

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 796

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

Pre-filed December 12, 2017, and ordered printed.

Read 2nd time January 17, 2018, and referred to the Committee on Professional Registration.

Reported from the Committee February 22, 2018, with recommendation that the bill do pass.

Taken up for Perfection March 5, 2018. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

5456S.01P

AN ACT

To repeal sections 337.020, 337.025, 337.029, 337.033, 337.315, 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, and 337.718, RSMo, and to enact in lieu thereof twenty-eight new sections relating to the licensure of health care professionals, with a contingent effective date for certain sections.

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

Section A. Sections 337.020, 337.025, 337.029, 337.033, 337.315, 337.320, 2 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, and 337.718, RSMo, are 3 repealed and twenty-eight new sections enacted in lieu thereof, to be known as 4 sections 324.046, 337.020, 337.025, 337.029, 337.033, 337.100, 337.105, 337.110, 5 337.115, 337.120, 337.125, 337.130, 337.135, 337.140, 337.145, 337.150, 337.155, 6 337.160, 337.165, 337.315, 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 7 337.712, and 337.718, to read as follows:

324.046. 1. For the purposes of this section, the term "health care 2 professional" shall mean a physician, other health care practitioner, or 3 mental health professional licensed, accredited, or certified by the state 4 of Missouri to perform specified health services.

2. Any health care professional in the state of Missouri may 5 annually complete training in the areas of suicide assessment, referral, 6 treatment, and management, which may qualify as part of the 7 continuing education requirements for his or her licensure. 8

337.020. 1. Each person desiring to obtain a license, whether temporary,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

2 provisional or permanent, as a psychologist shall make application to the
3 committee upon such forms and in such manner as may be prescribed by the
4 committee and shall pay the required application fee. **The form shall include**
5 **a statement that the applicant has completed two hours of suicide**
6 **assessment, referral, treatment, and management training that meets**
7 **the guidelines developed by the committee.** The application fee shall not
8 be refundable. Each application shall contain a statement that it is made under
9 oath or affirmation and that its representations are true and correct to the best
10 knowledge and belief of the person signing the application, subject to the
11 penalties of making a false affidavit or declaration.

12 2. Each applicant, whether for temporary, provisional or permanent
13 licensure, shall submit evidence satisfactory to the committee that the applicant
14 is at least twenty-one years of age, is of good moral character, and meets the
15 appropriate educational requirements as set forth in either section 337.021 or
16 337.025, or is qualified for licensure without examination pursuant to section
17 337.029. In determining the acceptability of the applicant's qualifications, the
18 committee may require evidence that it deems reasonable and proper, in
19 accordance with law, and the applicant shall furnish the evidence in the manner
20 required by the committee.

21 3. The committee with assistance from the division shall issue a
22 permanent license to and register as a psychologist any applicant who, in
23 addition to having fulfilled the other requirements of sections 337.010 to 337.090,
24 passes the examination for professional practice in psychology and such other
25 examinations in psychology which may be adopted by the committee, except that
26 an applicant fulfilling the requirement of section 337.029 shall upon successful
27 completion of the jurisprudence examination and completion of the oral
28 examination be permanently licensed without having to retake the examination
29 for professional practice in psychology.

30 4. The committee, with assistance from the division, shall issue a
31 provisional license to, and register as being a provisionally licensed psychologist,
32 any applicant who is a graduate of a recognized educational institution with a
33 doctoral degree in psychology as defined in section 337.025, and who otherwise
34 meets all requirements to become a licensed psychologist, except for passage of
35 the national and state licensing exams, oral examination and completion of the
36 required period of postdegree supervised experience as specified in subsection 2
37 of section 337.025.

38 5. A provisional license issued pursuant to subsection 4 of this section
39 shall only authorize and permit the applicant to render those psychological
40 services which are under the supervision and the full professional responsibility
41 and control of such person's postdoctoral degree licensed supervisor. A
42 provisional license shall automatically terminate upon issuance of a permanent
43 license, upon a finding of cause to discipline after notice and hearing pursuant
44 to section 337.035, upon the expiration of one year from the date of issuance
45 whichever event first occurs, or upon termination of supervision by the licensed
46 supervisor. The provisional license may be renewed after one year with a
47 maximum issuance of two years total per provisional licensee. The committee by
48 rule shall provide procedures for exceptions and variances from the requirement
49 of a maximum issuance of two years due to vacations, illness, pregnancy and
50 other good causes.

51 6. The committee, with assistance from the division, shall immediately
52 issue a temporary license to any applicant for licensure either by reciprocity
53 pursuant to section 337.029, or by endorsement of the score from the examination
54 for professional practice in psychology upon receipt of an application for such
55 licensure and upon proof that the applicant is either licensed as a psychologist
56 in another jurisdiction, is a diplomate of the American Board of Professional
57 Psychology, or is a member of the National Register of Health Services Providers
58 in Psychology.

59 7. A temporary license issued pursuant to subsection 6 of this section
60 shall authorize the applicant to practice psychology in this state, the same as if
61 a permanent license had been issued. Such temporary license shall be issued
62 without payment of an additional fee and shall remain in full force and effect
63 until the earlier of the following events:

64 (1) A permanent license has been issued to the applicant following
65 successful completion of the jurisprudence examination and the oral interview
66 examination;

67 (2) In cases where the committee has found the applicant ineligible for
68 licensure and no appeal has been taken to the administrative hearing
69 commission, then at the expiration of such appeal time; or

70 (3) In cases where the committee has found the applicant ineligible for
71 licensure and the applicant has taken an appeal to the administrative hearing
72 commission and the administrative hearing commission has also found the
73 applicant ineligible, then upon the rendition by the administrative hearing

74 commission of its findings of fact and conclusions of law to such effect.

75 8. Written and oral examinations pursuant to sections 337.010 to 337.090
76 shall be administered by the committee at least twice each year to any applicant
77 who meets the educational requirements set forth in either section 337.021 or
78 337.025 or to any applicant who is seeking licensure either by reciprocity
79 pursuant to section 337.029, or by endorsement of the score from the examination
80 of professional practice in psychology. The committee shall examine in the areas
81 of professional knowledge, techniques and applications, research and its
82 interpretation, professional affairs, ethics, and Missouri law and regulations
83 governing the practice of psychology. The committee may use, in whole or in part,
84 the examination for professional practice in psychology national examination in
85 psychology or such other national examination in psychology which may be
86 available.

87 9. If an applicant fails any examination, the applicant shall be permitted
88 to take a subsequent examination, upon the payment of an additional
89 reexamination fee. This reexamination fee shall not be refundable.

 337.025. 1. The provisions of this section shall govern the education and
2 experience requirements for initial licensure as a psychologist for the following
3 persons:

4 (1) A person who has not matriculated in a graduate degree program
5 which is primarily psychological in nature on or before August 28, 1990; and

6 (2) A person who is matriculated after August 28, 1990, in a graduate
7 degree program designed to train professional psychologists.

8 2. Each applicant shall submit satisfactory evidence to the committee that
9 the applicant has received a doctoral degree in psychology from a recognized
10 educational institution, and has had at least one year of satisfactory supervised
11 professional experience in the field of psychology.

12 3. A doctoral degree in psychology is defined as:

13 (1) A program accredited, or provisionally accredited, by the American
14 Psychological Association [or] (APA), the Canadian Psychological Association, **or**
15 **the Psychological Clinical Science Accreditation System (PCSAS)**
16 **provided that such program include a supervised practicum,**
17 **internship, field, or laboratory training appropriate to the practice of**
18 **psychology; or**

19 (2) A program designated or approved, including provisional approval, by
20 the Association of State and Provincial Psychology Boards or the Council for the

21 National Register of Health Service Providers in Psychology, or both; or

22 (3) A graduate program that meets all of the following criteria:

23 (a) The program, wherever it may be administratively housed, shall be
24 clearly identified and labeled as a psychology program. Such a program shall
25 specify in pertinent institutional catalogues and brochures its intent to educate
26 and train professional psychologists;

27 (b) The psychology program shall stand as a recognizable, coherent
28 organizational entity within the institution of higher education;

29 (c) There shall be a clear authority and primary responsibility for the core
30 and specialty areas whether or not the program cuts across administrative lines;

31 (d) The program shall be an integrated, organized, sequence of study;

32 (e) There shall be an identifiable psychology faculty and a psychologist
33 responsible for the program;

34 (f) The program shall have an identifiable body of students who are
35 matriculated in that program for a degree;

36 (g) The program shall include a supervised practicum, internship, field,
37 or laboratory training appropriate to the practice of psychology;

38 (h) The curriculum shall encompass a minimum of three academic years
39 of full-time graduate study, with a minimum of one year's residency at the
40 educational institution granting the doctoral degree; and

41 (i) Require the completion by the applicant of a core program in
42 psychology which shall be met by the completion and award of at least one
43 three-semester-hour graduate credit course or a combination of graduate credit
44 courses totaling three semester hours or five quarter hours in each of the
45 following areas:

46 a. The biological bases of behavior such as courses in: physiological
47 psychology, comparative psychology, neuropsychology, sensation and perception,
48 psychopharmacology;

49 b. The cognitive-affective bases of behavior such as courses in: learning,
50 thinking, motivation, emotion, and cognitive psychology;

51 c. The social bases of behavior such as courses in: social psychology,
52 group processes/dynamics, interpersonal relationships, and organizational and
53 systems theory;

54 d. Individual differences such as courses in: personality theory, human
55 development, abnormal psychology, developmental psychology, child psychology,
56 adolescent psychology, psychology of aging, and theories of personality;

57 e. The scientific methods and procedures of understanding, predicting and
58 influencing human behavior such as courses in: statistics, experimental design,
59 psychometrics, individual testing, group testing, and research design and
60 methodology.

61 4. Acceptable supervised professional experience may be accrued through
62 preinternship, internship, predoctoral postinternship, or postdoctoral
63 experiences. The academic training director or the postdoctoral training
64 supervisor shall attest to the hours accrued to meet the requirements of this
65 section. Such hours shall consist of:

66 (1) A minimum of fifteen hundred hours of experience in a successfully
67 completed internship to be completed in not less than twelve nor more than
68 twenty-four months; and

69 (2) A minimum of two thousand hours of experience consisting of any
70 combination of the following:

71 (a) Preinternship and predoctoral postinternship professional experience
72 that occurs following the completion of the first year of the doctoral program or
73 at any time while in a doctoral program after completion of a master's degree in
74 psychology or equivalent as defined by rule by the committee;

75 (b) Up to seven hundred fifty hours obtained while on the internship
76 under subdivision (1) of this subsection but beyond the fifteen hundred hours
77 identified in subdivision (1) of this subsection; or

78 (c) Postdoctoral professional experience obtained in no more than
79 twenty-four consecutive calendar months. In no case shall this experience be
80 accumulated at a rate of more than fifty hours per week. Postdoctoral supervised
81 professional experience for prospective health service providers and other
82 applicants shall involve and relate to the delivery of psychological services in
83 accordance with professional requirements and relevant to the applicant's
84 intended area of practice.

85 5. Experience for those applicants who intend to seek health service
86 provider certification and who have completed a program in one or more of the
87 American Psychological Association designated health service provider delivery
88 areas shall be obtained under the primary supervision of a licensed psychologist
89 who is also a health service provider or who otherwise meets the requirements for
90 health service provider certification. Experience for those applicants who do not
91 intend to seek health service provider certification shall be obtained under the
92 primary supervision of a licensed psychologist or such other qualified mental

93 health professional approved by the committee.

94 6. For postinternship and postdoctoral hours, the psychological activities
95 of the applicant shall be performed pursuant to the primary supervisor's order,
96 control, and full professional responsibility. The primary supervisor shall
97 maintain a continuing relationship with the applicant and shall meet with the
98 applicant a minimum of one hour per month in face-to-face individual
99 supervision. Clinical supervision may be delegated by the primary supervisor to
100 one or more secondary supervisors who are qualified psychologists. The
101 secondary supervisors shall retain order, control, and full professional
102 responsibility for the applicant's clinical work under their supervision and shall
103 meet with the applicant a minimum of one hour per week in face-to-face
104 individual supervision. If the primary supervisor is also the clinical supervisor,
105 meetings shall be a minimum of one hour per week. Group supervision shall not
106 be acceptable for supervised professional experience. The primary supervisor
107 shall certify to the committee that the applicant has complied with these
108 requirements and that the applicant has demonstrated ethical and competent
109 practice of psychology. The changing by an agency of the primary supervisor
110 during the course of the supervised experience shall not invalidate the supervised
111 experience.

112 7. The committee by rule shall provide procedures for exceptions and
113 variances from the requirements for once a week face-to-face supervision due to
114 vacations, illness, pregnancy, and other good causes.

337.029. 1. A psychologist licensed in another jurisdiction who has had
2 no violations and no suspensions and no revocation of a license to practice
3 psychology in any jurisdiction may receive a license in Missouri, provided the
4 psychologist passes a written examination on Missouri laws and regulations
5 governing the practice of psychology and meets one of the following criteria:

- 6 (1) Is a diplomate of the American Board of Professional Psychology;
- 7 (2) Is a member of the National Register of Health Service Providers in
8 Psychology;
- 9 (3) Is currently licensed or certified as a psychologist in another
10 jurisdiction who is then a signatory to the Association of State and Provincial
11 Psychology Board's reciprocity agreement;
- 12 (4) Is currently licensed or certified as a psychologist in another state,
13 territory of the United States, or the District of Columbia and:
 - 14 (a) Has a doctoral degree in psychology from a program accredited, or

15 provisionally accredited, by the American Psychological Association **or the**
16 **Psychological Clinical Science Accreditation System**, or that meets the
17 requirements as set forth in subdivision (3) of subsection 3 of section 337.025;

18 (b) Has been licensed for the preceding five years; and

19 (c) Has had no disciplinary action taken against the license for the
20 preceding five years; or

21 (5) Holds a current certificate of professional qualification (CPQ) issued
22 by the Association of State and Provincial Psychology Boards (ASPPB).

23 2. Notwithstanding the provisions of subsection 1 of this section,
24 applicants may be required to pass an oral examination as adopted by the
25 committee.

26 3. A psychologist who receives a license for the practice of psychology in
27 the state of Missouri on the basis of reciprocity as listed in subsection 1 of this
28 section or by endorsement of the score from the examination of professional
29 practice in psychology score will also be eligible for and shall receive certification
30 from the committee as a health service provider if the psychologist meets one or
31 more of the following criteria:

32 (1) Is a diplomate of the American Board of Professional Psychology in one
33 or more of the specialties recognized by the American Board of Professional
34 Psychology as pertaining to health service delivery;

35 (2) Is a member of the National Register of Health Service Providers in
36 Psychology; or

37 (3) Has completed or obtained through education, training, or experience
38 the requisite knowledge comparable to that which is required pursuant to section
39 337.033.

337.033. 1. A licensed psychologist shall limit his or her practice to
2 demonstrated areas of competence as documented by relevant professional
3 education, training, and experience. A psychologist trained in one area shall not
4 practice in another area without obtaining additional relevant professional
5 education, training, and experience through an acceptable program of
6 respecialization.

7 2. A psychologist may not represent or hold himself or herself out as a
8 state certified or registered psychological health service provider unless the
9 psychologist has first received the psychologist health service provider
10 certification from the committee; provided, however, nothing in this section shall
11 be construed to limit or prevent a licensed, whether temporary, provisional or

12 permanent, psychologist who does not hold a health service provider certificate
13 from providing psychological services so long as such services are consistent with
14 subsection 1 of this section.

15 3. "Relevant professional education and training" for health service
16 provider certification, except those entitled to certification pursuant to subsection
17 5 or 6 of this section, shall be defined as a licensed psychologist whose graduate
18 psychology degree from a recognized educational institution is in an area
19 designated by the American Psychological Association as pertaining to health
20 service delivery or a psychologist who subsequent to receipt of his or her graduate
21 degree in psychology has either completed a respecialization program from a
22 recognized educational institution in one or more of the American Psychological
23 Association recognized clinical health service provider areas and who in addition
24 has completed at least one year of postdegree supervised experience in such
25 clinical area or a psychologist who has obtained comparable education and
26 training acceptable to the committee through completion of postdoctoral
27 fellowships or otherwise.

28 4. The degree or respecialization program certificate shall be obtained
29 from a recognized program of graduate study in one or more of the health service
30 delivery areas designated by the American Psychological Association as
31 pertaining to health service delivery, which shall meet one of the criteria
32 established by subdivisions (1) to (3) of this subsection:

33 (1) A doctoral degree or completion of a recognized respecialization
34 program in one or more of the American Psychological Association designated
35 health service provider delivery areas which is accredited, or provisionally
36 accredited, **either** by the American Psychological Association **or the**
37 **Psychological Clinical Science Accreditation System**; or

38 (2) A clinical or counseling psychology doctoral degree program or
39 respecialization program designated, or provisionally approved, by the Association
40 of State and Provincial Psychology Boards or the Council for the National
41 Register of Health Service Providers in Psychology, or both; or

42 (3) A doctoral degree or completion of a respecialization program in one
43 or more of the American Psychological Association designated health service
44 provider delivery areas that meets the following criteria:

45 (a) The program, wherever it may be administratively housed, shall be
46 clearly identified and labeled as being in one or more of the American
47 Psychological Association designated health service provider delivery areas;

48 (b) Such a program shall specify in pertinent institutional catalogues and
49 brochures its intent to educate and train professional psychologists in one or more
50 of the American Psychological Association designated health service provider
51 delivery areas.

52 5. A person who is lawfully licensed as a psychologist pursuant to the
53 provisions of this chapter on August 28, 1989, or who has been approved to sit for
54 examination prior to August 28, 1989, and who subsequently passes the
55 examination shall be deemed to have met all requirements for health service
56 provider certification; provided, however, that such person shall be governed by
57 the provisions of subsection 1 of this section with respect to limitation of practice.

58 6. Any person who is lawfully licensed as a psychologist in this state and
59 who meets one or more of the following criteria shall automatically, upon
60 payment of the requisite fee, be entitled to receive a health service provider
61 certification from the committee:

62 (1) Is a diplomate of the American Board of Professional Psychology in one
63 or more of the specialties recognized by the American Board of Professional
64 Psychology as pertaining to health service delivery; or

65 (2) Is a member of the National Register of Health Service Providers in
66 Psychology.

**337.100. 1. Sections 337.100 to 337.165 shall be known as the
2 "Psychology Interjurisdictional Compact". The party states find that:**

3 **(1) States license psychologists, in order to protect the public
4 through verification of education, training and experience and ensure
5 accountability for professional practice;**

6 **(2) This compact is intended to regulate the day to day practice
7 of telepsychology, the provision of psychological services using
8 telecommunication technologies, by psychologists across state
9 boundaries in the performance of their psychological practice as
10 assigned by an appropriate authority;**

11 **(3) This compact is intended to regulate the temporary in-person,
12 face-to-face practice of psychology by psychologists across state
13 boundaries for thirty days within a calendar year in the performance
14 of their psychological practice as assigned by an appropriate authority;**

15 **(4) This compact is intended to authorize state psychology
16 regulatory authorities to afford legal recognition, in a manner
17 consistent with the terms of the compact, to psychologists licensed in**

18 another state;

19 (5) This compact recognizes that states have a vested interest in
20 protecting the public's health and safety through their licensing and
21 regulation of psychologists and that such state regulation will best
22 protect public health and safety;

23 (6) This compact does not apply when a psychologist is licensed
24 in both the home and receiving states; and

25 (7) This compact does not apply to permanent in-person,
26 face-to-face practice, it does allow for authorization of temporary
27 psychological practice.

28 2. The general purposes of this compact are to:

29 (1) Increase public access to professional psychological services
30 by allowing for telepsychological practice across state lines as well as
31 temporary in-person, face-to-face services into a state which the
32 psychologist is not licensed to practice psychology;

33 (2) Enhance the states' ability to protect the public's health and
34 safety, especially client/patient safety;

35 (3) Encourage the cooperation of compact states in the areas of
36 psychology licensure and regulation;

37 (4) Facilitate the exchange of information between compact
38 states regarding psychologist licensure, adverse actions and
39 disciplinary history;

40 (5) Promote compliance with the laws governing psychological
41 practice in each compact state; and

42 (6) Invest all compact states with the authority to hold licensed
43 psychologists accountable through the mutual recognition of compact
44 state licenses.

337.105. As used in this compact, the following terms shall mean:

2 (1) "Adverse action", any action taken by a state psychology
3 regulatory authority which finds a violation of a statute or regulation
4 that is identified by the state psychology regulatory authority as
5 discipline and is a matter of public record;

6 (2) "Association of State and Provincial Psychology Boards
7 (ASPPB)", the recognized membership organization composed of state
8 and provincial psychology regulatory authorities responsible for the
9 licensure and registration of psychologists throughout the United
10 States and Canada;

11 (3) "Authority to practice interjurisdictional telepsychology", a
12 licensed psychologist's authority to practice telepsychology, within the
13 limits authorized under this compact, in another compact state;

14 (4) "Bylaws", those bylaws established by the psychology
15 interjurisdictional compact commission pursuant to section 337.145 for
16 its governance, or for directing and controlling its actions and conduct;

17 (5) "Client/patient", the recipient of psychological services,
18 whether psychological services are delivered in the context of
19 healthcare, corporate, supervision, or consulting services;

20 (6) "Commissioner", the voting representative appointed by each
21 state psychology regulatory authority pursuant to section 337.145;

22 (7) "Compact state", a state, the District of Columbia, or United
23 States territory that has enacted this compact legislation and which has
24 not withdrawn pursuant to subsection 3 of section 337.160 or been
25 terminated pursuant to subsection 2 of section 337.155;

26 (8) "Coordinated licensure information system" also referred to
27 as "coordinated database", an integrated process for collecting, storing,
28 and sharing information on psychologists' licensure and enforcement
29 activities related to psychology licensure laws, which is administered
30 by the recognized membership organization composed of state and
31 provincial psychology regulatory authorities;

32 (9) "Confidentiality", the principle that data or information is not
33 made available or disclosed to unauthorized persons or processes;

34 (10) "Day", any part of a day in which psychological work is
35 performed;

36 (11) "Distant state", the compact state where a psychologist is
37 physically present, not through the use of telecommunications
38 technologies, to provide temporary in-person, face-to-face psychological
39 services;

40 (12) "E.Passport", a certificate issued by the Association of State
41 and Provincial Psychology Boards (ASPPB) that promotes the
42 standardization in the criteria of interjurisdictional telepsychology
43 practice and facilitates the process for licensed psychologists to
44 provide telepsychological services across state lines;

45 (13) "Executive board", a group of directors elected or appointed
46 to act on behalf of, and within the powers granted to them by, the
47 commission;

48 (14) "Home state", a compact state where a psychologist is
49 licensed to practice psychology. If the psychologist is licensed in more
50 than one compact state and is practicing under the authorization to
51 practice interjurisdictional telepsychology, the home state is the
52 compact state where the psychologist is physically present when the
53 telepsychological services are delivered. If the psychologist is licensed
54 in more than one compact state and is practicing under the temporary
55 authorization to practice, the home state is any compact state where
56 the psychologist is licensed;

57 (15) "Identity history summary", a summary of information
58 retained by the Federal Bureau of Investigation, or other designee with
59 similar authority, in connection with arrests and, in some instances,
60 federal employment, naturalization, or military service;

61 (16) "In-person, face-to-face", interactions in which the
62 psychologist and the client/patient are in the same physical space and
63 which does not include interactions that may occur through the use of
64 telecommunication technologies;

65 (17) "Interjurisdictional practice certificate (IPC)", a certificate
66 issued by the Association of State and Provincial Psychology Boards
67 (ASPPB) that grants temporary authority to practice based on
68 notification to the state psychology regulatory authority of intention
69 to practice temporarily, and verification of one's qualifications for such
70 practice;

71 (18) "License", authorization by a state psychology regulatory
72 authority to engage in the independent practice of psychology, which
73 would be unlawful without the authorization;

74 (19) "Noncompact state", any state which is not at the time a
75 compact state;

76 (20) "Psychologist", an individual licensed for the independent
77 practice of psychology;

78 (21) "Psychology interjurisdictional compact commission" also
79 referred to as "commission", the national administration of which all
80 compact states are members;

81 (22) "Receiving state", a compact state where the client/patient
82 is physically located when the telepsychological services are delivered;

83 (23) "Rule", a written statement by the psychology
84 interjurisdictional compact commission promulgated pursuant to

85 section 337.150 of the compact that is of general applicability,
86 implements, interprets, or prescribes a policy or provision of the
87 compact, or an organizational, procedural, or practice requirement of
88 the commission and has the force and effect of statutory law in a
89 compact state, and includes the amendment, repeal or suspension of an
90 existing rule;

91 (24) "Significant investigatory information":

92 (a) Investigative information that a state psychology regulatory
93 authority, after a preliminary inquiry that includes notification and an
94 opportunity to respond if required by state law, has reason to believe,
95 if proven true, would indicate more than a violation of state statute or
96 ethics code that would be considered more substantial than minor
97 infraction; or

98 (b) Investigative information that indicates that the psychologist
99 represents an immediate threat to public health and safety regardless
100 of whether the psychologist has been notified and had an opportunity
101 to respond;

102 (25) "State", a state, commonwealth, territory, or possession of
103 the United States, the District of Columbia;

104 (26) "State psychology regulatory authority", the board, office or
105 other agency with the legislative mandate to license and regulate the
106 practice of psychology;

107 (27) "Telepsychology", the provision of psychological services
108 using telecommunication technologies;

109 (28) "Temporary authorization to practice", a licensed
110 psychologist's authority to conduct temporary in-person, face-to-face
111 practice, within the limits authorized under this compact, in another
112 compact state;

113 (29) "Temporary in-person, face-to-face practice", where a
114 psychologist is physically present, not through the use of
115 telecommunications technologies, in the distant state to provide for the
116 practice of psychology for thirty days within a calendar year and based
117 on notification to the distant state.

337.110. 1. The home state shall be a compact state where a
2 psychologist is licensed to practice psychology.

3 2. A psychologist may hold one or more compact state licenses at
4 a time. If the psychologist is licensed in more than one compact state,

5 the home state is the compact state where the psychologist is physically
6 present when the services are delivered as authorized by the authority
7 to practice interjurisdictional telepsychology under the terms of this
8 compact.

9 3. Any compact state may require a psychologist not previously
10 licensed in a compact state to obtain and retain a license to be
11 authorized to practice in the compact state under circumstances not
12 authorized by the authority to practice interjurisdictional
13 telepsychology under the terms of this compact.

14 4. Any compact state may require a psychologist to obtain and
15 retain a license to be authorized to practice in a compact state under
16 circumstances not authorized by temporary authorization to practice
17 under the terms of this compact.

18 5. A home state's license authorizes a psychologist to practice in
19 a receiving state under the authority to practice interjurisdictional
20 telepsychology only if the compact state:

21 (1) Currently requires the psychologist to hold an active
22 E.Passport;

23 (2) Has a mechanism in place for receiving and investigating
24 complaints about licensed individuals;

25 (3) Notifies the commission, in compliance with the terms herein,
26 of any adverse action or significant investigatory information
27 regarding a licensed individual;

28 (4) Requires an identity history summary of all applicants at
29 initial licensure, including the use of the results of fingerprints or
30 other biometric data checks compliant with the requirements of the
31 Federal Bureau of Investigation, or other designee with similar
32 authority, no later than ten years after activation of the compact; and

33 (5) Complies with the bylaws and rules of the commission.

34 6. A home state's license grants temporary authorization to
35 practice to a psychologist in a distant state only if the compact state:

36 (1) Currently requires the psychologist to hold an active IPC;

37 (2) Has a mechanism in place for receiving and investigating
38 complaints about licensed individuals;

39 (3) Notifies the commission, in compliance with the terms herein,
40 of any adverse action or significant investigatory information
41 regarding a licensed individual;

- 42 **(4) Requires an identity history summary of all applicants at**
43 **initial licensure, including the use of the results of fingerprints or**
44 **other biometric data checks compliant with the requirements of the**
45 **Federal Bureau of Investigation, or other designee with similar**
46 **authority, no later than ten years after activation of the compact; and**
47 **(5) Complies with the bylaws and rules of the commission.**

337.115. 1. Compact states shall recognize the right of a
2 **psychologist, licensed in a compact state in conformance with section**
3 **337.110, to practice telepsychology in receiving states in which the**
4 **psychologist is not licensed, under the authority to practice**
5 **interjurisdictional telepsychology as provided in the compact.**

6 **2. To exercise the authority to practice interjurisdictional**
7 **telepsychology under the terms and provisions of this compact, a**
8 **psychologist licensed to practice in a compact state shall:**

9 **(1) Hold a graduate degree in psychology from an institute of**
10 **higher education that was, at the time the degree was awarded:**

11 **(a) Regionally accredited by an accrediting body recognized by**
12 **the United States Department of Education to grant graduate degrees,**
13 **or authorized by provincial statute or royal charter to grant doctoral**
14 **degrees; or**

15 **(b) A foreign college or university deemed to be equivalent to the**
16 **requirements of paragraph (a) of this subdivision by a foreign**
17 **credential evaluation service that is a member of the National**
18 **Association of Credential Evaluation Services (NACES) or by a**
19 **recognized foreign credential evaluation service;**

20 **(2) Hold a graduate degree in psychology that meets the**
21 **following criteria:**

22 **(a) The program, wherever it may be administratively housed,**
23 **shall be clearly identified and labeled as a psychology program. Such**
24 **a program shall specify in pertinent institutional catalogues and**
25 **brochures its intent to educate and train professional psychologists;**

26 **(b) The psychology program shall stand as a recognizable,**
27 **coherent, organizational entity within the institution;**

28 **(c) There shall be a clear authority and primary responsibility**
29 **for the core and specialty areas whether or not the program cuts across**
30 **administrative lines;**

31 **(d) The program shall consist of an integrated, organized**

32 **sequence of study;**

33 **(e) There shall be an identifiable psychology faculty sufficient in**
34 **size and breadth to carry out its responsibilities;**

35 **(f) The designated director of the program shall be a**
36 **psychologist and a member of the core faculty;**

37 **(g) The program shall have an identifiable body of students who**
38 **are matriculated in that program for a degree;**

39 **(h) The program shall include supervised practicum, internship,**
40 **or field training appropriate to the practice of psychology;**

41 **(i) The curriculum shall encompass a minimum of three academic**
42 **years of full-time graduate study for doctoral degree and a minimum of**
43 **one academic year of full-time graduate study for master's degree;**

44 **(j) The program includes an acceptable residency as defined by**
45 **the rules of the commission;**

46 **(3) Possess a current, full and unrestricted license to practice**
47 **psychology in a home state which is a compact state;**

48 **(4) Have no history of adverse action that violate the rules of the**
49 **commission;**

50 **(5) Have no criminal record history reported on an identity**
51 **history summary that violates the rules of the commission;**

52 **(6) Possess a current, active E.Passport;**

53 **(7) Provide attestations in regard to areas of intended practice,**
54 **conformity with standards of practice, competence in telepsychology**
55 **technology; criminal background; and knowledge and adherence to**
56 **legal requirements in the home and receiving states, and provide a**
57 **release of information to allow for primary source verification in a**
58 **manner specified by the commission; and**

59 **(8) Meet other criteria as defined by the rules of the commission.**

60 **3. The home state maintains authority over the license of any**
61 **psychologist practicing into a receiving state under the authority to**
62 **practice interjurisdictional telepsychology.**

63 **4. A psychologist practicing into a receiving state under the**
64 **authority to practice interjurisdictional telepsychology will be subject**
65 **to the receiving state's scope of practice. A receiving state may, in**
66 **accordance with that state's due process law, limit or revoke a**
67 **psychologist's authority to practice interjurisdictional telepsychology**
68 **in the receiving state and may take any other necessary actions under**

69 the receiving state's applicable law to protect the health and safety of
70 the receiving state's citizens. If a receiving state takes action, the state
71 shall promptly notify the home state and the commission.

72 5. If a psychologist's license in any home state, another compact
73 state, or any authority to practice interjurisdictional telepsychology in
74 any receiving state, is restricted, suspended or otherwise limited, the
75 E.Passport shall be revoked and therefore the psychologist shall not be
76 eligible to practice telepsychology in a compact state under the
77 authority to practice interjurisdictional telepsychology.

337.120. 1. Compact states shall also recognize the right of a
2 psychologist, licensed in a compact state in conformance with section
3 337.110, to practice temporarily in distant states in which the
4 psychologist is not licensed, as provided in the compact.

5 2. To exercise the temporary authorization to practice under the
6 terms and provisions of this compact, a psychologist licensed to
7 practice in a compact state shall:

8 (1) Hold a graduate degree in psychology from an institute of
9 higher education that was, at the time the degree was awarded:

10 (a) Regionally accredited by an accrediting body recognized by
11 the United States Department of Education to grant graduate degrees,
12 or authorized by provincial statute or royal charter to grant doctoral
13 degrees; or

14 (b) A foreign college or university deemed to be equivalent to the
15 requirements of paragraph (a) of this subdivision by a foreign
16 credential evaluation service that is a member of the National
17 Association of Credential Evaluation Services (NACES) or by a
18 recognized foreign credential evaluation service;

19 (2) Hold a graduate degree in psychology that meets the
20 following criteria:

21 (a) The program, wherever it may be administratively housed,
22 shall be clearly identified and labeled as a psychology program. Such
23 a program shall specify in pertinent institutional catalogues and
24 brochures its intent to educate and train professional psychologists;

25 (b) The psychology program shall stand as a recognizable,
26 coherent, organizational entity within the institution;

27 (c) There shall be a clear authority and primary responsibility
28 for the core and specialty areas whether or not the program cuts across

29 administrative lines;

30 (d) The program shall consist of an integrated, organized
31 sequence of study;

32 (e) There shall be an identifiable psychology faculty sufficient in
33 size and breadth to carry out its responsibilities;

34 (f) The designated director of the program shall be a
35 psychologist and a member of the core faculty;

36 (g) The program shall have an identifiable body of students who
37 are matriculated in that program for a degree;

38 (h) The program shall include supervised practicum, internship,
39 or field training appropriate to the practice of psychology;

40 (i) The curriculum shall encompass a minimum of three academic
41 years of full-time graduate study for doctoral degrees and a minimum
42 of one academic year of full-time graduate study for master's degree;

43 (j) The program includes an acceptable residency as defined by
44 the rules of the commission;

45 (3) Possess a current, full and unrestricted license to practice
46 psychology in a home state which is a compact state;

47 (4) No history of adverse action that violate the rules of the
48 commission;

49 (5) No criminal record history that violates the rules of the
50 commission;

51 (6) Possess a current, active IPC;

52 (7) Provide attestations in regard to areas of intended practice
53 and work experience and provide a release of information to allow for
54 primary source verification in a manner specified by the commission;
55 and

56 (8) Meet other criteria as defined by the rules of the commission.

57 3. A psychologist practicing into a distant state under the
58 temporary authorization to practice shall practice within the scope of
59 practice authorized by the distant state.

60 4. A psychologist practicing into a distant state under the
61 temporary authorization to practice will be subject to the distant
62 state's authority and law. A distant state may, in accordance with that
63 state's due process law, limit or revoke a psychologist's temporary
64 authorization to practice in the distant state and may take any other
65 necessary actions under the distant state's applicable law to protect the

66 health and safety of the distant state's citizens. If a distant state takes
67 action, the state shall promptly notify the home state and the
68 commission.

69 5. If a psychologist's license in any home state, another compact
70 state, or any temporary authorization to practice in any distant state,
71 is restricted, suspended or otherwise limited, the IPC shall be revoked
72 and therefore the psychologist shall not be eligible to practice in a
73 compact state under the temporary authorization to practice.

337.125. A psychologist may practice in a receiving state under
2 the authority to practice interjurisdictional telepsychology only in the
3 performance of the scope of practice for psychology as assigned by an
4 appropriate state psychology regulatory authority, as defined in the
5 rules of the commission, and under the following circumstances:

6 (1) The psychologist initiates a client/patient contact in a home
7 state via telecommunications technologies with a client/patient in a
8 receiving state;

9 (2) Other conditions regarding telepsychology as determined by
10 rules promulgated by the commission.

337.130. 1. A home state shall have the power to impose adverse
2 action against a psychologist's license issued by the home state. A
3 distant state shall have the power to take adverse action on a
4 psychologist's temporary authorization to practice within that distant
5 state.

6 2. A receiving state may take adverse action on a psychologist's
7 authority to practice interjurisdictional telepsychology within that
8 receiving state. A home state may take adverse action against a
9 psychologist based on an adverse action taken by a distant state
10 regarding temporary in-person, face-to-face practice.

11 3. (1) If a home state takes adverse action against a
12 psychologist's license, that psychologist's authority to practice
13 interjurisdictional telepsychology is terminated and the E.Passport is
14 revoked. Furthermore, that psychologist's temporary authorization to
15 practice is terminated and the IPC is revoked.

16 (2) All home state disciplinary orders which impose adverse
17 action shall be reported to the commission in accordance with the rules
18 promulgated by the commission. A compact state shall report adverse
19 actions in accordance with the rules of the commission.

20 **(3) In the event discipline is reported on a psychologist, the**
21 **psychologist will not be eligible for telepsychology or temporary**
22 **in-person, face-to-face practice in accordance with the rules of the**
23 **commission.**

24 **(4) Other actions may be imposed as determined by the rules**
25 **promulgated by the commission.**

26 **4. A home state's psychology regulatory authority shall**
27 **investigate and take appropriate action with respect to reported**
28 **inappropriate conduct engaged in by a licensee which occurred in a**
29 **receiving state as it would if such conduct had occurred by a licensee**
30 **within the home state. In such cases, the home state's law shall control**
31 **in determining any adverse action against a psychologist's license.**

32 **5. A distant state's psychology regulatory authority shall**
33 **investigate and take appropriate action with respect to reported**
34 **inappropriate conduct engaged in by a psychologist practicing under**
35 **temporary authorization practice which occurred in that distant state**
36 **as it would if such conduct had occurred by a licensee within the home**
37 **state. In such cases, distant state's law shall control in determining any**
38 **adverse action against a psychologist's temporary authorization to**
39 **practice.**

40 **6. Nothing in this compact shall override a compact state's**
41 **decision that a psychologist's participation in an alternative program**
42 **may be used in lieu of adverse action and that such participation shall**
43 **remain non-public if required by the compact state's law. Compact**
44 **states shall require psychologists who enter any alternative programs**
45 **to not provide telepsychology services under the authority to practice**
46 **interjurisdictional telepsychology or provide temporary psychological**
47 **services under the temporary authorization to practice in any other**
48 **compact state during the term of the alternative program.**

49 **7. No other judicial or administrative remedies shall be available**
50 **to a psychologist in the event a compact state imposes an adverse**
51 **action pursuant to subsection 3 of this section.**

337.135. 1. In addition to any other powers granted under state
2 **law, a compact state's psychology regulatory authority shall have the**
3 **authority under this compact to:**

4 **(1) Issue subpoenas, for both hearings and investigations, which**
5 **require the attendance and testimony of witnesses and the production**

6 of evidence. Subpoenas issued by a compact state's psychology
7 regulatory authority for the attendance and testimony of witnesses, or
8 the production of evidence from another compact state shall be
9 enforced in the latter state by any court of competent jurisdiction,
10 according to that court's practice and procedure in considering
11 subpoenas issued in its own proceedings. The issuing state psychology
12 regulatory authority shall pay any witness fees, travel expenses,
13 mileage and other fees required by the service statutes of the state
14 where the witnesses or evidence are located; and

15 (2) Issue cease and desist or injunctive relief orders to revoke a
16 psychologist's authority to practice interjurisdictional telepsychology
17 or temporary authorization to practice.

18 2. During the course of any investigation, a psychologist may not
19 change his or her home state licensure. A home state psychology
20 regulatory authority is authorized to complete any pending
21 investigations of a psychologist and to take any actions appropriate
22 under its law. The home state psychology regulatory authority shall
23 promptly report the conclusions of such investigations to the
24 commission. Once an investigation has been completed, and pending
25 the outcome of said investigation, the psychologist may change his or
26 her home state licensure. The commission shall promptly notify the
27 new home state of any such decisions as provided in the rules of the
28 commission. All information provided to the commission or distributed
29 by compact states pursuant to the psychologist shall be confidential,
30 filed under seal and used for investigatory or disciplinary matters. The
31 commission may create additional rules for mandated or discretionary
32 sharing of information by compact states.

337.140. 1. The commission shall provide for the development
2 and maintenance of a coordinated licensure information system
3 "coordinated database" and reporting system containing licensure and
4 disciplinary action information on all psychologist individuals to whom
5 this compact is applicable in all compact states as defined by the rules
6 of the commission.

7 2. Notwithstanding any other provision of state law to the
8 contrary, a compact state shall submit a uniform data set to the
9 coordinated database on all licensees as required by the rules of the
10 commission, including:

- 11 **(1) Identifying information;**
12 **(2) Licensure data;**
13 **(3) Significant investigatory information;**
14 **(4) Adverse actions against a psychologist's license;**
15 **(5) An indicator that a psychologist's authority to practice**
16 **interjurisdictional telepsychology or temporary authorization to**
17 **practice is revoked;**
18 **(6) Nonconfidential information related to alternative program**
19 **participation information;**
20 **(7) Any denial of application for licensure, and the reasons for**
21 **such denial; and**
22 **(8) Other information which may facilitate the administration of**
23 **this compact, as determined by the rules of the commission.**

24 **3. The coordinated database administrator shall promptly notify**
25 **all compact states of any adverse action taken against, or significant**
26 **investigative information on, any licensee in a compact state.**

27 **4. Compact states reporting information to the coordinated**
28 **database may designate information that may not be shared with the**
29 **public without the express permission of the compact state reporting**
30 **the information.**

31 **5. Any information submitted to the coordinated database that**
32 **is subsequently required to be expunged by the law of the compact**
33 **state reporting the information shall be removed from the coordinated**
34 **database.**

337.145. 1. The compact states hereby create and establish a
2 **joint public agency known as the psychology interjurisdictional**
3 **compact commission.**

4 **(1) The commission is a body politic and an instrumentality of**
5 **the compact states.**

6 **(2) Venue is proper and judicial proceedings by or against the**
7 **commission shall be brought solely and exclusively in a court of**
8 **competent jurisdiction where the principal office of the commission is**
9 **located. The commission may waive venue and jurisdictional defenses**
10 **to the extent it adopts or consents to participate in alternative dispute**
11 **resolution proceedings.**

12 **(3) Nothing in this compact shall be construed to be a waiver of**
13 **sovereign immunity.**

14 **2. The commission shall consist of one voting representative**
15 **appointed by each compact state who shall serve as that state's**
16 **commissioner. The state psychology regulatory authority shall appoint**
17 **its delegate. This delegate shall be empowered to act on behalf of the**
18 **compact state. This delegate shall be limited to:**

19 **(1) Executive director, executive secretary or similar executive;**

20 **(2) Current member of the state psychology regulatory authority**
21 **of a compact state; or**

22 **(3) Designee empowered with the appropriate delegate authority**
23 **to act on behalf of the compact state.**

24 **3. (1) Any commissioner may be removed or suspended from**
25 **office as provided by the law of the state from which the commissioner**
26 **is appointed. Any vacancy occurring in the commission shall be filled**
27 **in accordance with the laws of the compact state in which the vacancy**
28 **exists.**

29 **(2) Each commissioner shall be entitled to one vote with regard**
30 **to the promulgation of rules and creation of bylaws and shall otherwise**
31 **have an opportunity to participate in the business and affairs of the**
32 **commission. A commissioner shall vote in person or by such other**
33 **means as provided in the bylaws. The bylaws may provide for**
34 **commissioners' participation in meetings by telephone or other means**
35 **of communication.**

36 **(3) The commission shall meet at least once during each calendar**
37 **year. Additional meetings shall be held as set forth in the bylaws.**

38 **(4) All meetings shall be open to the public, and public notice of**
39 **meetings shall be given in the same manner as required under the**
40 **rulemaking provisions in section 337.150.**

41 **(5) The commission may convene in a closed, nonpublic meeting**
42 **if the commission shall discuss:**

43 **(a) Noncompliance of a compact state with its obligations under**
44 **the compact;**

45 **(b) The employment, compensation, discipline or other personnel**
46 **matters, practices or procedures related to specific employees or other**
47 **matters related to the commission's internal personnel practices and**
48 **procedures;**

49 **(c) Current, threatened, or reasonably anticipated litigation**
50 **against the commission;**

51 (d) Negotiation of contracts for the purchase or sale of goods,
52 services or real estate;

53 (e) Accusation against any person of a crime or formally
54 censuring any person;

55 (f) Disclosure of trade secrets or commercial or financial
56 information which is privileged or confidential;

57 (g) Disclosure of information of a personal nature where
58 disclosure would constitute a clearly unwarranted invasion of personal
59 privacy;

60 (h) Disclosure of investigatory records compiled for law
61 enforcement purposes;

62 (i) Disclosure of information related to any investigatory reports
63 prepared by or on behalf of or for use of the commission or other
64 committee charged with responsibility for investigation or
65 determination of compliance issues pursuant to the compact;

66 (j) Matters specifically exempted from disclosure by federal and
67 state statute.

68 (6) If a meeting, or portion of a meeting, is closed pursuant to
69 subdivision (5) of subsection 3 of this section, the commission's legal
70 counsel or designee shall certify that the meeting may be closed and
71 shall reference each relevant exempting provision. The commission
72 shall keep minutes which fully and clearly describe all matters
73 discussed in a meeting and shall provide a full and accurate summary
74 of actions taken, of any person participating in the meeting, and the
75 reasons therefore, including a description of the views expressed. All
76 documents considered in connection with an action shall be identified
77 in such minutes. All minutes and documents of a closed meeting shall
78 remain under seal, subject to release only by a majority vote of the
79 commission or order of a court of competent jurisdiction.

80 4. The commission shall, by a majority vote of the commissioners,
81 prescribe bylaws or rules to govern its conduct as may be necessary or
82 appropriate to carry out the purposes and exercise the powers of the
83 compact, including but not limited to:

84 (1) Establishing the fiscal year of the commission;

85 (2) Providing reasonable standards and procedures:

86 (a) For the establishment and meetings of other committees; and

87 (b) Governing any general or specific delegation of any authority

88 or function of the commission;

89 (3) Providing reasonable procedures for calling and conducting
90 meetings of the commission, ensuring reasonable advance notice of all
91 meetings and providing an opportunity for attendance of such meetings
92 by interested parties, with enumerated exceptions designed to protect
93 the public's interest, the privacy of individuals of such proceedings,
94 and proprietary information, including trade secrets. The commission
95 may meet in closed session only after a majority of the commissioners
96 vote to close a meeting to the public in whole or in part. As soon as
97 practicable, the commission shall make public a copy of the vote to
98 close the meeting revealing the vote of each commissioner with no
99 proxy votes allowed;

100 (4) Establishing the titles, duties and authority and reasonable
101 procedures for the election of the officers of the commission;

102 (5) Providing reasonable standards and procedures for the
103 establishment of the personnel policies and programs of the
104 commission. Notwithstanding any civil service or other similar law of
105 any compact state, the bylaws shall exclusively govern the personnel
106 policies and programs of the commission;

107 (6) Promulgating a code of ethics to address permissible and
108 prohibited activities of commission members and employees;

109 (7) Providing a mechanism for concluding the operations of the
110 commission and the equitable disposition of any surplus funds that may
111 exist after the termination of the compact after the payment or
112 reserving of all of its debts and obligations.

113 5. (1) The commission shall publish its bylaws in a convenient
114 form and file a copy thereof and a copy of any amendment thereto, with
115 the appropriate agency or officer in each of the compact states;

116 (2) The commission shall maintain its financial records in
117 accordance with the bylaws; and

118 (3) The commission shall meet and take such actions as are
119 consistent with the provisions of this compact and the bylaws.

120 6. The commission shall have the following powers:

121 (1) The authority to promulgate uniform rules to facilitate and
122 coordinate implementation and administration of this compact. The
123 rule shall have the force and effect of law and shall be binding in all
124 compact states;

125 **(2) To bring and prosecute legal proceedings or actions in the**
126 **name of the commission, provided that the standing of any state**
127 **psychology regulatory authority or other regulatory body responsible**
128 **for psychology licensure to sue or be sued under applicable law shall**
129 **not be affected;**

130 **(3) To purchase and maintain insurance and bonds;**

131 **(4) To borrow, accept or contract for services of personnel,**
132 **including, but not limited to, employees of a compact state;**

133 **(5) To hire employees, elect or appoint officers, fix compensation,**
134 **define duties, grant such individuals appropriate authority to carry out**
135 **the purposes of the compact, and to establish the commission's**
136 **personnel policies and programs relating to conflicts of interest,**
137 **qualifications of personnel, and other related personnel matters;**

138 **(6) To accept any and all appropriate donations and grants of**
139 **money, equipment, supplies, materials and services, and to receive,**
140 **utilize and dispose of the same; provided that at all times the**
141 **commission shall strive to avoid any appearance of impropriety or**
142 **conflict of interest;**

143 **(7) To lease, purchase, accept appropriate gifts or donations of,**
144 **or otherwise to own, hold, improve or use, any property, real, personal**
145 **or mixed; provided that at all times the commission shall strive to avoid**
146 **any appearance of impropriety;**

147 **(8) To lease, purchase, accept appropriate gifts or donations of,**
148 **or otherwise to own, hold, improve or use, any property, real, personal**
149 **or mixed; provided that at all times the commission shall strive to avoid**
150 **any appearance of impropriety;**

151 **(9) To establish a budget and make expenditures;**

152 **(10) To borrow money;**

153 **(11) To appoint committees, including advisory committees**
154 **comprised of members, state regulators, state legislators or their**
155 **representatives, and consumer representatives, and such other**
156 **interested persons as may be designated in this compact and the**
157 **bylaws;**

158 **(12) To provide and receive information from, and to cooperate**
159 **with, law enforcement agencies;**

160 **(13) To adopt and use an official seal; and**

161 **(14) To perform such other functions as may be necessary or**

162 appropriate to achieve the purposes of this compact consistent with the
163 state regulation of psychology licensure, temporary in-person,
164 face-to-face practice and telepsychology practice.

165 7. (1) The elected officers shall serve as the executive board,
166 which shall have the power to act on behalf of the commission
167 according to the terms of this compact.

168 (2) The executive board shall be comprised of six members:

169 (a) Five voting members who are elected from the current
170 membership of the commission by the commission;

171 (b) One ex officio, nonvoting member from the recognized
172 membership organization composed of state and provincial psychology
173 regulatory authorities.

174 (3) The ex officio member shall have served as staff or member
175 on a state psychology regulatory authority and will be selected by its
176 respective organization.

177 (4) The commission may remove any member of the executive
178 board as provided in bylaws.

179 (5) The executive board shall meet at least annually.

180 (6) The executive board shall have the following duties and
181 responsibilities:

182 (a) Recommend to the entire commission changes to the rules or
183 bylaws, changes to this compact legislation, fees paid by compact states
184 such as annual dues, and any other applicable fees;

185 (b) Ensure compact administration services are appropriately
186 provided, contractual or otherwise;

187 (c) Prepare and recommend the budget;

188 (d) Maintain financial records on behalf of the commission;

189 (e) Monitor compact compliance of member states and provide
190 compliance reports to the commission;

191 (f) Establish additional committees as necessary; and

192 (g) Other duties as provided in rules or bylaws.

193 8. (1) The commission shall pay, or provide for the payment of
194 the reasonable expenses of its establishment, organization and ongoing
195 activities.

196 (2) The commission may accept any and all appropriate revenue
197 sources, donations and grants of money, equipment, supplies, materials
198 and services.

199 **(3) The commission may levy on and collect an annual**
200 **assessment from each compact state or impose fees on other parties to**
201 **cover the cost of the operations and activities of the commission and its**
202 **staff which shall be in a total amount sufficient to cover its annual**
203 **budget as approved each year for which revenue is not provided by**
204 **other sources. The aggregate annual assessment amount shall be**
205 **allocated based upon a formula to be determined by the commission**
206 **which shall promulgate a rule binding upon all compact states.**

207 **(4) The commission shall not incur obligations of any kind prior**
208 **to securing the funds adequate to meet the same; nor shall the**
209 **commission pledge the credit of any of the compact states, except by**
210 **and with the authority of the compact state.**

211 **(5) The commission shall keep accurate accounts of all receipts**
212 **and disbursements. The receipts and disbursements of the commission**
213 **shall be subject to the audit and accounting procedures established**
214 **under its bylaws. However, all receipts and disbursements of funds**
215 **handled by the commission shall be audited yearly by a certified or**
216 **licensed public accountant and the report of the audit shall be included**
217 **in and become part of the annual report of the commission.**

218 **9. (1) The members, officers, executive director, employees and**
219 **representatives of the commission shall be immune from suit and**
220 **liability, either personally or in their official capacity, for any claim for**
221 **damage to or loss of property or personal injury or other civil liability**
222 **caused by or arising out of any actual or alleged act, error or omission**
223 **that occurred, or that the person against whom the claim is made had**
224 **a reasonable basis for believing occurred within the scope of**
225 **commission employment, duties or responsibilities; provided that**
226 **nothing in this subsection shall be construed to protect any such**
227 **person from suit or liability for any damage, loss, injury or liability**
228 **caused by the intentional or willful or wanton misconduct of that**
229 **person.**

230 **(2) The commission shall defend any member, officer, executive**
231 **director, employee or representative of the commission in any civil**
232 **action seeking to impose liability arising out of any actual or alleged**
233 **act, error or omission that occurred within the scope of commission**
234 **employment, duties or responsibilities, or that the person against whom**
235 **the claim is made had a reasonable basis for believing occurred within**

236 the scope of commission employment, duties or responsibilities;
237 provided that nothing herein shall be construed to prohibit that person
238 from retaining his or her own counsel; and provided further, that the
239 actual or alleged act, error or omission did not result from that
240 person's intentional or willful or wanton misconduct.

241 (3) The commission shall indemnify and hold harmless any
242 member, officer, executive director, employee or representative of the
243 commission for the amount of any settlement or judgment obtained
244 against that person arising out of any actual or alleged act, error or
245 omission that occurred within the scope of commission employment,
246 duties or responsibilities, or that such person had a reasonable basis
247 for believing occurred within the scope of commission employment,
248 duties or responsibilities, provided that the actual or alleged act, error
249 or omission did not result from the intentional or willful or wanton
250 misconduct of that person.

337.150. 1. The commission shall exercise its rulemaking powers
2 pursuant to the criteria set forth in this section and the rules adopted
3 thereunder. Rules and amendments shall become binding as of the date
4 specified in each rule or amendment.

5 2. If a majority of the legislatures of the compact states rejects
6 a rule, by enactment of a statute or resolution in the same manner used
7 to adopt the compact, then such rule shall have no further force and
8 effect in any compact state.

9 3. Rules or amendments to the rules shall be adopted at a regular
10 or special meeting of the commission.

11 4. Prior to promulgation and adoption of a final rule or rules by
12 the commission, and at least sixty days in advance of the meeting at
13 which the rule will be considered and voted upon, the commission shall
14 file a notice of proposed rulemaking:

15 (1) On the website of the commission; and

16 (2) On the website of each compact states' psychology regulatory
17 authority or the publication in which each state would otherwise
18 publish proposed rules.

19 5. The notice of proposed rulemaking shall include:

20 (1) The proposed time, date, and location of the meeting in which
21 the rule will be considered and voted upon;

22 (2) The text of the proposed rule or amendment and the reason

23 for the proposed rule;

24 (3) A request for comments on the proposed rule from any
25 interested person;

26 (4) The manner in which interested persons may submit notice
27 to the commission of their intention to attend the public hearing and
28 any written comments.

29 6. Prior to adoption of a proposed rule, the commission shall
30 allow persons to submit written data, facts, opinions and arguments,
31 which shall be made available to the public.

32 7. The commission shall grant an opportunity for a public
33 hearing before it adopts a rule or amendment if a hearing is requested
34 by:

35 (1) At least twenty-five persons who submit comments
36 independently of each other;

37 (2) A governmental subdivision or agency; or

38 (3) A duly appointed person in an association that has at least
39 twenty-five members.

40 8. (1) If a hearing is held on the proposed rule or amendment,
41 the commission shall publish the place, time, and date of the scheduled
42 public hearing.

43 (2) All persons wishing to be heard at the hearing shall notify the
44 executive director of the commission or other designated member in
45 writing of their desire to appear and testify at the hearing not less than
46 five business days before the scheduled date of the hearing.

47 (3) Hearings shall be conducted in a manner providing each
48 person who wishes to comment a fair and reasonable opportunity to
49 comment orally or in writing.

50 (4) No transcript of the hearing is required, unless a written
51 request for a transcript is made, in which case the person requesting
52 the transcript shall bear the cost of producing the transcript. A
53 recording may be made in lieu of a transcript under the same terms
54 and conditions as a transcript. This subdivision shall not preclude the
55 commission from making a transcript or recording of the hearing if it
56 so chooses.

57 (5) Nothing in this section shall be construed as requiring a
58 separate hearing on each rule. Rules may be grouped for the
59 convenience of the commission at hearings required by this section.

60 **9. Following the scheduled hearing date, or by the close of**
61 **business on the scheduled hearing date if the hearing was not held, the**
62 **commission shall consider all written and oral comments received.**

63 **10. The commission shall, by majority vote of all members, take**
64 **final action on the proposed rule and shall determine the effective date**
65 **of the rule, if any, based on the rulemaking record and the full text of**
66 **the rule.**

67 **11. If no written notice of intent to attend the public hearing by**
68 **interested parties is received, the commission may proceed with**
69 **promulgation of the proposed rule without a public hearing.**

70 **12. Upon determination that an emergency exists, the**
71 **commission may consider and adopt an emergency rule without prior**
72 **notice, opportunity for comment, or hearing, provided that the usual**
73 **rulemaking procedures provided in the compact and in this section**
74 **shall be retroactively applied to the rule as soon as reasonably possible,**
75 **in no event later than ninety days after the effective date of the**
76 **rule. For the purposes of this provision, an emergency rule is one that**
77 **shall be adopted immediately in order to:**

- 78 **(1) Meet an imminent threat to public health, safety, or welfare;**
79 **(2) Prevent a loss of commission or compact state funds;**
80 **(3) Meet a deadline for the promulgation of an administrative**
81 **rule that is established by federal law or rule; or**
82 **(4) Protect public health and safety.**

83 **13. (1) The commission or an authorized committee of the**
84 **commission may direct revisions to a previously adopted rule or**
85 **amendment for purposes of correcting typographical errors, errors in**
86 **format, errors in consistency, or grammatical errors. Public notice of**
87 **any revisions shall be posted on the website of the commission. The**
88 **revision shall be subject to challenge by any person for a period of**
89 **thirty days after posting. The revision may be challenged only on**
90 **grounds that the revision results in a material change to a rule.**

91 **(2) A challenge shall be made in writing, and delivered to the**
92 **chair of the commission prior to the end of the notice period. If no**
93 **challenge is made, the revision will take effect without further action.**
94 **If the revision is challenged, the revision may not take effect without**
95 **the approval of the commission.**

337.155. 1. (1) The executive, legislative and judicial branches

2 of state government in each compact state shall enforce this compact
3 and take all actions necessary and appropriate to effectuate the
4 compact's purposes and intent. The provisions of this compact and the
5 rules promulgated hereunder shall have standing as statutory law.

6 (2) All courts shall take judicial notice of the compact and the
7 rules in any judicial or administrative proceeding in a compact state
8 pertaining to the subject matter of this compact which may affect the
9 powers, responsibilities or actions of the commission.

10 (3) The commission shall be entitled to receive service of process
11 in any such proceeding, and shall have standing to intervene in such
12 a proceeding for all purposes. Failure to provide service of process to
13 the commission shall render a judgment or order void as to the
14 commission, this compact or promulgated rules.

15 2. (1) If the commission determines that a compact state has
16 defaulted in the performance of its obligations or responsibilities under
17 this compact or the promulgated rules, the commission shall:

18 (a) Provide written notice to the defaulting state and other
19 compact states of the nature of the default, the proposed means of
20 remedying the default or any other action to be taken by the
21 commission; and

22 (b) Provide remedial training and specific technical assistance
23 regarding the default.

24 (2) If a state in default fails to remedy the default, the defaulting
25 state may be terminated from the compact upon an affirmative vote of
26 a majority of the compact states, and all rights, privileges and benefits
27 conferred by this compact shall be terminated on the effective date of
28 termination. A remedy of the default does not relieve the offending
29 state of obligations or liabilities incurred during the period of default.

30 (3) Termination of membership in the compact shall be imposed
31 only after all other means of securing compliance have been
32 exhausted. Notice of intent to suspend or terminate shall be submitted
33 by the commission to the governor, the majority and minority leaders
34 of the defaulting state's legislature, and each of the compact states.

35 (4) A compact state which has been terminated is responsible for
36 all assessments, obligations and liabilities incurred through the
37 effective date of termination, including obligations which extend
38 beyond the effective date of termination.

39 **(5) The commission shall not bear any costs incurred by the state**
40 **which is found to be in default or which has been terminated from the**
41 **compact, unless agreed upon in writing between the commission and**
42 **the defaulting state.**

43 **(6) The defaulting state may appeal the action of the commission**
44 **by petitioning the U.S. District Court for the state of Georgia or the**
45 **federal district where the compact has its principal offices. The**
46 **prevailing member shall be awarded all costs of such litigation,**
47 **including reasonable attorney's fees.**

48 **3. (1) Upon request by a compact state, the commission shall**
49 **attempt to resolve disputes related to the compact which arise among**
50 **compact states and between compact and noncompact states.**

51 **(2) The commission shall promulgate a rule providing for both**
52 **mediation and binding dispute resolution for disputes that arise before**
53 **the commission.**

54 **4. (1) The commission, in the reasonable exercise of its**
55 **discretion, shall enforce the provisions and rules of this compact.**

56 **(2) By majority vote, the commission may initiate legal action in**
57 **the United States District Court for the State of Georgia or the federal**
58 **district where the compact has its principal offices against a compact**
59 **state in default to enforce compliance with the provisions of the**
60 **compact and its promulgated rules and bylaws. The relief sought may**
61 **include both injunctive relief and damages. In the event judicial**
62 **enforcement is necessary, the prevailing member shall be awarded all**
63 **costs of such litigation, including reasonable attorney's fees.**

64 **(3) The remedies herein shall not be the exclusive remedies of**
65 **the commission. The commission may pursue any other remedies**
66 **available under federal or state law.**

337.160. 1. The compact shall come into effect on the date on
2 **which the compact is enacted into law in the seventh compact**
3 **state. The provisions which become effective at that time shall be**
4 **limited to the powers granted to the commission relating to assembly**
5 **and the promulgation of rules. Thereafter, the commission shall meet**
6 **and exercise rulemaking powers necessary to the implementation and**
7 **administration of the compact.**

8 **2. Any state which joins the compact subsequent to the**
9 **commission's initial adoption of the rules shall be subject to the rules**

10 as they exist on the date on which the compact becomes law in that
11 state. Any rule which has been previously adopted by the commission
12 shall have the full force and effect of law on the day the compact
13 becomes law in that state.

14 **3. (1) Any compact state may withdraw from this compact by**
15 **enacting a statute repealing the same.**

16 **(2) A compact state's withdrawal shall not take effect until six**
17 **months after enactment of the repealing statute.**

18 **(3) Withdrawal shall not affect the continuing requirement of the**
19 **withdrawing state's psychology regulatory authority to comply with the**
20 **investigative and adverse action reporting requirements of this act**
21 **prior to the effective date of withdrawal.**

22 **4. Nothing contained in this compact shall be construed to**
23 **invalidate or prevent any psychology licensure agreement or other**
24 **cooperative arrangement between a compact state and a noncompact**
25 **state which does not conflict with the provisions of this compact.**

26 **5. This compact may be amended by the compact states. No**
27 **amendment to this compact shall become effective and binding upon**
28 **any compact state until it is enacted into the law of all compact states.**

337.165. This compact shall be liberally construed so as to
2 **effectuate the purposes thereof. If this compact shall be held contrary**
3 **to the constitution of any state member thereto, the compact shall**
4 **remain in full force and effect as to the remaining compact states.**

 337.315. 1. An applied behavior analysis intervention shall produce
2 socially significant improvements in human behavior through skill acquisition,
3 increase or decrease in behaviors under specific environmental conditions and the
4 reduction of problematic behavior. An applied behavior analysis intervention
5 shall:

6 (1) Be based on empirical research and the identification of functional
7 relations between behavior and environment, contextual factors, antecedent
8 stimuli and reinforcement operations through the direct observation and
9 measurement of behavior, arrangement of events and observation of effects on
10 behavior, as well as other information gathering methods such as record review
11 and interviews; and

12 (2) Utilize changes and arrangements of contextual factors, antecedent
13 stimuli, positive reinforcement, and other consequences to produce behavior

14 change.

15 2. Each person wishing to practice as a licensed behavior analyst shall:

16 (1) Submit a complete application on a form approved by the committee
17 **which shall include a statement that the applicant has completed two**
18 **hours of suicide assessment, referral, treatment, and management**
19 **training;**

20 (2) Pay all necessary fees as set by the committee;

21 (3) Submit a two-inch or three-inch photograph or passport photograph
22 taken no more than six months prior to the application date;

23 (4) Provide two classified sets of fingerprints for processing by the
24 Missouri state highway patrol under section 43.543. One set of fingerprints shall
25 be used by the highway patrol to search the criminal history repository and the
26 second set shall be forwarded to the Federal Bureau of Investigation for searching
27 the federal criminal history files;

28 (5) Have passed an examination and been certified as a board-certified
29 behavior analyst by a certifying entity, as defined in section 337.300;

30 (6) Provide evidence of active status as a board-certified behavior analyst;
31 and

32 (7) If the applicant holds a license as a behavior analyst in another state,
33 a statement from all issuing states verifying licensure and identifying any
34 disciplinary action taken against the license holder by that state.

35 3. Each person wishing to practice as a licensed assistant behavior
36 analyst shall:

37 (1) Submit a complete application on a form approved by the committee;

38 (2) Pay all necessary fees as set by the committee;

39 (3) Submit a two-inch or three-inch photograph or passport photograph
40 taken no more than six months prior to the application date;

41 (4) Provide two classified sets of fingerprints for processing by the
42 Missouri state highway patrol under section 43.543. One set of fingerprints shall
43 be used by the highway patrol to search the criminal history repository and the
44 second set shall be forwarded to the Federal Bureau of Investigation for searching
45 the federal criminal history files;

46 (5) Have passed an examination and been certified as a board-certified
47 assistant behavior analyst by a certifying entity, as defined in section 337.300;

48 (6) Provide evidence of active status as a board-certified assistant
49 behavior analyst;

50 (7) If the applicant holds a license as an assistant behavior analyst in
51 another state, a statement from all issuing states verifying licensure and
52 identifying any disciplinary action taken against the license holder by that state;
53 and

54 (8) Submit documentation satisfactory to the committee that the applicant
55 will be directly supervised by a licensed behavior analyst in a manner consistent
56 with the certifying entity.

57 4. The committee shall be authorized to issue a temporary license to an
58 applicant for a behavior analyst license or assistant behavior analyst license upon
59 receipt of a complete application, submission of a fee as set by the committee by
60 rule for behavior analyst or assistant behavior analyst, and a showing of valid
61 licensure as a behavior analyst or assistant behavior analyst in another state,
62 only if the applicant has submitted fingerprints and no disqualifying criminal
63 history appears on the family care safety registry. The temporary license shall
64 expire upon issuance of a license or denial of the application but no later than
65 ninety days from issuance of the temporary license. Upon written request to the
66 committee, the holder of a temporary license shall be entitled to one extension of
67 ninety days of the temporary license.

68 5. (1) The committee shall, in accordance with rules promulgated by the
69 committee, issue a provisional behavior analyst license or a provisional assistant
70 behavior analyst license upon receipt by the committee of a complete application,
71 appropriate fee as set by the committee by rule, and proof of satisfaction of
72 requirements under subsections 2 and 3 of this section, respectively, and other
73 requirements established by the committee by rule, except that applicants for a
74 provisional license as either a behavior analyst or assistant behavior analyst need
75 not have passed an examination and been certified as a board-certified behavior
76 analyst or a board-certified assistant behavior analyst to obtain a provisional
77 behavior analyst or provisional assistant behavior analyst license.

78 (2) A provisional license issued under this subsection shall only authorize
79 and permit the licensee to render behavior analysis under the supervision and the
80 full professional responsibility and control of such licensee's licensed supervisor.

81 (3) A provisional license shall automatically terminate upon issuance of
82 a permanent license, upon a finding of cause to discipline after notice and hearing
83 under section 337.330, upon termination of supervision by a licensed supervisor,
84 or upon the expiration of one year from the date of issuance of the provisional
85 license, whichever first occurs. The provisional license may be renewed after one

86 year, with a maximum issuance of two years. Upon a showing of good cause, the
87 committee by rule shall provide procedures for exceptions and variances from the
88 requirement of a maximum issuance of two years.

89 6. No person shall hold himself or herself out to be licensed behavior
90 analysts or LBA, provisionally licensed behavior analyst or PLBA, provisionally
91 licensed assistant behavior analyst or PLABA, temporary licensed behavior
92 analyst or TLBA, or temporary licensed assistant behavior analyst or TLaBA,
93 licensed assistant behavior analysts or LaBA in the state of Missouri unless they
94 meet the applicable requirements.

95 7. No persons shall practice applied behavior analysis unless they are:

96 (1) Licensed behavior analysts;

97 (2) Licensed assistant behavior analysts working under the supervision
98 of a licensed behavior analyst;

99 (3) An individual who has a bachelor's or graduate degree and completed
100 course work for licensure as a behavior analyst and is obtaining supervised field
101 experience under a licensed behavior analyst pursuant to required supervised
102 work experience for licensure at the behavior analyst or assistant behavior
103 analyst level;

104 (4) Licensed psychologists practicing within the rules and standards of
105 practice for psychologists in the state of Missouri and whose practice is
106 commensurate with their level of training and experience;

107 (5) Provisionally licensed behavior analysts;

108 (6) Provisionally licensed assistant behavior analysts;

109 (7) Temporary licensed behavior analysts; or

110 (8) Temporary licensed assistant behavior analysts.

111 8. Notwithstanding the provisions in subsection 6 of this section, any
112 licensed or certified professional may practice components of applied behavior
113 analysis, as defined in section 337.300 if he or she is acting within his or her
114 applicable scope of practice and ethical guidelines.

115 9. All licensed behavior analysts and licensed assistant behavior analysts
116 shall be bound by the code of conduct adopted by the committee by rule.

117 10. Licensed assistant behavior analysts shall work under the direct
118 supervision of a licensed behavior analyst as established by committee rule.

119 11. Persons who provide services under the Individuals with Disabilities
120 Education Act (IDEA), 20 U.S.C. Section 1400, et seq., or Section 504 of the
121 federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, or are enrolled in a

122 course of study at a recognized educational institution through which the person
123 provides applied behavior analysis as part of supervised clinical experience shall
124 be exempt from the requirements of this section.

125 12. A violation of this section shall be punishable by probation,
126 suspension, or loss of any license held by the violator.

337.320. 1. The division shall mail a renewal notice to the last known
2 address of each licensee or registrant prior to the renewal date.

3 2. Each person wishing to renew the behavior analyst license or the
4 assistant behavior analyst license shall:

5 (1) Submit a complete application on a form approved by the committee
6 **which shall include a statement that the applicant has completed two**
7 **hours of suicide assessment, referral, treatment, and management**
8 **training;**

9 (2) Pay all necessary fees as set by the committee; and

10 (3) Submit proof of active certification and fulfillment of all requirements
11 for renewal and recertification with the certifying entity.

12 3. Failure to provide the division with documentation required by
13 subsection 2 of this section or other information required for renewal shall effect
14 a revocation of the license after a period of sixty days from the renewal date.

15 4. Each person wishing to restore the license, within two years of the
16 renewal date, shall:

17 (1) Submit a complete application on a form approved by the committee;

18 (2) Pay the renewal fee and a delinquency fee as set by the committee;
19 and

20 (3) Submit proof of current certification from a certifying body approved
21 by the committee.

22 5. A new license to replace any certificate lost, destroyed, or mutilated
23 may be issued subject to the rules of the committee, upon payment of a fee
24 established by the committee.

25 6. The committee shall set the amount of the fees authorized by sections
26 337.300 to 337.345 and required by rules promulgated under section
27 536.021. The fees shall be set at a level to produce revenue which shall not
28 substantially exceed the cost and expense of administering sections 337.300 to
29 337.345.

30 7. The committee is authorized to issue an inactive license to any licensee
31 who makes written application for such license on a form provided by the

32 committee and remits the fee for an inactive license established by the committee.
33 An inactive license may be issued only to a person who has previously been
34 issued a license to practice as a licensed behavior analyst or a licensed assistant
35 behavior analyst who is no longer regularly engaged in such practice and who
36 does not hold himself or herself out to the public as being professionally engaged
37 in such practice in this state. Each inactive license shall be subject to all
38 provisions of this chapter, except as otherwise specifically provided. Each
39 inactive license may be renewed by the committee subject to all provisions of this
40 section and all other provisions of this chapter. The inactive licensee shall not
41 be required to submit evidence of completion of continuing education as required
42 by this chapter.

43 8. An inactive licensee may apply for a license to regularly engage in the
44 practice of behavioral analysis by:

45 (1) Submitting a complete application on a form approved by the
46 committee;

47 (2) Paying the reactivation fee as set by the committee; and

48 (3) Submitting proof of current certification from a certifying body
49 approved by the committee.

337.507. 1. Applications for examination and licensure as a professional
2 counselor shall be in writing, submitted to the division on forms prescribed by the
3 division and furnished to the applicant. **The form shall include a statement**
4 **that the applicant has completed two hours of suicide assessment,**
5 **referral, treatment, and management training.** The application shall
6 contain the applicant's statements showing his education, experience and such
7 other information as the division may require. Each application shall contain a
8 statement that it is made under oath or affirmation and that the information
9 contained therein is true and correct to the best knowledge and belief of the
10 applicant, subject to the penalties provided for the making of a false affidavit or
11 declaration. Each application shall be accompanied by the fees required by the
12 committee.

13 2. The division shall mail a renewal notice to the last known address of
14 each licensee prior to the registration renewal date. Failure to provide the
15 division with the information required for registration, or to pay the registration
16 fee after such notice shall effect a revocation of the license after a period of sixty
17 days from the registration renewal date. The license shall be restored if, within
18 two years of the registration date, the applicant provides written application and

19 the payment of the registration fee and a delinquency fee.

20 3. A new certificate to replace any certificate lost, destroyed or mutilated
21 may be issued subject to the rules of the committee, upon payment of a fee.

22 4. The committee shall set the amount of the fees which sections 337.500
23 to 337.540 authorize and require by rules and regulations promulgated pursuant
24 to section 536.021. The fees shall be set at a level to produce revenue which shall
25 not substantially exceed the cost and expense of administering the provisions of
26 sections 337.500 to 337.540. All fees provided for in sections 337.500 to 337.540
27 shall be collected by the director who shall deposit the same with the state
28 treasurer in a fund to be known as the "Committee of Professional Counselors
29 Fund".

30 5. The provisions of section 33.080 to the contrary notwithstanding, money
31 in this fund shall not be transferred and placed to the credit of general revenue
32 until the amount in the fund at the end of the biennium exceeds two times the
33 amount of the appropriation from the committee's fund for the preceding fiscal
34 year or, if the committee requires by rule renewal less frequently than yearly
35 then three times the appropriation from the committee's fund for the preceding
36 fiscal year. The amount, if any, in the fund which shall lapse is that amount in
37 the fund which exceeds the appropriate multiple of the appropriations from the
38 committee's fund for the preceding fiscal year.

39 6. The committee shall hold public examinations at least two times per
40 year, at such times and places as may be fixed by the committee, notice of such
41 examinations to be given to each applicant at least ten days prior thereto.

337.510. 1. Each applicant for licensure as a professional counselor shall
2 furnish evidence to the committee that the applicant is at least eighteen years of
3 age, is of good moral character, is a United States citizen or is legally present in
4 the United States; and

5 (1) The applicant has completed a course of study as defined by the board
6 rule leading to a master's, specialist's, or doctoral degree with a major in
7 counseling; and

8 (2) The applicant has completed acceptable supervised counseling as
9 defined by board rule. If the applicant has a master's degree with a major in
10 counseling as defined by board rule, the applicant shall complete at least two
11 years of acceptable supervised counseling experience subsequent to the receipt of
12 the master's degree. The composition and number of hours comprising the
13 acceptable supervised counseling experience shall be defined by board rule. An

14 applicant may substitute thirty semester hours of post master's graduate study
15 for one of the two required years of acceptable supervised counseling experience
16 if such hours are clearly related to counseling;

17 (3) After August 28, 2007, each applicant shall have completed a
18 minimum of three hours of graduate level coursework in diagnostic systems either
19 in the curriculum leading to a degree or as post master's graduate level course
20 work;

21 (4) Upon examination, the applicant is possessed of requisite knowledge
22 of the profession, including techniques and applications, research and its
23 interpretation, and professional affairs and ethics.

24 2. Any person who previously held a valid unrevoked, unsuspended license
25 as a professional counselor in this state and who held a valid license as a
26 professional counselor in another state at the time of application to the committee
27 shall be granted a license to engage in professional counseling in this state upon
28 application to the committee accompanied by the appropriate fee as established
29 by the committee pursuant to section 337.507.

30 3. Any person holding a current license, certificate of registration, or
31 permit from another state or territory of the United States to practice as a
32 professional counselor who is at least eighteen years of age, is of good moral
33 character, and is a United States citizen or is legally present in the United States
34 may be granted a license without examination to engage in the practice of
35 professional counseling in this state upon the application to the board, payment
36 of the required fee as established by the board, and satisfying one of the following
37 requirements:

38 (1) Approval by the American Association of State Counseling Boards
39 (AASCB) or its successor organization according to the eligibility criteria
40 established by AASCB. The successor organization shall be defined by board
41 rule; or

42 (2) In good standing and currently certified by the National Board for
43 Certified Counselors or its successor organization and has completed acceptable
44 supervised counseling experience as defined by board rule. The successor
45 organization shall be defined by board rule; or

46 (3) Determination by the board that the requirements of the other state
47 or territory are substantially the same as Missouri and certified by the
48 applicant's current licensing entity that the applicant has a current license. The
49 applicant shall also consent to examination of any disciplinary history.

50 4. The committee shall issue a license to each person who files an
51 application and fee and who furnishes evidence satisfactory to the committee that
52 the applicant has complied with the provisions of this act and has taken and
53 passed a written, open-book examination on Missouri laws and regulations
54 governing the practice of professional counseling as defined in section
55 337.500. The division shall issue a provisional professional counselor license to
56 any applicant who meets all requirements of this section, but who has not
57 completed the required acceptable supervised counseling experience and such
58 applicant may reapply for licensure as a professional counselor upon completion
59 of such acceptable supervised counseling experience.

60 5. All persons licensed to practice professional counseling in this state
61 shall pay on or before the license renewal date a renewal license fee and shall
62 furnish to the committee satisfactory evidence of the completion of the requisite
63 number of hours of continuing education as required by rule, **including two**
64 **hours of suicide assessment, referral, treatment, and management**
65 **training**, which shall be no more than forty hours biennially. The continuing
66 education requirements may be waived by the committee upon presentation to the
67 committee of satisfactory evidence of the illness of the licensee or for other good
68 cause.

337.612. 1. Applications for licensure as a clinical social worker,
2 baccalaureate social worker, advanced macro social worker or master social
3 worker shall be in writing, submitted to the committee on forms prescribed by the
4 committee and furnished to the applicant. **The form shall include a**
5 **statement that the applicant has completed two hours of suicide**
6 **assessment, referral, treatment, and management training.** The
7 application shall contain the applicant's statements showing the applicant's
8 education, experience, and such other information as the committee may
9 require. Each application shall contain a statement that it is made under oath
10 or affirmation and that the information contained therein is true and correct to
11 the best knowledge and belief of the applicant, subject to the penalties provided
12 for the making of a false affidavit or declaration. Each application shall be
13 accompanied by the fees required by the committee.

14 2. The committee shall mail a renewal notice to the last known address
15 of each licensee prior to the licensure renewal date. Failure to provide the
16 committee with the information required for licensure, or to pay the licensure fee
17 after such notice shall effect a revocation of the license after a period of sixty days

18 from the licensure renewal date. The license shall be restored if, within two
19 years of the licensure date, the applicant provides written application and the
20 payment of the licensure fee and a delinquency fee.

21 3. A new certificate to replace any certificate lost, destroyed or mutilated
22 may be issued subject to the rules of the committee, upon payment of a fee.

23 4. The committee shall set the amount of the fees which sections 337.600
24 to 337.689 authorize and require by rules and regulations promulgated pursuant
25 to section 536.021. The fees shall be set at a level to produce revenue which shall
26 not substantially exceed the cost and expense of administering the provisions of
27 sections 337.600 to 337.689. All fees provided for in sections 337.600 to 337.689
28 shall be collected by the director who shall deposit the same with the state
29 treasurer in a fund to be known as the "Clinical Social Workers Fund". After
30 August 28, 2007, the clinical social workers fund shall be called the "Licensed
31 Social Workers Fund" and after such date all references in state law to the
32 clinical social workers fund shall be considered references to the licensed social
33 workers fund.

34 5. The provisions of section 33.080 to the contrary notwithstanding, money
35 in this fund shall not be transferred and placed to the credit of general revenue
36 until the amount in the fund at the end of the biennium exceeds two times the
37 amount of the appropriations from the clinical social workers fund for the
38 preceding fiscal year or, if the committee requires by rule renewal less frequently
39 than yearly, then three times the appropriation from the committee's fund for the
40 preceding fiscal year. The amount, if any, in the fund which shall lapse is that
41 amount in the fund which exceeds the appropriate multiple of the appropriations
42 from the clinical social workers fund for the preceding fiscal year.

337.618. Each license issued pursuant to the provisions of sections
2 337.600 to 337.689 shall expire on a renewal date established by the
3 director. The term of licensure shall be twenty-four months. The committee shall
4 require a minimum number of thirty clock hours of continuing education for
5 renewal of a license issued pursuant to sections 337.600 to 337.689, **including**
6 **two hours of suicide assessment, referral, treatment, and management**
7 **training**. The committee shall renew any license upon application for a renewal,
8 completion of the required continuing education hours and upon payment of the
9 fee established by the committee pursuant to the provisions of section 337.612.
10 As provided by rule, the board may waive or extend the time requirements for
11 completion of continuing education for reasons related to health, military service,

12 foreign residency, or for other good cause. All requests for waivers or extensions
13 of time shall be made in writing and submitted to the board before the renewal
14 date.

337.662. 1. Applications for licensure as a baccalaureate social worker
2 shall be in writing, submitted to the committee on forms prescribed by the
3 committee and furnished to the applicant. **The form shall include a**
4 **statement that the applicant has completed two hours of suicide**
5 **assessment, referral, treatment, and management training.** The
6 application shall contain the applicant's statements showing the applicant's
7 education, experience and such other information as the committee may
8 require. Each application shall contain a statement that it is made under oath
9 or affirmation and that the information contained therein is true and correct to
10 the best knowledge and belief of the applicant, subject to the penalties provided
11 for the making of a false affidavit or declaration. Each application shall be
12 accompanied by the fees required by the committee.

13 2. The committee shall mail a renewal notice to the last known address
14 of each licensee prior to the licensure renewal date. Failure to provide the
15 committee with the information required for licensure **as provided in**
16 **subsection 1 of this section**, or to pay the licensure fee after such notice shall
17 effect a revocation of the license after a period of sixty days from the licensure
18 renewal date. The license shall be restored if, within two years of the licensure
19 date, the applicant provides written application and the payment of the licensure
20 fee and a delinquency fee.

21 3. A new certificate to replace any certificate lost, destroyed or mutilated
22 may be issued subject to the rules of the committee, upon payment of a fee.

23 4. The committee shall set the amount of the fees which sections 337.650
24 to 337.689 authorize and require by rules and regulations promulgated pursuant
25 to chapter 536. The fees shall be set at a level to produce revenue which shall
26 not substantially exceed the cost and expense of administering the provisions of
27 sections 337.650 to 337.689. All fees provided for in sections 337.650 to 337.689
28 shall be collected by the director who shall deposit the same with the state
29 treasurer in the clinical social workers fund established in section 337.612.

337.712. 1. Applications for licensure as a marital and family therapist
2 shall be in writing, submitted to the committee on forms prescribed by the
3 committee and furnished to the applicant. **The form shall include a**
4 **statement that the applicant has completed two hours of suicide**

5 **assessment, referral, treatment, and management training.** The
6 application shall contain the applicant's statements showing the applicant's
7 education, experience and such other information as the committee may
8 require. Each application shall contain a statement that it is made under oath
9 or affirmation and that the information contained therein is true and correct to
10 the best knowledge and belief of the applicant, subject to the penalties provided
11 for the making of a false affidavit or declaration. Each application shall be
12 accompanied by the fees required by the division.

13 2. The division shall mail a renewal notice to the last known address of
14 each licensee prior to the licensure renewal date. Failure to provide the division
15 with the information required for license, or to pay the licensure fee after such
16 notice shall effect a revocation of the license after a period of sixty days from the
17 license renewal date. The license shall be restored if, within two years of the
18 licensure date, the applicant provides written application and the payment of the
19 licensure fee and a delinquency fee.

20 3. A new certificate to replace any certificate lost, destroyed or mutilated
21 may be issued subject to the rules of the division upon payment of a fee.

22 4. The committee shall set the amount of the fees authorized. The fees
23 shall be set at a level to produce revenue which shall not substantially exceed the
24 cost and expense of administering the provisions of sections 337.700 to 337.739.
25 All fees provided for in sections 337.700 to 337.739 shall be collected by the
26 director who shall deposit the same with the state treasurer to a fund to be
27 known as the "Marital and Family Therapists' Fund".

28 5. The provisions of section 33.080 to the contrary notwithstanding, money
29 in this fund shall not be transferred and placed to the credit of general revenue
30 until the amount in the fund at the end of the biennium exceeds two times the
31 amount of the appropriations from the marital and family therapists' fund for the
32 preceding fiscal year or, if the division requires by rule renewal less frequently
33 than yearly then three times the appropriation from the fund for the preceding
34 fiscal year. The amount, if any, in the fund which shall lapse is that amount in
35 the fund which exceeds the appropriate multiple of the appropriations from the
36 marital and family therapists' fund for the preceding fiscal year.

337.718. 1. Each license issued pursuant to the provisions of sections
2 337.700 to 337.739 shall expire on a renewal date established by the
3 director. The term of licensure shall be twenty-four months; however, the director
4 may establish a shorter term for the first licenses issued pursuant to sections

5 337.700 to 337.739. The division shall renew any license upon application for a
6 renewal and upon payment of the fee established by the division pursuant to the
7 provisions of section 337.712. Effective August 28, 2008, as a prerequisite for
8 renewal, each licensed marital and family therapist shall furnish to the
9 committee satisfactory evidence of the completion of the requisite number of
10 hours of continuing education as defined by rule, which shall be no more than
11 forty contact hours biennially. **At least two hours of continuing education**
12 **shall be in suicide assessment, referral, treatment, and management**
13 **training.** The continuing education requirements may be waived by the
14 committee upon presentation to the committee of satisfactory evidence of illness
15 or for other good cause.

16 2. The committee may issue temporary permits to practice under
17 extenuating circumstances as determined by the committee and defined by rule.

Section B. The enactment of sections 337.100, 337.105, 337.110, 337.115,
2 337.120, 337.125, 337.130, 337.135, 337.140, 337.145, 337.150, 337.155, 337.160,
3 and 337.165 of this act shall become effective upon notification by the commission
4 to the revisor of statutes that seven states have adopted the psychology
5 interjurisdictional compact.

Bill
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