

SECOND REGULAR SESSION

HOUSE BILL NO. 2766

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FOGLE.

4376H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 337.035, 337.330, 337.525, 337.630, and 337.730, RSMo, and to enact in lieu thereof five new sections relating to youth mental health preservation.

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

Section A. Sections 337.035, 337.330, 337.525, 337.630, and 337.730, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections 337.035,
3 337.330, 337.525, 337.630, and 337.730, to read as follows:

337.035. 1. The committee may refuse to issue any certificate of registration or
2 authority, permit or license required pursuant to this chapter for one or any combination of
3 causes stated in subsection 2 of this section. The committee shall notify the applicant in
4 writing of the reasons for the refusal and shall advise the applicant of the applicant's right to
5 file a complaint with the administrative hearing commission as provided by chapter 621.

6 2. The committee may cause a complaint to be filed with the administrative hearing
7 commission as provided by chapter 621 against any holder of any certificate of registration or
8 authority, permit or license required by this chapter or any person who has failed to renew or
9 has surrendered the person's certificate of registration or authority, permit or license for any
10 one or any combination of the following causes:

11 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage
12 to an extent that such use impairs a person's ability to perform the work of any profession
13 licensed or regulated by this chapter;

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of
15 guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United
16 States, or of any country, for any offense directly related to the duties and responsibilities of

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

17 the occupation, as set forth in section 324.012, regardless of whether or not sentence is
18 imposed;

19 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
20 registration or authority, permit or license issued pursuant to this chapter or in obtaining
21 permission to take any examination given or required pursuant to this chapter;

22 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation
23 by fraud, deception or misrepresentation;

24 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or
25 dishonesty in the performance of the functions or duties of any profession licensed or
26 regulated by this chapter;

27 (6) Violation of, or assisting or enabling any person to violate, any provision of this
28 chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

29 (7) Impersonation of any person holding a certificate of registration or authority,
30 permit or license or allowing any person to use his or her certificate of registration or
31 authority, permit, license or diploma from any school;

32 (8) Disciplinary action against the holder of a license or other right to practice any
33 profession regulated by this chapter granted by another state, territory, federal agency or
34 country upon grounds for which revocation or suspension is authorized in this state;

35 (9) A person is finally adjudged insane or incapacitated by a court of competent
36 jurisdiction;

37 (10) Assisting or enabling any person to practice or offer to practice any profession
38 licensed or regulated by this chapter who is not registered and currently eligible to practice as
39 provided this chapter;

40 (11) Issuance of a certificate of registration or authority, permit or license based upon
41 a material mistake of fact;

42 (12) Failure to display a valid certificate or license if so required by this chapter or
43 any rule promulgated pursuant to this chapter;

44 (13) Violation of any professional trust or confidence;

45 (14) Use of any advertisement or solicitation which is false, misleading or deceptive
46 to the general public or persons to whom the advertisement or solicitation is primarily
47 directed;

48 (15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as
49 adopted by the committee and filed with the secretary of state;

50 **(16) Engaging in conversion therapy with a minor. For purposes of this**
51 **subdivision, the term "conversion therapy" means any practices or treatments that seek**
52 **to change an individual's sexual orientation or gender identity, including efforts to**
53 **change behaviors or gender expressions or to eliminate or reduce sexual or romantic**

54 **attractions or feelings toward individuals of the same gender. The term "conversion**
55 **therapy" shall not include counseling that provides assistance to a person undergoing**
56 **gender transition or counseling that provides acceptance, support, and understanding of**
57 **a person or facilitates a person's coping, social support, and identity exploration and**
58 **development, including sexual-orientation-neutral interventions to prevent or address**
59 **unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to**
60 **change an individual's sexual orientation or gender identity.**

61 3. After the filing of such complaint, the proceedings shall be conducted in
62 accordance with the provisions of chapter 621. Upon a finding by the administrative hearing
63 commission that the grounds, provided in subsection 2 **of this section**, for disciplinary action
64 are met, the committee may, singly or in combination, censure or place the person named in
65 the complaint on probation on such terms and conditions as the department deems appropriate
66 for a period not to exceed five years, or may suspend, for a period not to exceed three years,
67 or revoke the license, certificate, or permit.

68 4. An interested third party may file a complaint or appear or present evidence
69 relative to such complaint or another complaint filed pursuant to this section. For purposes of
70 this section, an interested third party includes a parent or guardian of a person who received
71 treatment by a psychologist or any person who is related within the second degree of
72 consanguinity or affinity and who is financially responsible for the payment of such
73 treatment.

337.330. 1. The committee may refuse to issue any license required under this
2 chapter for one or any combination of causes stated in subsection 2 of this section. The
3 committee shall notify the applicant in writing of the reasons for the refusal and shall advise
4 the applicant of the applicant's right to file a complaint with the administrative hearing
5 commission as provided by chapter 621.

6 2. The committee may cause a complaint to be filed with the administrative hearing
7 commission, as provided by chapter 621, against any holder of any license required by this
8 chapter or any person who has failed to renew or has surrendered the person's license for any
9 one or any combination of the following causes:

10 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage
11 to an extent that such use impairs a person's ability to perform the work of any profession
12 licensed or regulated by this chapter;

13 (2) The person has been finally adjudicated and found guilty, or entered a plea of
14 guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United
15 States, or of any country for any offense directly related to the duties and responsibilities of
16 the occupation, as set forth in section 324.012, regardless of whether or not sentence is
17 imposed;

18 (3) Use of fraud, deception, misrepresentation or bribery in securing any permit or
19 license issued under this chapter or in obtaining permission to take any examination given or
20 required under sections 337.300 to 337.345;

21 (4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation
22 by fraud, deception or misrepresentation;

23 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or
24 dishonesty in the performance of the functions or duties of any profession licensed by
25 sections 337.300 to 337.345;

26 (6) Violation of, or assisting or enabling any person to violate, any provision of
27 sections 337.300 to 337.345, or of any lawful rule adopted thereunder;

28 (7) Impersonation of any person holding a certificate of registration or authority,
29 permit or license or allowing any person to use his or her certificate of registration or
30 authority, permit, license, or diploma from any school;

31 (8) Disciplinary action against the holder of a license or other right to practice any
32 profession regulated by sections 337.300 to 337.345 granted by another state, territory,
33 federal agency, or country upon grounds for which revocation or suspension is authorized in
34 this state;

35 (9) A person is finally adjudged insane or incapacitated by a court of competent
36 jurisdiction;

37 (10) Assisting or enabling any person to practice or offer to practice any profession
38 licensed or regulated by sections 337.300 to 337.345 who is not registered and currently
39 eligible to practice as provided in sections 337.300 to 337.345;

40 (11) Issuance of a certificate of registration or authority, permit, or license based upon
41 a material mistake of fact;

42 (12) Failure to display a valid certificate or license if so required by sections 337.300
43 to 337.345 or any rule promulgated thereunder;

44 (13) Violation of any professional trust or confidence;

45 (14) Use of any advertisement or solicitation which is false, misleading, or deceptive
46 to the general public or persons to whom the advertisement or solicitation is primarily
47 directed;

48 (15) Being guilty of unethical conduct as defined in the code of conduct as adopted
49 by the committee and filed with the secretary of state;

50 **(16) Engaging in conversion therapy with a minor. For purposes of this**
51 **subdivision, the term "conversion therapy" means any practices or treatments that seek**
52 **to change an individual's sexual orientation or gender identity, including efforts to**
53 **change behaviors or gender expressions or to eliminate or reduce sexual or romantic**
54 **attractions or feelings toward individuals of the same gender. The term "conversion**

55 **therapy" shall not include counseling that provides assistance to a person undergoing**
56 **gender transition or counseling that provides acceptance, support, and understanding of**
57 **a person or facilitates a person's coping, social support, and identity exploration and**
58 **development, including sexual-orientation-neutral interventions to prevent or address**
59 **unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to**
60 **change an individual's sexual orientation or gender identity.**

61 3. After the filing of such complaint, the proceedings shall be conducted in
62 accordance with the provisions of chapter 621. Upon a finding by the administrative hearing
63 commission that the grounds, provided in subsection 2 of this section, for disciplinary action
64 are met, the committee may, singly or in combination, censure or place the person named in
65 the complaint on probation on such terms and conditions as the department deems appropriate
66 for a period not to exceed five years, or may suspend, for a period not to exceed three years,
67 or revoke the license, certificate, or permit.

337.525. 1. The committee may refuse to issue or renew any license required by the
2 provisions of sections 337.500 to 337.540 for one or any combination of causes stated in
3 subsection 2 of this section. The committee shall notify the applicant in writing of the reasons
4 for the refusal and shall advise the applicant of his or her right to file a complaint with the
5 administrative hearing commission as provided by chapter 621.

6 2. The committee may cause a complaint to be filed with the administrative hearing
7 commission as provided by chapter 621 against any holder of any license required by sections
8 337.500 to 337.540 or any person who has failed to renew or has surrendered his license for
9 any one or any combination of the following causes:

10 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage
11 to an extent that such use impairs a person's ability to engage in the occupation of
12 professional counselor;

13 (2) The person has been finally adjudicated and found guilty, or entered a plea of
14 guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United
15 States, or of any country, for any offense directly related to the duties and responsibilities of
16 the occupation, as set forth in section 324.012, regardless of whether or not sentence is
17 imposed;

18 (3) Use of fraud, deception, misrepresentation or bribery in securing any license
19 issued pursuant to the provisions of sections 337.500 to 337.540 or in obtaining permission to
20 take any examination given or required pursuant to the provisions of sections 337.500 to
21 337.540;

22 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation
23 by fraud, deception or misrepresentation;

24 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the
25 performance of the functions or duties of a professional counselor;

26 (6) Violation of, or assisting or enabling any person to violate, any provision of
27 sections 337.500 to 337.540, or of any lawful rule or regulation adopted pursuant to sections
28 337.500 to 337.540;

29 (7) Impersonation of any person holding a license or allowing any person to use his or
30 her license or diploma from any school;

31 (8) Revocation or suspension of a license or other right to practice counseling granted
32 by another state, territory, federal agency or country upon grounds for which revocation or
33 suspension is authorized in this state;

34 (9) A person is finally adjudged incapacitated by a court of competent jurisdiction;

35 (10) Assisting or enabling any person to practice or offer to practice professional
36 counseling who is not licensed and currently eligible to practice under the provisions of
37 sections 337.500 to 337.540;

38 (11) Issuance of a license based upon a material mistake of fact;

39 (12) Failure to display a valid license if so required by sections 337.500 to 337.540 or
40 any rule promulgated hereunder;

41 (13) Violation of any professional trust or confidence;

42 (14) Use of any advertisement or solicitation which is false, misleading or deceptive
43 to the general public or persons to whom the advertisement or solicitation is primarily
44 directed;

45 (15) Being guilty of unethical conduct as defined in the ethical standards for
46 counselors adopted by the division and filed with the secretary of state;

47 **(16) Engaging in conversion therapy with a minor. For purposes of this**
48 **subdivision, the term "conversion therapy" means any practices or treatments that seek**
49 **to change an individual's sexual orientation or gender identity, including efforts to**
50 **change behaviors or gender expressions or to eliminate or reduce sexual or romantic**
51 **attractions or feelings toward individuals of the same gender. The term "conversion**
52 **therapy" shall not include counseling that provides assistance to a person undergoing**
53 **gender transition or counseling that provides acceptance, support, and understanding of**
54 **a person or facilitates a person's coping, social support, and identity exploration and**
55 **development, including sexual-orientation-neutral interventions to prevent or address**
56 **unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to**
57 **change an individual's sexual orientation or gender identity.**

58 3. Any person, organization, association or corporation who reports or provides
59 information to the committee pursuant to the provisions of this chapter and who does so in
60 good faith shall not be subject to an action for civil damages as a result thereof.

61 4. After the filing of such complaint, the proceedings shall be conducted in
62 accordance with the provisions of chapter 621. Upon a finding by the administrative hearing
63 commission that the grounds, provided in subsection 2 of this section, for disciplinary action
64 are met, the committee may censure or place the person named in the complaint on probation
65 on such terms and conditions as the committee deems appropriate for a period not to exceed
66 five years, or may suspend, for a period not to exceed three years, or revoke the license.

337.630. 1. The committee may refuse to issue or renew any license required by the
2 provisions of sections 337.600 to 337.689 for one or any combination of causes stated in
3 subsection 2 of this section. The committee shall notify the applicant in writing of the reasons
4 for the refusal and shall advise the applicant of the applicant's right to file a complaint with
5 the administrative hearing commission as provided by chapter 621.

6 2. The committee may cause a complaint to be filed with the administrative hearing
7 commission as provided by chapter 621 against any holder of any license required by sections
8 337.600 to 337.689 or any person who has failed to renew or has surrendered the person's
9 license for any one or any combination of the following causes:

10 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage
11 to an extent that such use impairs a person's ability to engage in the occupation of social work
12 licensed under this chapter; except that the fact that a person has undergone treatment for past
13 substance or alcohol abuse and/or has participated in a recovery program, shall not by itself
14 be cause for refusal to issue or renew a license;

15 (2) The person has been finally adjudicated and found guilty, or entered a plea of
16 guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state, of the
17 United States, or of any country, for any offense directly related to the duties and
18 responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not
19 sentence is imposed;

20 (3) Use of fraud, deception, misrepresentation or bribery in securing any license
21 issued pursuant to the provisions of sections 337.600 to 337.689 or in obtaining permission to
22 take any examination given or required pursuant to the provisions of sections 337.600 to
23 337.689;

24 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation
25 by fraud, deception or misrepresentation;

26 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the
27 performance of the functions or duties of a social worker licensed pursuant to this chapter;

28 (6) Violation of, or assisting or enabling any person to violate, any provision of
29 sections 337.600 to 337.689, or of any lawful rule or regulation adopted pursuant to sections
30 337.600 to 337.689;

31 (7) Impersonation of any person holding a license or allowing any person to use the
32 person's license or diploma from any school;

33 (8) Revocation or suspension of a license or other right to practice social work
34 licensed pursuant to this chapter granted by another state, territory, federal agency or country
35 upon grounds for which revocation or suspension is authorized in this state;

36 (9) Final adjudication as incapacitated by a court of competent jurisdiction;

37 (10) Assisting or enabling any person to practice or offer to practice social work
38 licensed pursuant to this chapter who is not licensed and currently eligible to practice
39 pursuant to the provisions of sections 337.600 to 337.689;

40 (11) Obtaining a license based upon a material mistake of fact;

41 (12) Failure to display a valid license if so required by sections 337.600 to 337.689 or
42 any rule promulgated hereunder;

43 (13) Violation of any professional trust or confidence;

44 (14) Use of any advertisement or solicitation which is false, misleading or deceptive
45 to the general public or persons to whom the advertisement or solicitation is primarily
46 directed;

47 (15) Being guilty of unethical conduct as defined in the ethical standards for clinical
48 social workers adopted by the committee by rule and filed with the secretary of state;

49 **(16) Engaging in conversion therapy with a minor. For purposes of this**
50 **subdivision, the term "conversion therapy" means any practices or treatments that seek**
51 **to change an individual's sexual orientation or gender identity, including efforts to**
52 **change behaviors or gender expressions or to eliminate or reduce sexual or romantic**
53 **attractions or feelings toward individuals of the same gender. The term "conversion**
54 **therapy" shall not include counseling that provides assistance to a person undergoing**
55 **gender transition or counseling that provides acceptance, support, and understanding of**
56 **a person or facilitates a person's coping, social support, and identity exploration and**
57 **development, including sexual-orientation-neutral interventions to prevent or address**
58 **unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to**
59 **change an individual's sexual orientation or gender identity.**

60 3. Any person, organization, association or corporation who reports or provides
61 information to the committee pursuant to the provisions of sections 337.600 to 337.689 and
62 who does so in good faith shall not be subject to an action for civil damages as a result
63 thereof.

64 4. After the filing of such complaint, the proceedings shall be conducted in
65 accordance with the provisions of chapter 621. Upon a finding by the administrative hearing
66 commission that the grounds, provided in subsection 2 of this section, for disciplinary action
67 are met, the committee may censure or place the person named in the complaint on probation

68 on such terms and conditions as the committee deems appropriate for a period not to exceed
69 five years, or may suspend, for a period not to exceed three years, or revoke the license.

337.730. 1. The committee may refuse to issue or renew any license required by the
2 provisions of sections 337.700 to 337.739 for one or any combination of causes stated in
3 subsection 2 of this section. The committee shall notify the applicant in writing of the reasons
4 for the refusal and shall advise the applicant of the applicant's right to file a complaint with
5 the administrative hearing commission as provided by chapter 621.

6 2. The committee may cause a complaint to be filed with the administrative hearing
7 commission as provided by chapter 621 against any holder of any license required by sections
8 337.700 to 337.739 or any person who has failed to renew or has surrendered the person's
9 license for any one or any combination of the following causes:

10 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage
11 to an extent that such use impairs a person's ability to engage in the occupation of marital and
12 family therapist; except the fact that a person has undergone treatment for past substance or
13 alcohol abuse or has participated in a recovery program, shall not by itself be cause for refusal
14 to issue or renew a license;

15 (2) The person has been finally adjudicated and found guilty, or entered a plea of
16 guilty in a criminal prosecution under the laws of any state, of the United States, or of any
17 country, for any offense directly related to the duties and responsibilities of the occupation, as
18 set forth in section 324.012, regardless of whether or not sentence is imposed;

19 (3) Use of fraud, deception, misrepresentation or bribery in securing any license
20 issued pursuant to the provisions of sections 337.700 to 337.739 or in obtaining permission to
21 take any examination given or required pursuant to the provisions of sections 337.700 to
22 337.739;

23 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation
24 by fraud, deception or misrepresentation;

25 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the
26 performance of the functions or duties of a marital and family therapist;

27 (6) Violation of, or assisting or enabling any person to violate, any provision of
28 sections 337.700 to 337.739 or of any lawful rule or regulation adopted pursuant to sections
29 337.700 to 337.739;

30 (7) Impersonation of any person holding a license or allowing any person to use the
31 person's license or diploma from any school;

32 (8) Revocation or suspension of a license or other right to practice marital and family
33 therapy granted by another state, territory, federal agency or country upon grounds for which
34 revocation or suspension is authorized in this state;

35 (9) Final adjudication as incapacitated by a court of competent jurisdiction;

36 (10) Assisting or enabling any person to practice or offer to practice marital and
37 family therapy who is not licensed and is not currently eligible to practice under the
38 provisions of sections 337.700 to 337.739;

39 (11) Obtaining a license based upon a material mistake of fact;

40 (12) Failure to display a valid license if so required by sections 337.700 to 337.739 or
41 any rule promulgated hereunder;

42 (13) Violation of any professional trust or confidence;

43 (14) Use of any advertisement or solicitation which is false, misleading or deceptive
44 to the general public or persons to whom the advertisement or solicitation is primarily
45 directed;

46 (15) Being guilty of unethical conduct as defined in the ethical standards for marital
47 and family therapists adopted by the committee by rule and filed with the secretary of state;

48 **(16) Engaging in conversion therapy with a minor. For purposes of this**
49 **subdivision, the term "conversion therapy" means any practices or treatments that seek**
50 **to change an individual's sexual orientation or gender identity, including efforts to**
51 **change behaviors or gender expressions or to eliminate or reduce sexual or romantic**
52 **attractions or feelings toward individuals of the same gender. The term "conversion**
53 **therapy" shall not include counseling that provides assistance to a person undergoing**
54 **gender transition or counseling that provides acceptance, support, and understanding of**
55 **a person or facilitates a person's coping, social support, and identity exploration and**
56 **development, including sexual-orientation-neutral interventions to prevent or address**
57 **unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to**
58 **change an individual's sexual orientation or gender identity.**

59 3. Any person, organization, association or corporation who reports or provides
60 information to the committee under sections 337.700 to 337.739 and who does so in good
61 faith shall not be subject to an action for civil damages as a result thereof.

62 4. After filing of such complaint, the proceedings shall be conducted in accordance
63 with the provisions of chapter 621. Upon a finding by the administrative hearing commission
64 that the grounds provided in subsection 2 of this section for disciplinary action are met, the
65 division may censure or place the person named in the complaint on probation on such terms
66 and conditions as the committee deems appropriate for a period not to exceed five years, or
67 may suspend for a period not to exceed three years, or revoke the license.

✓