



HB1844

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Path to full text: <https://documents.house.mo.gov/billtracking/bills261/hlrbillspdf/4064H.01I.pdf>

PART 1 — QUICK SNAPSHOT

1.1 One-Paragraph Overview

HB 1844 would pull Missouri into an interstate “Athletic Trainer Compact” that lets an athletic trainer licensed in another member state practice in Missouri using a “compact privilege,” without getting a full Missouri license (as long as they meet compact rules). It creates a multi-state governing body (the “Compact Commission”) that can *write rules with the force of law* in member states, *run a shared data system, charge fees/assessments*, and *enforce compliance*. In practice, Missouri would trade some in-state control and transparency for easier cross-border practice and telehealth access. The bill also establishes a multi-state investigative/disciplinary information-sharing pipeline and requires participation in a commission-run database that contains personally identifiable information. Bottom line: it’s a governance and data-sharing framework, not a simple licensure cleanup.

1.2 Triage Table (Fast Flags)

Check	Quick read
Single-Subject & Clear Title	Likely single subject (athletic trainer interstate licensure compact). Title is fairly specific.
Title Specificity (0–3)	3 (“relating to the athletic trainer compact” accurately signals the main mechanism).
Department / Agency Scope	Single policy area (professional licensure), but creates an external multi-state agency with rulemaking and enforcement powers.
Does it grow government?	Yes — new interstate commission, rulemaking, fees/assessments, database, enforcement process.

Check	Quick read
Impact on Missouri families	Mixed — more access/mobility vs. less Missouri control + more data aggregation.
Alignment with core principles	Violates / Concerning (state sovereignty, unelected rulemaking, surveillance-style data system).
Initial stance	Oppose — initial

PART 2 — PURPOSE & PROVISION MAP

2.1 Stated Purpose & Title

- **Title:** “relating to the athletic trainer compact.”
- **Stated purpose:** expand mobility and public access by mutual recognition of licenses and a “compact privilege,” including telehealth (new §334.1900).
- **What it’s really designed to accomplish:** create a durable interstate governance structure that standardizes eligibility, discipline reporting, and data sharing across states, overseen by a commission empowered to issue binding rules and levy fees.

2.2 Provision-by-Provision Map (new §§334.1900–334.1939)

1. **§334.1900 — Creates the compact; states objectives — [Mixed/Concern]**
 - **What it does:** establishes the compact and lists broad goals like mobility, workforce, telehealth, and uniformity.
 - **Why:** “Uniformity” and “mutual recognition” sound benign, but they’re implemented through a new external governing body and rule structure that Missouri won’t fully control.
2. **§334.1903 — Definitions (Data System, Commission, Compact Privilege, etc.) — [Concern]**
 - **What it does:** defines key terms that enable shared investigations and a centralized commission database (“Data System”), including “personally identifying information.”
 - **Why:** definitions bake in infrastructure for multi-state governance and data aggregation.
3. **§334.1906 — Member state eligibility requirements — [Bad]**

- **What it does:** requires states to adopt “model” language, participate fully in the Data System, report investigations/discipline, and implement FBI-based background check processes as a condition of participation.
 - **Why:** Missouri’s participation is conditioned on compliance with commission rules and model language—this is a sovereignty and accountability problem, not just a licensing policy.
4. **§334.1909 — Eligibility for compact privilege; practice rules in remote states — [Mixed]**
- **What it does:** sets eligibility pathways (BOC certification or equivalents), background checks, fees, jurisprudence requirements, and makes the practitioner follow the scope of practice where the patient is located.
 - **Why:** some guardrails exist (scope of practice, jurisprudence), but it still substitutes Missouri’s direct licensing gatekeeping with compact privilege + commission processes.
5. **§334.1912 — Designating a single “qualifying license” — [Concern]**
- **What it does:** lets a licensee pick which state license is the “qualifying” one (not necessarily their residence/primary practice).
 - **Why:** incentivizes “forum shopping” for the easiest qualifying state while still practicing in Missouri.
6. **§334.1915 — Military member/spouse fee relief — [Good]**
- **What it does:** waives commission fee for active military/spouses; allows reduced/no state fee.
 - **Why:** supportive of military families and reduces burden.
7. **§334.1918 — Discipline, investigations, subpoenas, joint investigations — [Concern/Bad]**
- **What it does:** sets who can discipline the “qualifying license,” allows remote states to remove privileges, authorizes subpoenas across state lines, and encourages joint investigations and confidential sharing.
 - **Why:** expands cross-state enforcement machinery and confidentiality rules; risks due process complexity and “black box” investigations.
8. **§334.1921 — Creates the Compact Commission; expansive powers — [Bad]**
- **What it does:** forms a new interstate government agency with broad powers: adopt rules/bylaws, hire staff, assess/collect fees, accept grants/donations, litigate, own property, create committees, etc.

- **Why:** This is a major delegation to an unelected body, vulnerable to regulatory capture and insulated from Missouri voters.
9. **§334.1924 — Data System; mandatory reporting incl. PII — [Bad]**
- **What it does:** requires member states to submit a “uniform data set” including personally identifying information, licensure/discipline/investigation flags, denials, alternative program participation, etc.
 - **Why:** builds a multi-state professional surveillance database; mission creep risk and privacy risk.
10. **§334.1927 — Commission rulemaking; rules have force of law; state rulemaking laws don’t apply — [Bad]**
- **What it does:** commission rules become binding, and explicitly says “**No Member State’s rulemaking requirements shall apply under this Compact.**”
 - **Why:** This is one of the clearest sovereignty/accountability red flags—*Missourians lose the normal protections of Missouri’s rulemaking process.*
11. **§334.1930 — Enforcement; default process; venue; commission can sue states — [Bad]**
- **What it does:** sets enforcement and default/termination processes; centralizes litigation venue; allows the commission to sue member states; allows binding dispute resolution by rule.
 - **Why:** Missouri can be dragged into external enforcement/legal processes to stay “compliant.”
12. **§334.1933 — Effective date; withdrawal; 180-day tail — [Concern]**
- **What it does:** Compact activates when 7 states enact; withdrawal takes 180 days; even after withdrawal/termination, states must recognize privileges for 180 days in some cases.
 - **Why:** makes exit slow and messy; reduces Missouri’s ability to quickly restore full control.
13. **§334.1936 — Liberal construction; commission may deny participation over constitutional “material departure” — [Bad]**
- **What it does:** directs liberal construction and allows the commission to deny/terminate a state if its constitutional requirements materially depart.
 - **Why:** Missouri’s constitution should not be negotiated with an interstate commission.
14. **§334.1939 — Conflict clause; compact supersedes conflicting state laws — [Bad]**
- **What it does:** says conflicting member-state laws are superseded to the extent of conflict.

- **Why:** explicit preemption of Missouri law by compact terms is a sovereignty problem.

2.3 Changes to Existing Law (High-Level)

- Creates a **new interstate compact regime** inside Chapter 334 (14 new sections).
 - Allows out-of-state athletic trainers to practice in Missouri via **compact privilege** rather than Missouri licensure.
 - Commits Missouri to a **commission-run rule system** with rules that can carry the force of law.
 - Requires participation in a multi-state **Data System**, including personally identifying information and investigative/discipline flags.
 - Adds an **interstate enforcement/default/termination** structure and slower exit ramp (180-day withdrawal effects).
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PART 3 — CONSTITUTIONAL & PROCESS CHECKS

3.1 Single-Subject & Clear-Title (Art. III, §23)

- **Main subject:** Missouri's participation in an interstate athletic trainer licensure compact.
- **Additional subjects:** not truly separate subjects, but the bill bundles **governance, rulemaking, enforcement, and data-system architecture** under the umbrella of "compact."
- **Citizen fair-notice test:** the title signals a compact, but most citizens won't grasp that this includes **binding multi-state rulemaking** and a **PII data system** unless they read deeply.
- **Conclusion: Might comply legally, but violates the spirit of fair notice** for how much authority shifts to an interstate body.

3.2 Rights Implicated

- **Due process:** compact privilege removal + multi-state investigation sharing can create layered procedures and practical due-process concerns for both practitioners and complainants (who is accountable, where to appeal, what rules control).
- **Privacy:** mandated submission of personally identifying information to an interstate Data System is a structural privacy risk.

3.3 Delegation & Separation of Powers

- The compact **delegates quasi-legislative power** to the Compact Commission (rulemaking with force of law; fees; enforcement; dispute resolution by rule).

- It explicitly bypasses Missouri’s normal rulemaking safeguards (“No Member State’s rulemaking requirements shall apply...”).
 - **Conclusion: Undermines accountable government** and Missouri's control over professional regulation.
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PART 4 — IMPACT ON MISSOURI FAMILIES

4.1 Economic / Cost Impacts

- **Burden risk:** fees for compact privileges and possible state assessments to fund commission operations can be passed along to licensees and ultimately consumers/schools/athletic programs.
- Any savings from license mobility are speculative and not demonstrated in the bill text.

4.2 Family / Education

- Indirect only (sports medicine access). No direct parental rights or DESE impacts.

4.3 Moral & Cultural Climate

- Not a primary moral-policy bill. The larger concern is governance: replacing accountable, local control with multi-state bureaucracy.
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PART 5 — CORE PRINCIPLES CHECK (Act for Missouri)

- **State sovereignty / Tenth Amendment: Violates** — interstate commission rulemaking + supersession of conflicting state laws.
 - **Constitutionalism/rule of law: Violates** — removes Missouri rulemaking protections; concentrates authority in an external body.
 - **Surveillance/data control: Concern/Violates** — mandatory PII and investigation flags in a shared Data System.
 - **Limited government: Violates** — creates a new layer of government (commission) with budgets, staff, committees, and litigation authority.
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PART 6 — SPECIAL TOPIC TESTS (Relevant Here)

Surveillance State & Digital-Control Test

- The required Data System (PII + discipline/investigation flags) is **exactly the kind of “infrastructure”** that tends to expand in scope over time.

Federal-Strings / Globalism

- Not explicit here, but the compact model is a **national standardization vehicle** that can drift away from Missouri’s priorities.
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PART 7 — RED FLAGS & FINAL RECOMMENDATION

7.1 Red-Flag List (Prioritized)

1. **Unelected interstate commission with sweeping powers — §334.1921 — Severity: Critical**
Missouri hands real governing power to a multi-state body insulated from Missouri voters.
2. **Rules with force of law + Missouri rulemaking safeguards don’t apply — §334.1927 — Severity: Critical**
This is an accountability break: policy can be made outside Missouri’s normal public process.
3. **PII and investigative/discipline data sharing via commission “Data System” — §334.1924 — Severity: Serious/Critical**
Centralized database + mission creep risk; privacy and control concerns.
4. **Compact overrides conflicting Missouri laws — §334.1939 — Severity: Serious**
Explicit preemption of Missouri law to match compact terms.
5. **Enforcement/default framework (including commission litigation and venue controls) — §334.1930 — Severity: Serious**
Missouri can be pressured or sued into compliance under external processes.

7.2 Possible Fixes / Amendments

This bill is **structurally** built around an interstate compact commission and a binding rule system. That’s not a “tweakable” problem. If the goal is mobility, the clean alternative is a **Missouri-controlled reciprocity/temporary permit** approach (e.g., limited-duration practice permits for out-of-state BOC-certified trainers, expedited Missouri licensure, clear Missouri-only discipline authority, and **no** interstate rulemaking commission or shared PII database).

7.3 Final Recommendation

Act for Missouri OPPOSES HB 1844. Whatever the convenience benefits, the bill’s core mechanism is an interstate governance and data-sharing compact that weakens Missouri sovereignty, bypasses Missouri rulemaking safeguards, and creates a multi-state commission with outsized authority.

Additional Notes:

A. Areas where Missouri law/regulation controls (Compact defers to state law)

1. **Missouri scope-of-practice & Missouri telehealth/remote-practice rules (when the patient is in Missouri)**
 - The bill requires the athletic trainer to follow **the Scope of Practice of the Member State where the patient is located** and to adhere to the **Remote State’s scope/remote-practice laws**. So for Missouri patients, **Missouri’s scope and Missouri’s remote-practice/telehealth laws apply**.
Provision: §334.1909.3

2. **Missouri enforcement powers against a compact-privilege holder practicing in Missouri**
 - Missouri (as the Remote State) may, **under Missouri due process and Missouri law**, remove the compact privilege in Missouri, impose fines, or take other actions to protect health/safety.
Provision: §334.1909.4

3. **Missouri “jurisprudence requirements” (state-law exam/attestation) as a condition of practicing in Missouri**
 - The compact privilege requires meeting any **jurisprudence requirements established by the Remote State(s)**—so Missouri can keep/require its Missouri-law jurisprudence step for those seeking to practice under privilege in Missouri.
Provision: §334.1909.1(9)

4. **Professional malpractice/misconduct liability stays governed by Missouri law (for Missouri claims)**
 - The compact explicitly says it does not limit licensee malpractice/misconduct liability, which “shall be governed solely by any other applicable State laws.”
Provision: §334.1923(4)

5. **Sovereign immunity preserved**
 - The compact says it is not a waiver of sovereign immunity by Member States or the Commission.
Provision: §334.1923(6)

6. **Confidentiality of “Alternative Program” participation when Missouri law/rules require non-public status**
 - Participation in an alternative program “may” be used in lieu of adverse action, and **if required by Member State laws/rules**, that participation “shall remain non-public.”
Provision: §334.1918.3

 7. **Expungement under Missouri (or federal) law must be honored in the Compact’s data system**
 - If info submitted to the Data System is later expunged under **Missouri law or federal law**, it must be removed from the Data System.
Provision: §334.1924.7

 8. **Missouri can enforce all other Missouri laws that are not inconsistent with the Compact**
 - This is the general “savings” clause for non-conflicting Missouri law.
Provision: §334.1939.1

 9. **Missouri can keep separate licensure/cooperation deals with non-member states so long as they don’t conflict**
Provision: §334.1936(1)(5)

 10. **Missouri’s requirements for issuing a Missouri “single state license” are not automatically wiped out (but see the conflict clause below)**
 - The compact says it doesn’t “affect requirements established by a Member State for issuance of a Single State License.”
Provision: §334.1912.4
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B. The hard limit: where Missouri does not trump (Compact/Commission overrides Missouri law)

These are the key places where, if Missouri law/regulations conflict, **Missouri loses** because the bill makes the Compact (and its Rules) superior in Missouri.

1. **Express preemption of conflicting Missouri laws/regulations**
Provision: §334.1939.2

2. **Commission “Rules” can operate with the force of law; Missouri rulemaking safeguards don’t apply**
 - The bill states that previously adopted Rules have “full force and effect of law,” and separately that **no Member State’s rulemaking requirements apply** under the Compact—meaning Missouri APA-style constraints are sidelined for Compact Rules.
Provisions: §334.1933.2 and §334.1927.13

3. **Missouri can’t impose Missouri continuing-education/competence requirements on compact-privilege holders**
 - Compact privilege requires meeting **only** the continuing competence requirements of the **State of Qualifying Licensure** (the home/qualifying state), not Missouri.
Provision: §334.1909.1(7)

4. **Data submission overrides contrary to Missouri law**
 - “Notwithstanding any other provision of State law to the contrary,” Missouri must submit the uniform dataset as required by Commission Rules.
Provision: §334.1924.2

5. **Commission authority to define key equivalencies and renewal mechanics by Rule**
 - The Commission may determine “substantial equivalent” education/exam requirements by Rule, and may define renewal congruence by Rule—both areas where Missouri policy can be displaced in practice.
Provisions: §334.1909.1(1)(b)a(iii); §334.1909.1(1)(b)b; §334.1909.2

6. **If Missouri’s constitution is treated as a “material departure,” the Commission can terminate Missouri**
 - This is not “Missouri trumps”—it’s the opposite: Missouri’s constitutional constraint can become a basis to remove Missouri from the Compact.
Provision: §334.1936.3