scope of Commission  
664 employment, duties, or responsibilities, provided that the  
665 actual or alleged act, error, or omission did not result  
666 from the intentional or willful or wanton misconduct of that  
667 person.

668 SECTION 9. DATA SYSTEM

669 A. The Commission shall provide for the development,  
670 maintenance, and utilization of a coordinated database and  
671 reporting system containing licensure, Adverse Action, and  
672 Investigative Information on all licensed individuals in  
673 Member States.

674 B. A Member State shall submit a uniform data set to  
675 the Data System on all individuals to whom this Compact is  
676 applicable (utilizing a unique identifier) as required by  
677 the Rules of the Commission, including:

678 1. Identifying information;

679 2. Licensure data;

680 3. Adverse Actions against a license or Compact  
681 Privilege;

682 4. Non-confidential information related to Alternative  
683 Program participation;

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

686 6. Other information that may facilitate the  
687 administration of this Compact, as determined by the Rules  
688 of the Commission; and

689 7. Current Significant Investigative Information.

690 C. Current Significant Investigative Information and  
691 other Investigative Information pertaining to a Licensee in  
692 any Member State will only be available to other Member  
693 States.

694 D. The Commission shall promptly notify all Member  
695 States of any Adverse Action taken against a Licensee or an  
696 individual applying for a license. Adverse Action  
697 information pertaining to a Licensee in any Member State  
698 will be available to any other Member State.

699 E. Member States contributing information to the Data  
700 System may designate information that may not be shared with

701 the public without the express permission of the  
702 contributing State.

703 F. Any information submitted to the Data System that  
704 is subsequently required to be expunged by the laws of the  
705 Member State contributing the information shall be removed  
706 from the Data System.

707 SECTION 10. RULEMAKING

708 A. The Commission shall exercise its Rulemaking powers  
709 pursuant to the criteria set forth in this Section and the  
710 Rules adopted thereunder. Rules and amendments shall become  
711 binding as of the date specified in each Rule or amendment.

712 B. The Commission shall promulgate reasonable rules in  
713 order to effectively and efficiently achieve the purposes of  
714 the Compact. Notwithstanding the foregoing, in the event  
715 the Commission exercises its rulemaking authority in a  
716 manner that is beyond the scope of the purposes of the  
717 Compact, or the powers granted hereunder, then such an  
718 action by the Commission shall be invalid and have no force  
719 and effect.

720 C. If a majority of the legislatures of the Member  
721 States rejects a Rule, by enactment of a statute or  
722 resolution in the same manner used to adopt the Compact  
723 within 4 years of the date of adoption of the Rule, then  
724 such Rule shall have no further force and effect in any  
725 Member State.

726 D. Rules or amendments to the Rules shall be adopted  
727 at a regular or special meeting of the Commission.

728 E. Prior to promulgation and adoption of a final Rule  
729 or Rules by the Commission, and at least thirty (30) days in  
730 advance of the meeting at which the Rule will be considered  
731 and voted upon, the Commission shall file a Notice of  
732 Proposed Rulemaking:

733 1. On the website of the Commission or other publicly  
734 accessible platform; and

735 2. On the website of each Member State Occupational  
736 Therapy Licensing Board or other publicly accessible  
737 platform or the publication in which each State would  
738 otherwise publish proposed Rules.

739 F. The Notice of Proposed Rulemaking shall include:

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

742 2. The text of the proposed Rule or amendment and the  
743 reason for the proposed Rule;

744 3. A request for comments on the proposed Rule from  
745 any interested person; and

746 4. The manner in which interested persons may submit  
747 notice to the Commission of their intention to attend the  
748 public hearing and any written comments.

749 G. Prior to adoption of a proposed Rule, the  
750 Commission shall allow persons to submit written data,  
751 facts, opinions, and arguments, which shall be made  
752 available to the public.

753 H. The Commission shall grant an opportunity for a  
754 public hearing before it adopts a Rule or amendment if a  
755 hearing is requested by:

756 1. At least twenty five (25) persons;

757 2. A State or federal governmental subdivision or  
758 agency; or

759 3. An association or organization having at least  
760 twenty five (25) members.

761 I. If a hearing is held on the proposed Rule or  
762 amendment, the Commission shall publish the place, time, and  
763 date of the scheduled public hearing. If the hearing is  
764 held via electronic means, the Commission shall publish the  
765 mechanism for access to the electronic hearing.



766 1. All persons wishing to be heard at the hearing  
767 shall notify the executive director of the Commission or  
768 other designated member in writing of their desire to appear  
769 and testify at the hearing not less than five (5) business  
770 days before the scheduled date of the hearing.

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

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

776 4. Nothing in this section shall be construed as  
777 requiring a separate hearing on each Rule. Rules may be  
778 grouped for the convenience of the Commission at hearings  
779 required by this section.

780 J. Following the scheduled hearing date, or by the  
781 close of business on the scheduled hearing date if the  
782 hearing was not held, the Commission shall consider all  
783 written and oral comments received.

784 K. If no written notice of intent to attend the public  
785 hearing by interested parties is received, the Commission  
786 may proceed with promulgation of the proposed Rule without a  
787 public hearing.

788 L. The Commission shall, by majority vote of all  
789 members, take final action on the proposed Rule and shall  
790 determine the effective date of the Rule, if any, based on  
791 the Rulemaking record and the full text of the Rule.

792 M. Upon determination that an emergency exists, the  
793 Commission may consider and adopt an emergency Rule without  
794 prior notice, opportunity for comment, or hearing, provided  
795 that the usual Rulemaking procedures provided in the Compact  
796 and in this section shall be retroactively applied to the  
797 Rule as soon as reasonably possible, in no event later than  
798 ninety (90) days after the effective date of the Rule. For

799 the purposes of this provision, an emergency Rule is one  
800 that must be adopted immediately in order to:

801 1. Meet an imminent threat to public health, safety,  
802 or welfare;

803 2. Prevent a loss of Commission or Member State funds;

804 3. Meet a deadline for the promulgation of an  
805 administrative Rule that is established by federal law or  
806 Rule; or

807 4. Protect public health and safety.

808 N. The Commission or an authorized committee of the  
809 Commission may direct revisions to a previously adopted Rule  
810 or amendment for purposes of correcting typographical  
811 errors, errors in format, errors in consistency, or  
812 grammatical errors. Public notice of any revisions shall be  
813 posted on the website of the Commission. The revision shall  
814 be subject to challenge by any person for a period of thirty  
815 (30) days after posting. The revision may be challenged  
816 only on grounds that the revision results in a material  
817 change to a Rule. A challenge shall be made in writing and  
818 delivered to the chair of the Commission prior to the end of  
819 the notice period. If no challenge is made, the revision  
820 will take effect without further action. If the revision is  
821 challenged, the revision may not take effect without the  
822 approval of the Commission.

823 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND  
824 ENFORCEMENT

825 A. Oversight

826 1. The executive, legislative, and judicial branches  
827 of State government in each Member State shall enforce this  
828 Compact and take all actions necessary and appropriate to  
829 effectuate the Compact's purposes and intent. The  
830 provisions of this Compact and the Rules promulgated  
831 hereunder shall have standing as statutory law.

832           2. All courts shall take judicial notice of the  
833 Compact and the Rules in any judicial or administrative  
834 proceeding in a Member State pertaining to the subject  
835 matter of this Compact which may affect the powers,  
836 responsibilities, or actions of the Commission.

837           3. The Commission shall be entitled to receive service  
838 of process in any such proceeding, and shall have standing  
839 to intervene in such a proceeding for all purposes. Failure  
840 to provide service of process to the Commission shall render  
841 a judgment or order void as to the Commission, this Compact,  
842 or promulgated Rules.

843           B. Default, Technical Assistance, and Termination

844           1. If the Commission determines that a Member State  
845 has defaulted in the performance of its obligations or  
846 responsibilities under this Compact or the promulgated  
847 Rules, the Commission shall:

848           a. Provide written notice to the defaulting State and  
849 other Member States of the nature of the default, the  
850 proposed means of curing the default and/or any other action  
851 to be taken by the Commission; and

852           b. Provide remedial training and specific technical  
853 assistance regarding the default.

854           2. If a State in default fails to cure the default,  
855 the defaulting State may be terminated from the Compact upon  
856 an affirmative vote of a majority of the Member States, and  
857 all rights, privileges and benefits conferred by this  
858 Compact may be terminated on the effective date of  
859 termination. A cure of the default does not relieve the  
860 offending State of obligations or liabilities incurred  
861 during the period of default.

862           3. Termination of membership in the Compact shall be  
863 imposed only after all other means of securing compliance  
864 have been exhausted. Notice of intent to suspend or

865 terminate shall be given by the Commission to the governor,  
866 the majority and minority leaders of the defaulting State's  
867 legislature, and each of the Member States.

868 4. A State that has been terminated is responsible for  
869 all assessments, obligations, and liabilities incurred  
870 through the effective date of termination, including  
871 obligations that extend beyond the effective date of  
872 termination.

873 5. The Commission shall not bear any costs related to  
874 a State that is found to be in default or that has been  
875 terminated from the Compact, unless agreed upon in writing  
876 between the Commission and the defaulting State.

877 6. The defaulting State may appeal the action of the  
878 Commission by petitioning the U.S. District Court for the  
879 District of Columbia or the federal district where the  
880 Commission has its principal offices. The prevailing member  
881 shall be awarded all costs of such litigation, including  
882 reasonable attorney's fees.

883 C. Dispute Resolution

884 1. Upon request by a Member State, the Commission  
885 shall attempt to resolve disputes related to the Compact  
886 that arise among Member States and between member and non-  
887 Member States.

888 2. The Commission shall promulgate a Rule providing  
889 for both mediation and binding dispute resolution for  
890 disputes as appropriate.

891 D. Enforcement

892 1. The Commission, in the reasonable exercise of its  
893 discretion, shall enforce the provisions and Rules of this  
894 Compact.

895 2. By majority vote, the Commission may initiate legal  
896 action in the United States District Court for the District  
897 of Columbia or the federal district where the Commission has

898 its principal offices against a Member State in default to  
899 enforce compliance with the provisions of the Compact and  
900 its promulgated Rules and bylaws. The relief sought may  
901 include both injunctive relief and damages. In the event  
902 judicial enforcement is necessary, the prevailing member  
903 shall be awarded all costs of such litigation, including  
904 reasonable attorney's fees.

905 3. The remedies herein shall not be the exclusive  
906 remedies of the Commission. The Commission may pursue any  
907 other remedies available under federal or State law.

908 SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE  
909 COMMISSION FOR OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED  
910 RULES, WITHDRAWAL, AND AMENDMENT

911 A. The Compact shall come into effect on the date on  
912 which the Compact statute is enacted into law in the tenth  
913 Member State. The provisions, which become effective at  
914 that time, shall be limited to the powers granted to the  
915 Commission relating to assembly and the promulgation of  
916 Rules. Thereafter, the Commission shall meet and exercise  
917 Rulemaking powers necessary to the implementation and  
918 administration of the Compact.

919 B. Any State that joins the Compact subsequent to the  
920 Commission's initial adoption of the Rules shall be subject  
921 to the Rules as they exist on the date on which the Compact  
922 becomes law in that State. Any Rule that has been  
923 previously adopted by the Commission shall have the full  
924 force and effect of law on the day the Compact becomes law  
925 in that State.

926 C. Any Member State may withdraw from this Compact by  
927 enacting a statute repealing the same.

928 1. A Member State's withdrawal shall not take effect  
929 until six (6) months after enactment of the repealing  
930 statute.

931 2. Withdrawal shall not affect the continuing  
932 requirement of the withdrawing State's Occupational Therapy  
933 Licensing Board to comply with the investigative and Adverse  
934 Action reporting requirements of this act prior to the  
935 effective date of withdrawal.

936 D. Nothing contained in this Compact shall be  
937 construed to invalidate or prevent any Occupational Therapy  
938 licensure agreement or other cooperative arrangement between  
939 a Member State and a non-Member State that does not conflict  
940 with the provisions of this Compact.

941 E. This Compact may be amended by the Member States.  
942 No amendment to this Compact shall become effective and  
943 binding upon any Member State until it is enacted into the  
944 laws of all Member States.

945 SECTION 13. CONSTRUCTION AND SEVERABILITY

946 This Compact shall be liberally construed so as to  
947 effectuate the purposes thereof. The provisions of this  
948 Compact shall be severable and if any phrase, clause,  
949 sentence or provision of this Compact is declared to be  
950 contrary to the constitution of any Member State or of the  
951 United States or the applicability thereof to any  
952 government, agency, person, or circumstance is held invalid,  
953 the validity of the remainder of this Compact and the  
954 applicability thereof to any government, agency, person, or  
955 circumstance shall not be affected thereby. If this Compact  
956 shall be held contrary to the constitution of any Member  
957 State, the Compact shall remain in full force and effect as  
958 to the remaining Member States and in full force and effect  
959 as to the Member State affected as to all severable matters.

960 SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

961 A. A Licensee providing Occupational Therapy in a  
962 Remote State under the Compact Privilege shall function  
963 within the laws and regulations of the Remote State.

964 B. Nothing herein prevents the enforcement of any  
965 other law of a Member State that is not inconsistent with  
966 the Compact.

967 C. Any laws in a Member State in conflict with the  
968 Compact are superseded to the extent of the conflict.

969 D. Any lawful actions of the Commission, including all  
970 Rules and bylaws promulgated by the Commission, are binding  
971 upon the Member States.

972 E. All agreements between the Commission and the  
973 Member States are binding in accordance with their terms.

974 F. In the event any provision of the Compact exceeds  
975 the constitutional limits imposed on the legislature of any  
976 Member State, the provision shall be ineffective to the  
977 extent of the conflict with the constitutional provision in  
978 question in that Member State.

324.200. 1. Sections 324.200 to 324.225 shall be  
2 known and may be cited as the "Dietitian Practice Act".

3 2. As used in sections 324.200 to 324.225, the  
4 following terms shall mean:

5 (1) "Accreditation Council for Education in Nutrition  
6 and Dietetics" or "ACEND", the Academy of Nutrition and  
7 Dietetics accrediting agency for education programs  
8 preparing students for professions as registered dietitians;

9 (2) "Committee", the state committee of dietitians  
10 established in section 324.203;

11 (3) "Dietetics practice", the application of  
12 principles derived from integrating knowledge of food,  
13 nutrition, biochemistry, physiology, management, and  
14 behavioral and social science to achieve and maintain the  
15 health of people by providing nutrition assessment and  
16 nutrition care services. The primary function of dietetic  
17 practice is the provision of nutrition care services that  
18 shall include, but not be limited to:

19 (a) Assessing the nutrition needs of individuals and  
20 groups and determining resources and constraints in the  
21 practice setting;

22 (b) Establishing priorities, goals, and objectives  
23 that meet nutrition needs and are consistent with available  
24 resources and constraints;

25 (c) Providing nutrition counseling or education in  
26 health and disease;

27 (d) Developing, implementing, and managing nutrition  
28 care systems;

29 (e) Evaluating, making changes in, and maintaining  
30 appropriate standards of quality and safety in food and in  
31 nutrition services;

32 (f) Engaged in medical nutritional therapy as defined  
33 in subdivision (8) of this section;

34 (4) "Dietitian", one engaged in dietetic practice as  
35 defined in subdivision (3) of this section;

36 (5) "Director", the director of the division of  
37 professional registration;

38 (6) "Division", the division of professional  
39 registration;

40 (7) "Licensed dietitian", a person who is licensed  
41 pursuant to the provisions of sections 324.200 to 324.225 to  
42 engage in the practice of dietetics or medical nutrition  
43 therapy;

44 (8) "Medical nutrition therapy", [nutritional  
45 diagnostic, therapy, and counseling services which are  
46 furnished by a registered dietitian or registered dietitian  
47 nutritionist] the provision of nutrition care services for  
48 the treatment or management of a disease or medical  
49 condition;

50 (9) "Registered dietitian" or "registered dietitian  
51 nutritionist", a person who:



52 (a) Has completed a minimum of a baccalaureate degree  
53 granted by a United States regionally accredited college or  
54 university or foreign equivalent;

55 (b) Completed the academic requirements of a didactic  
56 program in dietetics, as approved by ACEND;

57 (c) Successfully completed the registration  
58 examination for dietitians; and

59 (d) Accrued seventy-five hours of approved continuing  
60 professional units every five years; as determined by the  
61 Committee on Dietetic Registration.

324.206. 1. As long as the person involved does not  
2 represent or hold himself or herself out as a dietitian as  
3 defined by subdivision (4) of subsection 2 of section  
4 324.200, nothing in sections 324.200 to 324.225 is intended  
5 to limit, preclude, or otherwise interfere with:

6 (1) Self-care by a person or gratuitous care by a  
7 friend or family member;

8 (2) Persons in the military services or working in  
9 federal facilities from performing any activities described  
10 in sections 324.200 to 324.225 during the course of their  
11 assigned duties in the military service or a federal  
12 facility;

13 (3) A licensed health care provider performing any  
14 activities described in sections 324.200 to 324.225 that are  
15 within the scope of practice of the licensee;

16 (4) A person pursuing an approved educational program  
17 leading to a degree or certificate in dietetics at an  
18 accredited or approved educational program as long as such  
19 person does not provide dietetic services outside the  
20 educational program. Such person shall be designated by a  
21 title that clearly indicates the person's status as a  
22 student;

23 (5) Individuals who do not hold themselves out as  
24 dietitians marketing or distributing food products including  
25 dietary supplements as defined by the Food and Drug  
26 Administration or engaging in the explanation and education  
27 of customers regarding the use of such products;

28 (6) Any person furnishing general nutrition  
29 information as to the use of food, food materials, or  
30 dietary supplements, nor prevent in any way the free  
31 dissemination of literature;

32 (7) A person credentialed in the field of nutrition  
33 from providing advice, counseling, or evaluations in matters  
34 of food, diet, or nutrition to the extent such acts are  
35 within the scope of practice listed by the credentialing  
36 body and do not constitute medical nutrition therapy;

37 provided, however, no such individual may call himself or  
38 herself a dietitian unless he or she is licensed under this  
39 chapter.

40 2. A credentialed person not representing or holding  
41 himself or herself out as a dietitian, who performs any of  
42 the acts or services listed in subsection 1 of this section,  
43 shall provide, prior to performing such act or service for  
44 another, the following:

45 (1) The person's name and title;

46 (2) The person's business address and telephone number;

47 (3) A statement that the person is not a dietitian  
48 licensed by the state of Missouri;

49 (4) A statement that the information provided or  
50 advice given may be considered alternative care by licensed  
51 practitioners in the state of Missouri; and

52 (5) The person's qualifications for providing such  
53 information or advice, including educational background,  
54 training, and experience.

327.011. As used in this chapter, the following words  
2 and terms shall have the meanings indicated:

3 (1) "Accredited degree program from a school of  
4 architecture", a degree from any school or other institution  
5 which teaches architecture and whose curricula for the  
6 degree in question have been, at the time in question,  
7 certified as accredited by the National Architectural  
8 Accrediting Board;

9 (2) "Accredited school of engineering", any school or  
10 other institution which teaches engineering and whose  
11 curricula on the subjects in question are or have been, at  
12 the time in question certified as accredited by the  
13 engineering accreditation commission of the accreditation  
14 board for engineering and technology or its successor  
15 organization;

16 (3) "Accredited school of landscape architecture", any  
17 school or other institution which teaches landscape  
18 architecture and whose curricula on the subjects in question  
19 are or have been at the times in question certified as  
20 accredited by the Landscape Architecture Accreditation Board  
21 of the American Society of Landscape Architects;

22 (4) "Architect", any person authorized pursuant to the  
23 provisions of this chapter to practice architecture in  
24 Missouri, as the practice of architecture is defined in  
25 section 327.091;

26 (5) "Board", the Missouri board for architects,  
27 professional engineers, professional land surveyors and  
28 professional landscape architects;

29 (6) "Corporation", any general business corporation,  
30 professional corporation or limited liability company;

31 (7) "Design coordination", the review and coordination  
32 of technical submissions prepared by others including, as  
33 appropriate and without limitation, architects, professional

34 engineers, professional land surveyors, professional  
35 landscape architects, and other consultants;

36 (8) "Design survey", a survey which includes all  
37 activities required to gather information to support the  
38 sound conception, planning, design, construction,  
39 maintenance, and operation of design projects, but excludes  
40 the surveying of real property for the establishment of land  
41 boundaries, rights-of-way, easements, and the dependent or  
42 independent surveys or resurveys of the public land survey  
43 system;

44 (9) "Incidental practice", the performance of other  
45 professional services licensed under chapter 327 that are  
46 related to a licensee's professional service, but are  
47 secondary and substantially less in scope and magnitude when  
48 compared to the professional services usually and normally  
49 performed by the licensee practicing in their licensed  
50 profession. This incidental professional service shall be  
51 safely and competently performed by the licensee without  
52 jeopardizing the health, safety, and welfare of the public.  
53 The licensee shall be qualified by education, training, and  
54 experience as determined by the board and in sections  
55 327.091, 327.181, 327.272, and 327.600 and applicable board  
56 rules to perform such incidental professional service;

57 (10) "Licensee", a person licensed to practice any  
58 profession regulated under this chapter or a corporation  
59 authorized to practice any such profession;

60 (11) "Partnership", any partnership or limited  
61 liability partnership;

62 (12) "Person", any [person] individual, corporation,  
63 firm, partnership, association or other entity authorized to  
64 do business;

65 (13) "Professional engineer", any person authorized  
66 pursuant to the provisions of this chapter to practice as a

67 professional engineer in Missouri, as the practice of  
68 engineering is defined in section 327.181;

69 (14) "Professional land surveyor", any person  
70 authorized pursuant to the provisions of this chapter to  
71 practice as a professional land surveyor in Missouri as the  
72 practice of land surveying is defined in section 327.272;

73 (15) "Professional landscape architect", any person  
74 authorized pursuant to the provisions of this chapter to  
75 practice as a professional landscape architect in Missouri  
76 as the practice of landscape architecture is defined in  
77 section 327.600;

78 (16) "Responsible charge", the independent direct  
79 control of a licensee's work and personal supervision of  
80 such work pertaining to the practice of architecture,  
81 engineering, land surveying, or landscape architecture.

327.091. 1. [Any person practices as an architect in  
2 Missouri who renders or offers to render or represents  
3 himself or herself as willing or able to render service or  
4 creative work which requires architectural education,  
5 training and experience, including services and work such as  
6 consultation, evaluation, planning, aesthetic and structural  
7 design, the preparation of drawings, specifications and  
8 related documents, and the coordination of services  
9 furnished by structural, civil, mechanical and electrical  
10 engineers and other consultants as they relate to  
11 architectural work in connection with the construction or  
12 erection of any private or public building, building  
13 structure, building project or integral part or parts of  
14 buildings or of any additions or alterations thereto; or who  
15 uses the title "architect" or the terms "architect" or  
16 "architecture" or "architectural" alone or together with any  
17 words other than "landscape" that indicate or imply that  
18 such person is or holds himself or herself out to be an

19 architect] The practice of architecture is the rendering of  
20 or offering to render services in connection with the design  
21 and construction of public and private buildings, structures  
22 and shelters, site improvements, in whole or part and  
23 including any additions or alterations thereto, as well as  
24 to the spaces within and the site surrounding such buildings  
25 and structures, which have as their principal purpose human  
26 occupancy or habitation. The services referred to include  
27 consultation, design surveys, feasibility studies,  
28 evaluation, planning, aesthetic and structural design,  
29 preliminary design, drawings, specifications, technical  
30 submissions, and other instruments of service, the  
31 administration of construction contracts, construction  
32 observation and inspection, and the coordination of any  
33 elements of technical submissions prepared by others,  
34 including professional engineers, landscape architects, and  
35 other consultants that pertain to the practice of  
36 architecture. A person shall be considered to be practicing  
37 architecture when such person uses the title "architect" or  
38 the terms "architect" or "architecture" or "architectural"  
39 alone or together with any words other than "landscape" to  
40 indicate or imply that such person is or holds himself or  
41 herself out to be an architect. Only a person with the  
42 required architectural education, practical training,  
43 relevant work experience, and licensure may practice as an  
44 architect in Missouri.

45 2. Architects shall be in responsible charge of all  
46 architectural design of buildings and structures that can  
47 affect the health, safety, and welfare of the public within  
48 their scope of practice.

327.101. 1. No person shall practice architecture in  
2 Missouri as defined in section 327.091 unless and until  
3 there is issued to the person a license or a certificate of

4 authority certifying that the person has been duly licensed  
5 as an architect or authorized to practice architecture, in  
6 Missouri, and unless such license has been renewed as  
7 hereinafter specified[; provided, however, that nothing in  
8 this chapter shall apply to the following persons].

9 2. Notwithstanding the provisions of subsection 1 of  
10 this section, the following persons may engage in actions  
11 defined as the practice of architecture in section 327.091,  
12 provided that such persons shall not use the title  
13 "architect" or the terms "architect" or "architecture" or  
14 "architectural" alone or together with any words other than  
15 "landscape" that indicate or imply that such person is or  
16 holds himself or herself out to be an architect:

17 (1) Any person who is an employee of a person holding  
18 a currently valid license as an architect or who is an  
19 employee of any person holding a currently valid certificate  
20 of authority pursuant to this chapter, and who performs  
21 architectural work under the direction and continuing  
22 supervision of and is checked by one holding a currently  
23 valid license as an architect pursuant to this chapter;

24 (2) Any person who is a regular full-time employee who  
25 performs architectural work for the person's employer if and  
26 only if all such work and service so performed is in  
27 connection with a facility owned or wholly operated by the  
28 employer and which is occupied by the employer of the  
29 employee performing such work or service, and if and only if  
30 such work and service so performed do not endanger the  
31 public health or safety;

32 (3) Any holder of a currently valid license or  
33 certificate of authority as a professional engineer who  
34 performs only such architecture as incidental practice and  
35 necessary to the completion of professional services

36 lawfully being performed by such licensed professional  
37 engineer;

38 (4) Any person who is a professional landscape  
39 architect, city planner or regional planner who performs  
40 work consisting only of consultations concerning and  
41 preparation of master plans for parks, land areas or  
42 communities, or the preparation of plans for and the  
43 supervision of the planting and grading or the construction  
44 of walks and paving for parks or land areas and such other  
45 minor structural features as fences, steps, walls, small  
46 decorative pools and other construction not involving  
47 structural design or stability and which is usually and  
48 customarily included within the area of work of a  
49 professional landscape architect or planner;

50 (5) Any person who renders architectural services in  
51 connection with the construction, remodeling or repairing of  
52 any privately owned building described in paragraphs (a),  
53 (b), or (c) [, (d), and (e)] which follow, and who indicates  
54 on any drawings, specifications, estimates, reports or other  
55 documents furnished in connection with such services that  
56 the person is not a licensed architect:

57 (a) A dwelling house; or

58 (b) A multiple family dwelling house, flat or  
59 apartment containing not more than two families; or

60 (c) [A commercial or industrial building or structure  
61 which provides for the employment, assembly, housing,  
62 sleeping or eating of not more than nine persons; or

63 (d) Any one structure containing less than two  
64 thousand square feet, except as provided in (b) and (c)  
65 above, and which is not a part or a portion of a project  
66 which contains more than one structure; or

67 (e) A building or structure used exclusively for farm  
68 purposes] Any one building or structure, except for those



69 buildings or structures referenced in subdivision (8) of  
70 this subsection, which provides for the employment,  
71 assembly, housing, sleeping, or eating of not more than nine  
72 persons, contains less than two thousand square feet, and is  
73 not part of another building or structure;

74 (6) Any person who renders architectural services in  
75 connection with the remodeling or repairing of any privately  
76 owned multiple family dwelling house, flat or apartment  
77 containing three or four families, provided that the  
78 alteration, renovation, or remodeling does not affect  
79 architectural or engineering safety features of the building  
80 and who indicates on any drawings, specifications,  
81 estimates, reports or other documents furnished in  
82 connection with such services that the person is not a  
83 licensed architect;

84 (7) Any person or corporation who is offering, but not  
85 performing or rendering, architectural services if the  
86 person or corporation is licensed to practice architecture  
87 in the state or country of residence or principal place of  
88 business; or

89 (8) Any person who renders architectural services in  
90 connection with the construction, remodeling, or repairing  
91 of any building or structure used exclusively for  
92 agriculture purposes.

327.131. Any person may apply to the board for  
2 licensure as an architect who is over the age of twenty-one,  
3 has acquired an accredited degree from an accredited degree  
4 program from a school of architecture, holds a certified  
5 Intern Development Program (IDP) or Architectural Experience  
6 Program (AXP) record with the National Council of  
7 Architectural Registration Boards, and has taken and passed  
8 all divisions of the Architect Registration Examination.

327.191. 1. No person shall practice as a  
2 professional engineer in Missouri, as defined in section  
3 327.181 unless and until there is issued to such person a  
4 professional license or a certificate of authority  
5 certifying that such person has been duly licensed as a  
6 professional engineer or authorized to practice engineering  
7 in Missouri, and unless such license or certificate has been  
8 renewed as provided in section 327.261[; provided that  
9 section 327.181 shall not be construed to prevent the  
10 practice of engineering by the following persons].

11 2. Notwithstanding the provisions of subsection 1 of  
12 this section, the following persons may engage in actions  
13 defined as the practice of professional engineering in  
14 section 327.181, provided that such persons shall not use  
15 the title "professional engineer" or "consulting engineer"  
16 or the word "engineer" alone or preceded by any word  
17 indicating or implying that such person is or holds himself  
18 or herself out to be a professional engineer, or use any  
19 word or words, letters, figures, degrees, titles, or other  
20 description indicating or implying that such person is a  
21 professional engineer or is willing or able to practice  
22 engineering:

23 (1) Any person who is an employee of a person holding  
24 a currently valid license as a professional engineer or who  
25 is an employee of a person holding a currently valid  
26 certificate of authority pursuant to this chapter, and who  
27 performs professional engineering work under the direction  
28 and continuing supervision of and is checked by one holding  
29 a currently valid license as a professional engineer  
30 pursuant to this chapter;

31 (2) Any person who is a regular full-time employee of  
32 a person or any former employee under contract to a person,  
33 who performs professional engineering work for such employer

34 if and only if all such work and service so performed is  
35 done solely in connection with a facility owned or wholly  
36 operated by the employer and occupied or maintained by the  
37 employer of the employee performing such work or service,  
38 and does not affect the health, safety, and welfare of the  
39 public;

40 (3) Any person engaged in engineering who is a full-  
41 time, regular employee of a person engaged in manufacturing  
42 operations and which engineering so performed by such person  
43 relates to the manufacture, sale or installation of the  
44 products of such person, and does not affect the health,  
45 safety, and welfare of the public;

46 (4) Any holder of a currently valid license or  
47 certificate of authority as an architect, professional land  
48 surveyor, or professional landscape architect who performs  
49 only such engineering as incidental practice and necessary  
50 to the completion of professional services lawfully being  
51 performed by such architect, professional land surveyor, or  
52 professional landscape architect;

53 (5) Any person who renders engineering services in  
54 connection with the construction, remodeling, or repairing  
55 of any privately owned building described as follows, and  
56 who indicates on any drawings, specifications, estimates,  
57 reports, or other documents furnished in connection with  
58 such services that the person is not a licensed professional  
59 engineer:

60 (a) A dwelling house;

61 (b) A multiple family dwelling house, flat, or  
62 apartment containing no more than two families; or

63 (c) Any one building or structure, except for those  
64 buildings or structures referenced in subdivision (8) of  
65 this subsection, which provides for the employment,  
66 assembly, housing, sleeping, or eating of not more than nine

67 persons, contains less than two thousand square feet, and is  
68 not part of another building or structure;

69 (6) Any person who renders engineering services in  
70 connection with the remodeling or repairing of any privately  
71 owned, multiple family dwelling house, flat, or apartment  
72 containing three or four families, provided that the  
73 alteration, renovation, or remodeling does not affect  
74 architectural or engineering safety features of the  
75 building, and who indicates on any drawings, specifications,  
76 estimates, reports, or other documents furnished in  
77 connection with such services that the person is not a  
78 licensed professional engineer;

79 (7) Any person or corporation who is offering, but not  
80 performing or rendering, professional engineering services  
81 if the person or corporation is licensed to practice  
82 professional engineering in the state or country of  
83 residence or principal place of business;

84 (8) Any person who renders engineering services in  
85 connection with the construction, remodeling, or repairing  
86 of any building or structure used exclusively for  
87 agricultural purposes.

327.241. 1. After it has been determined that an  
2 applicant possesses the qualifications entitling the  
3 applicant to be examined, each applicant for examination and  
4 licensure as a professional engineer in Missouri shall  
5 appear before the board or its representatives for  
6 examination at the time and place specified.

7 2. The examination or examinations shall be of such  
8 form, content and duration as shall be determined by the  
9 board to thoroughly test the qualifications of each  
10 applicant to practice as a professional engineer in Missouri.

11 3. Any applicant to be eligible for a license must  
12 make a grade on each examination of at least seventy percent.

13           4. The engineering examination shall consist of two  
14 parts; the first part may be taken by any person after such  
15 person has satisfied the educational requirements of section  
16 327.221, or who is in his or her final year of study in an  
17 accredited school of engineering; and upon passing part one  
18 of the examination and providing proof that such person has  
19 satisfied the educational requirements of section 327.221  
20 and upon payment of the required fee, such person shall be  
21 an engineer-intern, subject to the other provisions of this  
22 chapter.

23           5. Any engineer-intern, as defined in subsection 4 of  
24 this section[, who has acquired at least four years of  
25 satisfactory engineering experience,] may take part two of  
26 the engineering examination and upon passing it and having  
27 acquired at least four years of satisfactory engineering  
28 experience shall be entitled to receive a license, subject,  
29 however, to the other provisions of this chapter.

30           6. Notwithstanding the provisions of subsections 4 and  
31 5 of this section, the board may, in its discretion, provide  
32 by rule that any person who has graduated from and holds an  
33 engineering degree from an accredited school of engineering  
34 may thereupon be eligible to take both parts of the  
35 engineering examination and that upon passing said  
36 examination and acquiring four years of satisfactory  
37 engineering experience, after graduating and receiving a  
38 degree as aforesaid, shall be entitled to receive a license  
39 to practice as a professional engineer, subject, however, to  
40 the other provisions of this chapter.

41           7. Any person who has graduated from and has received  
42 a degree in engineering from an accredited school of  
43 engineering may [then acquire four years of satisfactory  
44 engineering experience and thereafter] take both parts of  
45 the examination and upon passing and having acquired four

46 years of satisfactory engineering experience shall be  
47 entitled to receive a license to practice as a professional  
48 engineer, subject, however, to the other provisions of this  
49 chapter.

50 [8. Any person entitled to be licensed as a  
51 professional engineer as provided in subsection 5, 6, or 7  
52 of this section must be so licensed within four years after  
53 the date on which he or she was so entitled, and if one is  
54 not licensed within the time he or she is so entitled, the  
55 engineering division of the board may require him to take  
56 and satisfactorily pass such further examination as provided  
57 by rule before issuing to him a license.]

327.612. Any person who [has attained the age of  
2 twenty-one years, and] has a degree in landscape  
3 architecture from an accredited school of landscape  
4 architecture [and], or possesses an education which in the  
5 opinion of the board equals or exceeds the education  
6 received by a graduate of an accredited school, has acquired  
7 at least three years satisfactory landscape architectural  
8 experience after acquiring such a degree, and who has taken  
9 and passed all sections of the landscape architectural  
10 registration examination administered by the Council of  
11 Landscape Architectural Registration Boards may apply to the  
12 board for licensure as a professional landscape architect.

337.068. 1. If the [board] committee finds merit to a  
2 complaint by an individual incarcerated or under the care  
3 and control of the department of corrections or who has been  
4 ordered to be taken into custody, detained, or held under  
5 sections 632.480 to 632.513, or who has been ordered to be  
6 evaluated under chapter 552, and takes further investigative  
7 action, no documentation may appear on file or disciplinary  
8 action may be taken in regards to the licensee's license  
9 unless the provisions of subsection 2 of section 337.035

10 have been violated. Any case file documentation that does  
11 not result in the [board] committee filing an action  
12 pursuant to subsection 2 of section 337.035 shall be  
13 destroyed within three months after the final case  
14 disposition by the [board] committee. No notification to  
15 any other licensing board in another state or any national  
16 registry regarding any investigative action shall be made  
17 unless the provisions of subsection 2 of section 337.035  
18 have been violated.

19 2. Upon written request of the psychologist subject to  
20 a complaint, prior to August 28, 1999, by an individual  
21 incarcerated or under the care and control of the department  
22 of corrections or prior to August 28, 2008, by an individual  
23 who has been ordered to be taken into custody, detained, or  
24 held under sections 632.480 to 632.513, or prior to August  
25 28, 2021, by an individual who has been ordered to be  
26 evaluated under chapter 552, that did not result in the  
27 [board] committee filing an action pursuant to subsection 2  
28 of section 337.035, the [board] committee and the division  
29 of professional registration, shall in a timely fashion:

30 (1) Destroy all documentation regarding the complaint;

31 (2) Notify any other licensing board in another state  
32 or any national registry regarding the [board's] committee's  
33 actions if they have been previously notified of the  
34 complaint; and

35 (3) Send a letter to the licensee that clearly states  
36 that the [board] committee found the complaint to be  
37 unsubstantiated, that the [board] committee has taken the  
38 requested action, and notify the licensee of the provisions  
39 of subsection 3 of this section.

40 3. Any person who has been the subject of an  
41 unsubstantiated complaint as provided in subsection 1 or 2  
42 of this section shall not be required to disclose the

43 existence of such complaint in subsequent applications or  
44 representations relating to their psychology professions.

338.710. 1. There is hereby created in the Missouri  
2 board of pharmacy the "RX Cares for Missouri Program". The  
3 goal of the program shall be to promote medication safety  
4 and to prevent prescription drug abuse, misuse, and  
5 diversion in Missouri.

6 2. The board, in consultation with the department,  
7 shall be authorized to expend, allocate, or award funds  
8 appropriated to the board to private or public entities to  
9 develop or provide programs or education to promote  
10 medication safety or to suppress or prevent prescription  
11 drug abuse, misuse, and diversion in the state of Missouri.  
12 In no case shall the authorization include, nor the funds be  
13 expended for, any state prescription drug monitoring program  
14 including, but not limited to, such as are defined in 38 CFR  
15 1.515. Funds disbursed to a state agency under this section  
16 may enhance, but shall not supplant, funds otherwise  
17 appropriated to such state agency.

18 3. The board shall be the administrative agency  
19 responsible for implementing the program in consultation  
20 with the department. The board and the department may enter  
21 into interagency agreements between themselves to allow the  
22 department to assist in the management or operation of the  
23 program. The board may award funds directly to the  
24 department to implement, manage, develop, or provide  
25 programs or education pursuant to the program.

26 4. After a full year of program operation, the board  
27 shall prepare and submit an evaluation report to the  
28 governor and the general assembly describing the operation  
29 of the program and the funds allocated. Unless otherwise  
30 authorized by the general assembly, the program shall expire  
31 on August 28, ~~2019~~ 2026.