Second Regular Session

House Bill No. 2343

101st General Assembly

Introduced by Representative Derges.

4826H.011

Dana Rademan Miller, Chief Clerk

An Act

To repeal section 324.009, RSMo, and to enact in lieu thereof one new section relating to licensure reciprocity, with an emergency clause.

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

Section A. Section 324.009, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 324.009, to read as follows: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, accreditation, or military occupational speciality that enables a person to legally practice an occupation or profession in a particular jurisdiction;

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

(3) "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, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

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

Explanation — Matter enclosed in bold-faced brackets [blues] 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.
(5) "Resident military spouse", a 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 or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

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

3. The oversight body in this state shall:

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

   (2) Within thirty days of receiving an application described in subsection 2 of this section for licensure in this state as a health care professional, as defined in section 376.1350, or as soon as immediately practicable after receiving such application from a health care professional during an emergency, as defined in section 44.010, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this section if such applicant otherwise meets the requirements of this section; or

   (3) Within thirty days of receiving an application described in subsection 2 of this section from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this section if such applicant otherwise meets the requirements of this section.

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

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

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

6. Any person who is licensed under the provisions of this section shall be subject to
the applicable oversight body's jurisdiction and all rules and regulations pertaining to the
practice of the licensed occupation or profession in this state.

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

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

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

10. The provisions of this section shall not apply to an oversight body that has entered
into a licensing compact with another state for the regulation of practice under the oversight
body's jurisdiction. The provisions of this section shall not be construed to alter the authority
granted by, or any requirements promulgated pursuant to, any interjurisdictional or interstate
compacts adopted by Missouri statute or any reciprocity agreements with other states in effect
on August 28, 2018, and whenever possible this section shall be interpreted so as to imply no
conflict between it and any compact, or any reciprocity agreements with other states in effect
on August 28, 2018.

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

12. The provisions of this section shall not apply to any occupation set forth in
subsection 6 of section 290.257, or any electrical contractor licensed under sections 324.900
to 324.945.
Section B. Because immediate action is necessary to expand licensure reciprocity in order to ensure the residents of this state have access to health care professionals during the ongoing COVID-19 pandemic, the repeal and reenactment of section 324.009 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 324.009 of section A of this act shall be in full force and effect upon its passage and approval.