

FIRST REGULAR SESSION

HOUSE BILL NO. 516

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCCREERY.

0244H.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, with penalty provisions.

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2 repealed and five new sections enacted in lieu thereof, to be known as sections 337.035, 337.330,
3 337.525, 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 writing
4 of the reasons for the refusal and shall advise the applicant of the applicant's right to file a
5 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 has
9 surrendered the person's certificate of registration or authority, permit or license for any one or
10 any combination of the following causes:

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

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
15 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,

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.

16 for any offense reasonably related to the qualifications, functions or duties of any profession
17 licensed or regulated under this chapter, for any offense an essential element of which is fraud,
18 dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not
19 sentence is imposed;

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

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

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

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

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

33 (8) Disciplinary action against the holder of a license or other right to practice any
34 profession regulated by 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) A person is finally adjudged insane or incapacitated by a court of competent
37 jurisdiction;

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

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

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

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

46 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to
47 the general public or persons to whom the advertisement or solicitation is primarily 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 change**
53 **behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions**
54 **or feelings toward individuals of the same gender. "Conversion therapy" shall not include**
55 **counseling that provides assistance to a person undergoing gender transition or counseling**
56 **that provides acceptance, support, and understanding of a person or facilitates a person's**
57 **copng, social support, and identity exploration and development, including sexual-**
58 **orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual**
59 **practices, as long as such counseling does not seek to change an individual's sexual**
60 **orientation or gender identity.**

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

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

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

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

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

16 licensed or regulated under this chapter, for any offense an essential element of which is fraud,
17 dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not
18 sentence is imposed;

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

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

24 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty
25 in the performance of the functions or duties of any profession licensed by sections 337.300 to
26 337.345;

27 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
28 337.300 to 337.345, or of any lawful rule adopted thereunder;

29 (7) Impersonation of any person holding a certificate of registration or authority, permit
30 or license or allowing any person to use his or her certificate of registration or authority, permit,
31 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 sections 337.300 to 337.345 granted by another state, territory, federal
34 agency, or 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 sections 337.300 to 337.345 who is not registered and currently eligible
39 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 to
43 337.345 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 to
46 the general public or persons to whom the advertisement or solicitation is primarily directed;

47 (15) Being guilty of unethical conduct as defined in the code of conduct as adopted by
48 the committee 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 change**

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

60 3. After the filing of such complaint, the proceedings shall be conducted in accordance
61 with the provisions of chapter 621. Upon a finding by the administrative hearing commission
62 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the
63 committee may, singly or in combination, censure or place the person named in the complaint
64 on probation on such terms and conditions as the department deems appropriate for a period not
65 to exceed five years, or may suspend, for a period not to exceed three years, or revoke the
66 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 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 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 to
11 an extent that such use impairs a person's ability to engage in the occupation of professional
12 counselor;

13 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
14 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,
15 for any offense reasonably related to the qualifications, functions or duties of a professional
16 counselor; for any offense an essential element of which is fraud, dishonesty or an act of
17 violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

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

- 21 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by
22 fraud, deception or misrepresentation;
- 23 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance
24 of the functions or duties of a professional counselor;
- 25 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
26 337.500 to 337.540, or of any lawful rule or regulation adopted pursuant to sections 337.500 to
27 337.540;
- 28 (7) Impersonation of any person holding a license or allowing any person to use his or
29 her license or diploma from any school;
- 30 (8) Revocation or suspension of a license or other right to practice counseling granted
31 by another state, territory, federal agency or country upon grounds for which revocation or
32 suspension is authorized in this state;
- 33 (9) A person is finally adjudged incapacitated by a court of competent jurisdiction;
- 34 (10) Assisting or enabling any person to practice or offer to practice professional
35 counseling who is not licensed and currently eligible to practice under the provisions of sections
36 337.500 to 337.540;
- 37 (11) Issuance of a license based upon a material mistake of fact;
- 38 (12) Failure to display a valid license if so required by sections 337.500 to 337.540 or
39 any rule promulgated hereunder;
- 40 (13) Violation of any professional trust or confidence;
- 41 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to
42 the general public or persons to whom the advertisement or solicitation is primarily directed;
- 43 (15) Being guilty of unethical conduct as defined in the ethical standards for counselors
44 adopted by the division and filed with the secretary of state;
- 45 **(16) Engaging in conversion therapy with a minor. For purposes of this**
46 **subdivision, the term "conversion therapy" means any practices or treatments that seek**
47 **to change an individual's sexual orientation or gender identity, including efforts to change**
48 **behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions**
49 **or feelings toward individuals of the same gender. "Conversion therapy" shall not include**
50 **counseling that provides assistance to a person undergoing gender transition or counseling**
51 **that provides acceptance, support, and understanding of a person or facilitates a person's**
52 **coping, social support, and identity exploration and development, including sexual-**
53 **orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual**
54 **practices, as long as such counseling does not seek to change an individual's sexual**
55 **orientation or gender identity.**

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

59 4. After the filing of such complaint, the proceedings shall be conducted in accordance
60 with the provisions of chapter 621. Upon a finding by the administrative hearing commission
61 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the
62 committee may censure or place the person named in the complaint on probation on such terms
63 and conditions as the committee deems appropriate for a period not to exceed five years, or may
64 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 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
8 337.600 to 337.689 or any person who has failed to renew or has surrendered the person's license
9 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 to
11 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 be
14 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 guilty
16 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United
17 States, for any offense reasonably related to the qualifications, functions or duties of a social
18 worker licensed under this chapter; for any offense an essential element of which is fraud,
19 dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not
20 sentence is imposed;

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

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

26 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance
27 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 sections
29 337.600 to 337.689, or of any lawful rule or regulation adopted pursuant to sections 337.600 to
30 337.689;

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 licensed
34 pursuant to this chapter granted by another state, territory, federal agency or country upon
35 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 licensed
38 pursuant to this chapter who is not licensed and currently eligible to practice pursuant to the
39 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 to
45 the general public or persons to whom the advertisement or solicitation is primarily directed;

46 (15) Being guilty of unethical conduct as defined in the ethical standards for clinical
47 social workers 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 change**
51 **behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions**
52 **or feelings toward individuals of the same gender. "Conversion therapy" shall not include**
53 **counseling that provides assistance to a person undergoing gender transition or counseling**
54 **that provides acceptance, support, and understanding of a person or facilitates a person's**
55 **coping, social support, and identity exploration and development, including sexual-**
56 **orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual**
57 **practices, as long as such counseling does not seek to change an individual's sexual**
58 **orientation or gender identity.**

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

62 4. After the 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 committee 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 may
67 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 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
8 337.700 to 337.739 or any person who has failed to renew or has surrendered the person's license
9 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 to
11 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 guilty
16 in a criminal prosecution under the laws of any state or of the United States, for any offense
17 reasonably related to the qualifications, functions or duties of a marital and family therapist; for
18 any offense an essential element of which is fraud, dishonesty or an act of violence; or for any
19 offense involving moral turpitude, whether or not sentence is imposed;

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

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

25 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance
26 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 sections
28 337.700 to 337.739 or of any lawful rule or regulation adopted pursuant to sections 337.700 to
29 337.739;

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 family
37 therapy who is not licensed and is not currently eligible to practice under the provisions of
38 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 to
44 the general public or persons to whom the advertisement or solicitation is primarily directed;

45 (15) Being guilty of unethical conduct as defined in the ethical standards for marital and
46 family therapists adopted by the committee by rule 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 change**
50 **behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions**
51 **or feelings toward individuals of the same gender. "Conversion therapy" shall not include**
52 **counseling that provides assistance to a person undergoing gender transition or counseling**
53 **that provides acceptance, support, and understanding of a person or facilitates a person's**
54 **coping, social support, and identity exploration and development, including sexual-**
55 **orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual**
56 **practices, as long as such counseling does not seek to change an individual's sexual**
57 **orientation or gender identity.**

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

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

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