

FIRST REGULAR SESSION

HOUSE BILL NO. 702

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BEHNEN.

Read 1st time March 3, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1824L.01I

AN ACT

To repeal sections 337.603, 337.615, 337.618, 337.630, and 337.653, RSMo, and to enact in lieu thereof five new sections relating to licensed clinical social workers and licensed baccalaureate social workers, with a penalty provision.

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

Section A. Sections 337.603, 337.615, 337.618, 337.630, and 337.653, RSMo, is
2 repealed and five new sections enacted in lieu thereof, to be known as sections 337.603, 337.615,
3 337.618, 337.630, and 337.653, to read as follows:

337.603. No person shall use the title of "licensed clinical social worker", "clinical social
2 worker" or "provisional licensed clinical social worker" and engage in the practice of clinical
3 social work in this state unless the person is licensed as required by the provisions of sections
4 337.600 to 337.639. Only individuals who are licensed clinical social workers shall practice
5 **clinical** social work as an independent practice. Sections 337.600 to 337.639 shall not apply to:
6 (1) Any person registered, certificated, or licensed by this state, another state, or any
7 recognized national certification agent acceptable to the committee to practice any other
8 occupation or profession while rendering services similar in nature to clinical social work in the
9 performance of the occupation or profession which the person is registered, certificated, or
10 licensed; and

11 (2) The practice of any social worker who is employed by any agency or department of
12 the state of Missouri while discharging the person's duties in that capacity.

337.615. 1. Each applicant for licensure as a clinical social worker shall furnish
2 evidence to the committee that:

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

3 (1) The applicant has a master's degree from a college or university program of social
4 work accredited by the council of social work education or a doctorate degree from a school of
5 social work acceptable to the committee;

6 (2) The applicant has [twenty-four months] **completed three thousand hours** of
7 supervised clinical experience **with a licensed clinical social worker** acceptable to the
8 committee, as defined by rule, **in no less than twenty-four months and no more than forty-**
9 **eight consecutive calendar months;**

10 (3) The applicant has achieved a passing score, as defined by the committee, on an
11 examination approved by the committee. The eligibility requirements for such examination shall
12 be promulgated by rule of the committee;

13 (4) The applicant is at least eighteen years of age, is of good moral character, is a United
14 States citizen or has status as a legal resident alien, and has not been convicted of a felony during
15 the ten years immediately prior to application for licensure.

16 2. A licensed clinical social worker who has had no violations and no suspensions and
17 no revocation of a license to practice clinical social work in any jurisdiction may receive a
18 license in Missouri provided said clinical social worker passes a written examination [on
19 Missouri laws and regulations governing the practice of clinical social work as defined in
20 subdivision (1) of section 337.600,] and meets one of the following criteria:

21 (1) [Is a member in good standing and holds a certification from the Academy of
22 Certified Social Workers;

23 (2)] Is currently licensed or certified as a licensed clinical social worker in another state,
24 territory of the United States, or the District of Columbia; and

25 (a) Who has received a masters or doctoral degree from a college or university program
26 of social work accredited by the council of social work education;

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

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

29 or

30 [(3)] (2) Is currently licensed or certified as a clinical social worker in another state,
31 territory of the United States, or the District of Columbia that extends like privileges for
32 reciprocal licensing or certification to persons licensed by this state with similar qualifications.

33

34 3. The committee shall issue a license to each person who files an application and fee
35 as required by the provisions of sections 337.600 to 337.639 and who furnishes evidence
36 satisfactory to the committee that the applicant has complied with the provisions of subdivisions
37 (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.
38 The committee shall issue a provisional clinical social worker license to any applicant who meets

39 all requirements of subdivisions (1), (3) and (4) of subsection 1 of this section, but who has not
40 completed the twenty-four months of supervised clinical experience required by subdivision (2)
41 of subsection 1 of this section, and such applicant may reapply for licensure as a clinical social
42 worker upon completion of the twenty-four months of supervised clinical experience.

337.618. Each license issued pursuant to the provisions of sections 337.600 to 337.639
2 shall expire on a renewal date established by the director. The term of licensure shall be
3 twenty-four months[; however, the director may establish a shorter term for the first licenses
4 issued pursuant to sections 337.600 to 337.639 in accordance with the provisions of subsection
5 14 of section 620.010, RSMo]. The committee [may] **shall** require [a specified number] **a**
6 **minimum number of thirty clock hours** of continuing education [units] for renewal of a license
7 issued pursuant to sections 337.600 to 337.639. The committee shall renew any license, **other**
8 **than a provisional license**, upon application for a renewal, completion of [any] **the** required
9 continuing education **hours** and upon payment of the fee established by the committee pursuant
10 to the provisions of section 337.612.

337.630. 1. The committee may refuse to issue or renew any license required by the
2 provisions of sections 337.600 to 337.639 for one or any combination of causes stated in
3 subsection 2 of this section. The committee shall notify the applicant in writing of the reasons
4 for the refusal and shall advise the applicant of the applicant's right to file a complaint with the
5 administrative hearing commission as provided by chapter 621, RSMo.

6 2. The committee may cause a complaint to be filed with the administrative hearing
7 commission as provided by chapter 621, RSMo, against any holder of any license required by
8 sections 337.600 to 337.639 or any person who has failed to renew or has surrendered the
9 person's license for any one or any combination of the following causes:

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

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

20 (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued
21 pursuant to the provisions of sections 337.600 to 337.639 or in obtaining permission to take any
22 examination given or required pursuant to the provisions of sections 337.600 to 337.639;

- 23 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by
24 fraud, deception or misrepresentation;
- 25 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance
26 of the functions or duties of a clinical social worker;
- 27 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
28 337.600 to 337.639, or of any lawful rule or regulation adopted pursuant to sections 337.600 to
29 337.639;
- 30 (7) Impersonation of any person holding a license or allowing any person to use the
31 person's license or diploma from any school;
- 32 (8) Revocation or suspension of a license or other right to practice clinical social work
33 granted by another state, territory, federal agency or country upon grounds for which revocation
34 or suspension is authorized in this state;
- 35 (9) Final adjudication as incapacitated by a court of competent jurisdiction;
- 36 (10) Assisting or enabling any person to practice or offer to practice clinical social work
37 who is not licensed and currently eligible to practice pursuant to the provisions of sections
38 337.600 to 337.639;
- 39 (11) Obtaining a license based upon a material mistake of fact;
- 40 (12) Failure to display a valid license if so required by sections 337.600 to 337.639 or
41 any rule promulgated hereunder;
- 42 (13) Violation of any professional trust or confidence;
- 43 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to
44 the general public or persons to whom the advertisement or solicitation is primarily directed;
- 45 (15) Being guilty of unethical conduct [as defined in the ethical standards for clinical
46 social workers adopted by the committee by rule and filed with the secretary of state] **based on**
47 **the code of ethics of the National Association of Social Workers.**
- 48 3. Any person,
49 organization, association or corporation who reports or provides information to the committee
50 pursuant to the provisions of sections 337.600 to 337.639 and who does so in good faith shall
51 not be subject to an action for civil damages as a result thereof.
- 52 4. After the filing of such complaint, the proceedings shall be conducted in accordance
53 with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing
54 commission that the grounds, provided in subsection 2 of this section, for disciplinary action are
55 met, the committee may censure or place the person named in the complaint on probation on
56 such terms and conditions as the committee deems appropriate for a period not to exceed five
years, or may suspend, for a period not to exceed three years, or revoke the license.
- 337.653. 1. No person shall use the title of "licensed baccalaureate social worker" or
2 "provisional licensed baccalaureate social worker" and engage in the practice of baccalaureate

3 social work in this state unless the person is licensed as required by the provisions of sections
4 337.650 to 337.689.

5 2. A licensed baccalaureate social worker [may] **shall be deemed qualified to practice**
6 **the following:**

7 (1) Engage in psychosocial assessment and evaluation, excluding the diagnosis and
8 treatment of mental illness and emotional disorders;

9 (2) Conduct basic data gathering of records and social problems of individuals, groups,
10 families and communities, assess such data, and formulate and implement a plan to achieve
11 specific goals;

12 (3) Serve as an advocate for clients, families, groups or communities for the purpose of
13 achieving specific goals;

14 (4) Counsel, excluding psychotherapy;

15 (5) Perform crisis intervention, screening and resolution, excluding the use of
16 psychotherapeutic techniques;

17 (6) Be a community supporter, organizer, planner or administrator for a social service
18 program;

19 (7) Conduct crisis planning ranging from disaster relief planning for communities to
20 helping individuals prepare for the death or disability of family members;

21 (8) Inform and refer clients to other professional services;

22 (9) Perform case management and outreach, including but not limited to planning,
23 managing, directing or coordinating social services; and

24 (10) Engage in the training and education of social work students from an accredited
25 institution and supervise other licensed baccalaureate social workers.

26 3. A licensed baccalaureate social worker [shall not] **may** engage in the **independent**
27 **or** private practice of [clinical] **baccalaureate** social work **as defined in subdivision (6) of**
28 **section 337.650 and subdivisions (1) to (10) of subsection 2 of this section.**