

SECOND REGULAR SESSION

# HOUSE BILL NO. 1655

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BEHNEN.

Read 1st time February 2, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4809L.01I

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### AN ACT

To repeal sections 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525, 337.530, 337.535, 337.700, 337.703, 337.706, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736, and 337.739, RSMo, and to enact in lieu thereof twenty-three new sections relating to counselors and therapists, with penalty provisions.

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

Section A. Sections 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525, 337.530, 337.535, 337.700, 337.703, 337.706, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736, and 337.739, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525, 337.530, 337.545, 337.550, 337.555, 337.560, 337.565, 337.700, 337.703, 337.706, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, and 337.736, to read as follows:

337.500. As used in sections 337.500 to 337.540, unless the context clearly requires otherwise, the following words and phrases mean:

- (1) ["Committee", the committee for professional counselors;
- (2) "Department", the Missouri department of economic development;
- (3) "Director", the director of the division of professional registration in the department of economic development;
- (4) "Division", the division of professional registration;
- (5)] "Licensed professional counselor", any person who offers to render professional counseling services to individuals, groups, organizations, institutions, corporations, government

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.

10 agencies or the general public for a fee, monetary or otherwise, implying that the person is  
11 trained, experienced, and licensed in counseling, and who holds a current, valid license to  
12 practice counseling;

13 [(6)] (2) "Practice of professional counseling", rendering, offering to render, or  
14 supervising those who render to individuals, couples, groups, organizations, institutions,  
15 corporations, schools, government agencies, or the general public any counseling service  
16 involving the application of counseling procedures, and the principles and methods thereof, to  
17 assist in achieving more effective intrapersonal or interpersonal, marital, decisional, social,  
18 educational, vocational, developmental, or rehabilitative adjustments;

19 [(7)] (3) "Professional counseling", includes, but is not limited to:

20 (a) The use of verbal or nonverbal counseling or both techniques, methods, or procedures  
21 based on principles for assessing, understanding, or influencing behavior [(such as principles  
22 of learning, conditioning, perception, motivation, thinking, emotions, or social systems)];

23 (b) Appraisal or assessment, which means selecting, administering, scoring, or  
24 interpreting instruments designed to assess a person's or group's aptitudes, intelligence, attitudes,  
25 abilities, achievement, interests, and personal characteristics;

26 (c) The use of referral or placement techniques or both which serve to further the goals  
27 of counseling;

28 (d) Therapeutic vocational or personal or both rehabilitation in relation to coping with  
29 or adapting to physical disability, emotional disability, or intellectual disability or any  
30 combination of the three;

31 (e) Designing, conducting, and interpreting research;

32 (f) The use of group methods or techniques to promote the goals of counseling;

33 (g) The use of informational and community resources for career, personal, or social  
34 development;

35 (h) Consultation on any item in paragraphs (a) through (g) above; and

36 (i) No provision of sections 337.500 to 337.540, or of chapter 354 or 375, RSMo, shall  
37 be construed to mandate benefits or third-party reimbursement for services of professional  
38 counselors in the policies or contracts of any insurance company, health services corporation or  
39 other third-party payer;

40 [(8)] (4) "Provisional licensed professional counselor", any person who is a graduate of  
41 an acceptable educational institution, as defined by [division] **board** rules, with at least a  
42 master's degree with a major in counseling, or its equivalent, and meets all requirements of a  
43 licensed professional counselor, other than the supervised counseling experience prescribed by  
44 subdivision (1) of section 337.510, and who is supervised by a person who is qualified for the  
45 practice of professional counseling.

337.505. No person shall use the title of "professional counselor", "counselor" or "provisional licensed professional counselor" or engage in the practice of professional counseling in this state unless the person is licensed as required by the provisions of sections 337.500 to [337.540] **337.565**. Sections 337.500 to [337.540] **337.565** do not apply to:

- (1) Any person registered, certificated or licensed by this state, another state, or any recognized national certification agent, acceptable to the [committee] **board**, to practice any other occupation or profession while rendering counseling service in the performance of the occupation or profession for which the person is registered, certificated, or licensed, including but not limited to physicians, psychologists and attorneys;
- (2) School counselors, school administration personnel, or classroom teachers, so long as they are performing their assigned duties within the scope of their employment by a board of education or private school;
- (3) Counselors in postsecondary educational institutions so long as they are practicing within the scope of their employment;
- (4) Student interns or trainees in counseling procedures pursuing a course of study in counseling in an institution of higher education or training institution if such activities and services constitute a part of their course of study and provided that such persons are designated as "counselor interns";
- (5) Professionals employed by postsecondary educational institutions as counselor educators so long as they are practicing counseling within the scope of their employment;
- (6) Duly ordained ministers [or], clergy [or], religious workers, **or staff counselors** while functioning in their ministerial capacity **or in a religious institution or religious counseling ministries program**;
- (7) Alcoholism counselors so long as they serve only individuals with alcohol related concerns;
- (8) Any nonresident temporarily employed in this state to render counseling services for not more than thirty days in any year, if in the opinion of the [committee] **board** the person would qualify for a license pursuant to the provisions of sections 337.500 to [337.540] **337.565**, and if the person holds a license required for counselors in the person's home state or country;
- (9) Duly accredited Christian Science practitioners, so long as they are practicing within the scope of Christian Science principles;
- (10) Counselors employed by the Missouri state department of elementary and secondary education or the Missouri state bureau for the blind while rendering counseling services in the performance of their state assigned duties;
- (11) Professionals employed by vocational and medical rehabilitation facilities accredited by the commission on the accreditation of rehabilitation facilities, the joint committee

37 on accreditation of hospitals or other agents acceptable to the [committee] **board** while rendering  
38 counseling services in the performance of their assigned duties, and so long as they do not use  
39 the title of "counselor";

40 (12) Employees or volunteers of sheltered workshops who are providing meaningful  
41 employment services for handicapped workers, so long as they do not use the "counselor" title;

42 (13) [Marital therapists or family therapists or both, certified by the American  
43 Association of Marriage and Family Therapists or an agent acceptable to the committee, and their  
44 supervisees, so long as they serve only individuals with marital or family systems concerns, and,  
45 so long as they do not use the titles of "counselor" or "counseling";

46 (14) Staff counselors employed by religious institutions in a religious counseling  
47 ministries program;

48 (15)] Drug abuse counselors certified by the department of mental health as meeting  
49 standards in rules promulgated pursuant to section 630.655, RSMo, certified by the Missouri  
50 substance abuse counselors certification board, or by an agent acceptable to the committee, so  
51 long as such counselors are practicing consistent with such standards, and they are serving only  
52 individuals with drug-related concerns;

53 [(16) Social workers, certified by the National Association of Social Workers, Inc., or  
54 by an agent acceptable to the committee, or workers under their supervision so long as they are  
55 doing work consistent with their training and with a code of ethics of the social work profession,  
56 and so long as they do not use the title of "professional counselor";

57 (17)] (14) Professionals in the employ of a governmental agency while rendering  
58 services in the performance of their duties;

59 [(18) Any person performing counseling, as defined in sections 337.500 to 337.540,  
60 without receiving compensation, monetary or otherwise, and so long as they do not use the title  
61 of "professional counselor";

62 (19)] (15) Employment counselors and interviewers, personnel officers, personnel  
63 analysts and consultants and related workers who in the normal course of their duties and  
64 responsibilities as employees of this state may engage in the screening, examination, assessment,  
65 referral or selection of individuals for employment or for consideration for employment;

66 [(20)] (16) Counselors and employees of employee assistance programs [which] **that** are  
67 members of the Association of Labor-Management Administrators and Consultants on  
68 Alcoholism, Inc., a Wisconsin corporation, or its successors or such other accrediting body for  
69 EAP Programs acceptable to the [committee] **board** who provide evaluation, assessment,  
70 information, and referral services so long as they are performing their assigned duties within the  
71 scope of their employment; provided, however, that this exemption shall not apply to individuals  
72 employed by employee assistance programs who provide direct long-term therapy and counseling

73 services, as may be defined by regulation, so long as they do not use the title of counselor or  
74 counseling;

75 [(21)] (17) Individuals who are duly certified by the employee assistance certification  
76 commission as administered by the Association of Labor-Management Administrators and  
77 Consultants on Alcoholism, Inc., a Wisconsin corporation, or its successor; so long as the  
78 individual is an employee of a generally recognized employee assistance program and so long  
79 as such individual is performing services within the scope of such individual's employment and  
80 education;

81 [(22)] (18) Weight loss or weight control consultants or advisors in recognized,  
82 legitimate programs or business environments so long as they serve only individuals or groups  
83 who have weight related concerns and discuss only weight improvement issues and do not use  
84 the titles of "counselor" or "counseling" without using an adjective which describes to the  
85 ordinary person that the counseling is limited to weight loss or weight control;

86 [(23)] (19) Activity therapists as certified or licensed by their respective professional  
87 organizations including, but not limited to art, music, dance, recreation, and occupation, and who  
88 have received certification or licensure by their respective professional organizations by January  
89 1, 1994, so long as they do not use the titles of "counselor" or "counseling";

90 [(24)] (20) Professionals certified by the American Board of Medical Psychotherapists  
91 and who have received certification from the American Board of Medical Psychotherapists by  
92 January 1, 1994, so long as they do not use the titles of "counselor" or "counseling"; [and

93 (25) Transactional analysts certified by the International Transactional Analysis  
94 Association and who have received certification from the International Transactional Analysis  
95 Association as a level one transactional analyst, specializing in clinical application by January  
96 1, 1994, so long as they do not use the titles of "counselor" or "counseling";] or

97 [(26)] (21) Any person with a doctoral degree in anthropology received on or prior to  
98 December 31, 1989, and which was from an educational institution accredited by one of the  
99 regional accrediting associations approved by the council on postsecondary accreditation;  
100 provided further that said individual has completed at least twenty-four months of supervised  
101 clinical experience in psychotherapy under the supervision of a physician.

337.507. 1. Applications for examination and licensure as a professional counselor shall  
2 be in writing, submitted to the [division] **board** on forms prescribed by the [division] **board** and  
3 furnished to the applicant. The application shall contain the applicant's statements showing [his]  
4 **the applicant's** education, experience and such other information as the [division] **board** may  
5 require. Each application shall contain a statement that it is made under oath or affirmation [and]  
6 that the information contained therein is true and correct to the best knowledge and belief of the

7 applicant, subject to the penalties provided for the making of a false affidavit or declaration.  
8 Each application shall be accompanied by the fees required by the [committee] **board**.

9       2. The division shall mail a renewal notice to the last known address of each licensee  
10 prior to the [registration] **license** renewal date. **Notwithstanding this notice requirement, the**  
11 **failure to receive a license renewal notification from the division does not excuse the**  
12 **licensee from renewing his or her license as required by law.** Failure to provide the division  
13 with the information required for [registration] **license renewal**, or to pay the [registration fee  
14 after such notice shall effect a revocation of the license after] **license renewal fee within a**  
15 **period of sixty days from the [registration] license renewal date shall cause the license to**  
16 **expire.** The license shall be restored if, within two years of the [registration] **license renewal**  
17 **date, the applicant [provides] submits** written application and the payment of the [registration]  
18 **license renewal** fee and a delinquency fee.

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

21       4. The [committee] **board** shall set the amount of the fees [which] **authorized by**  
22 sections 337.500 to [337.540 authorize and require by rules and regulations promulgated  
23 pursuant to section 536.021, RSMo] **337.565**. The fees shall be set at a level to produce revenue  
24 [which] **that** shall not substantially exceed the cost and expense of administering the provisions  
25 of sections 337.500 to [337.540] **337.565**. All fees provided for in sections 337.500 to [337.540]  
26 **337.565** shall be collected by the director who shall deposit the same with the state treasurer in  
27 [a fund to be known as the "Committee of Professional Counselors Fund"] **the board of**  
28 **counselors and therapists fund as established by section 337.555.**

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

37       6. The committee shall hold public examinations at least two times per year, at such  
38 times and places as may be fixed by the committee, notice of such examinations to be given to  
39 each applicant at least ten days prior thereto] **The board shall designate an examination as**  
40 **defined by rule for applicants seeking licensure as professional counselors or marital and**  
41 **family therapists.**

337.510. 1. Each applicant for licensure as a professional counselor shall furnish  
2 evidence to the [committee] **board** that:

3 (1) The applicant has met any one of the three following education-experience  
4 requirements:

5 (a) The applicant has received a doctoral degree with a major in counseling, or its  
6 equivalent, from an acceptable educational institution, as defined by [division] **board** rules, and  
7 has completed at least one year of acceptable supervised counseling experience subsequent to  
8 receipt of the doctoral degree; or

9 (b) The applicant has received a specialist's degree with a major in counseling, or its  
10 equivalent, from an acceptable educational institution, as defined by [division] **board** rules, and  
11 has completed at least one year of acceptable supervised counseling experience subsequent to  
12 receipt of the specialist's degree; or

13 (c) The applicant has received at least a master's degree with a major in counseling, or  
14 its equivalent, from an acceptable educational institution as defined by [division] **board** rules,  
15 and has completed two years of acceptable supervised counseling experience subsequent to  
16 receipt of the master's degree. An applicant may substitute thirty semester hours of post-master's  
17 graduate study, or [their] **the** equivalent, for one of the two required years of acceptable  
18 supervised counseling experience, if such hours are clearly related to the field of professional  
19 counseling and are earned from an acceptable educational institution;

20 (2) After August 28, 2007, each applicant shall have completed a minimum of three  
21 hours of graduate level coursework in diagnostic systems in the curriculum leading to his or her  
22 degree;

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

26 2. [A licensed professional counselor who has had no violations and no suspensions and  
27 no revocation of a license to practice professional counseling in any jurisdiction may receive a  
28 license in Missouri provided said licensed professional counselor passes a written examination  
29 on Missouri laws and regulations governing the practice of professional counseling as defined  
30 in section 337.500, and meets one of the following criteria:

31 (1) Is a member in good standing and holds a certification from the National Board for  
32 Certified Counselors;

33 (2) Is currently licensed or certified as a licensed professional counselor in another state,  
34 territory of the United States, or the District of Columbia; and

35 (a) Meets one of the educational standards set forth in paragraphs (a) and (b) of  
36 subdivision (1) of subsection 1 of this section;

37 (b) Has been licensed for the preceding five years; and  
38 (c) Has had no disciplinary action taken against the license for the preceding five years;  
39 or  
40 (3) Is currently licensed or certified as a professional counselor in another state, territory  
41 of the United States, or the District of Columbia that extends like privileges for reciprocal  
42 licensing or certification to persons licensed by this state with similar qualifications.  
43 3.] Any person who previously held a valid unrevoked, unsuspended license as a  
44 professional counselor in this state and who held a valid license **as a professional counselor** in  
45 another state at the time of application to the [committee] **board** shall be granted a license to  
46 engage in professional counseling in this state upon application to the [committee] **board**  
47 accompanied by the appropriate fee as established by the [committee] **board** pursuant to section  
48 337.507.  
49 **3. Any person holding a current license, certificate of registration, or permit from**  
50 **another state or territory of the United States as a professional counselor may be granted**  
51 **a license without examination to engage in the practice of professional counseling in this**  
52 **state upon application to the board, payment of the required fee as established by the**  
53 **board, and completion of the following requirements:**  
54 (1) **Certification by the applicant's current licensing entity that he or she holds a**  
55 **current license and has had no disciplinary action taken against his or her license for the**  
56 **five years immediately preceding application to the board; or**  
57 (2) **Approval by the American Association of State Counseling Boards (AASCB)**  
58 **or its successor organization as a registrant according to the eligibility criteria established**  
59 **by AASCB. The successor organization shall be defined by board rule.**  
60 4. The [committee] **board** shall issue a license to each person who files an application  
61 and fee as required by the provisions of sections 337.500 to [337.540] **337.565** and who  
62 furnishes evidence satisfactory to the [committee] **board** that the applicant has complied with  
63 the provisions of subdivisions (1) and (2) of subsection 1 of this section or with the provisions  
64 of subsection 2 [or], **3, or 4** of this section **and has taken and passed a written, open-book**  
65 **examination on Missouri laws and regulations governing the practice of professional**  
66 **counseling as defined in section 337.500.** The [division] **board** shall issue a provisional  
67 professional counselor license to any applicant who meets all requirements of subdivisions (1)  
68 and (2) of subsection 1 of this section, but who has not completed the required one or two years  
69 of acceptable supervised counseling experience required by paragraphs (a) to (c) of subdivision  
70 (1) of subsection 1 of this section, and such applicant may reapply for licensure as a professional  
71 counselor upon completion of such acceptable supervised counseling experience.



72           5. All persons licensed to practice professional counseling in this state shall pay on or  
73 before the license renewal date a renewal license fee and shall furnish to the [committee] **board**  
74 satisfactory evidence of the completion of the requisite number of hours of continuing education,  
75 which shall be no more than forty hours biennially. The continuing education requirements may  
76 be waived by the [committee] **board** upon presentation to the [committee] **board** of satisfactory  
77 evidence of the illness of the licensee or for other good cause.

          337.515. Each license issued pursuant to the provisions of sections 337.500 to [337.540]  
2 **337.565** shall expire on the renewal date. The [division] **board** shall renew any license upon  
3 application for renewal and upon payment of the fee established by the [committee] **board**  
4 pursuant to the provisions of section 337.507.

          337.520. 1. The [division] **board** shall promulgate rules and regulations pertaining to:  
2           (1) The form and content of license applications required by the provisions of sections  
3 337.500 to [337.540] **337.565** and the procedures for filing an application for an initial or  
4 renewal license in this state;

5           (2) Fees required by the provisions of sections 337.500 to [337.540] **337.565**;

6           (3) The content, conduct and administration of the licensing examination required by  
7 section 337.510;

8           (4) The characteristics of "acceptable supervised counseling experience" as that term is  
9 used in section 337.510;

10          (5) The equivalent of the basic educational requirements set forth in section 337.510;

11          (6) The standards and methods to be used in assessing competency as a professional  
12 counselor;

13          (7) Establishment and promulgation of procedures for investigating, hearing and  
14 determining grievances and violations occurring under the provisions of sections 337.500 to  
15 [337.540] **337.565**;

16          (8) Development of an appeal procedure for the review of decisions and rules of  
17 administrative agencies existing under the constitution or laws of this state;

18          (9) Establishment of a policy and procedure for reciprocity with other states, including  
19 states which do not have counselor licensing laws or states whose licensing laws are not  
20 substantially the same as those of this state;

21          (10) The characteristics of "an acceptable educational institution" as that term is used  
22 in section 337.510;

23          (11) The characteristics of an acceptable agent for the certification of an exempted  
24 occupation as listed in [subdivisions] **subdivision** (11) [and (13)] of section 337.505; and

25          (12) The form and content of "ethical standards for **professional** counselors" as that term  
26 is used in subdivision (15) of subsection 2 of section 337.525.

27           2. No rule or portion of a rule promulgated under the authority of sections 337.500 to  
28 [337.545] **337.565** shall become effective unless it has been promulgated pursuant to the  
29 provisions of section 536.024, RSMo.

          337.525. 1. The [committee] **board** may refuse to issue or renew any license required  
2 by the provisions of sections 337.500 to [337.540] **337.565** for one or any combination of causes  
3 stated in subsection 2 of this section. The [committee] **board** shall notify the applicant in  
4 writing of the reasons for the refusal and shall advise the applicant of [his] **their** right to file a  
5 complaint with the administrative hearing commission as provided by chapter 621, RSMo.

6           2. The [committee] **board** may cause a complaint to be filed with the administrative  
7 hearing commission as provided by chapter 621, RSMo, against any holder of any license  
8 required by sections 337.500 to [337.540] **337.565** or any person who has failed to renew or has  
9 surrendered [his] **their** 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 professional counselor; **except the fact that a person has undergone treatment for past**  
13 **substance abuse or alcohol abuse or has participated in a recovery program shall not by**  
14 **itself be cause for refusal to issue or renew a license;**

15           (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
16 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
17 for any offense reasonably related to the qualifications, functions or duties of a professional  
18 counselor; 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 337.500 to [337.540] **337.565** or in obtaining permission  
22 to take any examination given or required pursuant to the provisions of sections 337.500 to  
23 [337.540] **337.565;**

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

26           (5) [Incompetency] **Incompetence**, misconduct, **gross negligence**, fraud,  
27 misrepresentation or dishonesty in the performance of the functions or duties of a professional  
28 counselor;

29           (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
30 337.500 to [337.540] **337.565**, or of any lawful rule or regulation adopted pursuant to sections  
31 337.500 to [337.540] **337.565;**

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

34 (8) [Revocation or suspension] **Disciplinary action against the holder** of a license or  
35 other right to practice counseling granted by another state, territory, federal agency or country  
36 upon grounds for which [revocation or suspension] **discipline** is authorized in this state;

37 (9) [A person is finally adjudged] **Final adjudication as** incapacitated by a court of  
38 competent jurisdiction;

39 (10) Assisting or enabling any person to practice or offer to practice professional  
40 counseling who is not licensed and currently eligible to practice under the provisions of sections  
41 337.500 to [337.540] **337.565**;

42 (11) [Issuance of] **Obtaining** a license based upon a material mistake of fact;

43 (12) Failure to display a valid license if so required by sections 337.500 to [337.540]  
44 **337.565** or any rule promulgated hereunder;

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

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

49 (15) [Being guilty of unethical conduct as defined in] **Violation of** the ethical standards  
50 for **professional** counselors [adopted by the division and filed with the secretary of state] **as**  
51 **defined by board rule**.

52 3. Any person, organization, association or corporation [who reports or provides]  
53 **reporting or providing** information to the [committee] **board** pursuant to the provisions of [this  
54 chapter] **sections 337.500 to 337.565** and who does so in good faith shall not be subject to an  
55 action for civil damages as a result thereof.

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

337.530. 1. Violation of any provision of sections 337.500 to [337.540] **337.565** shall  
2 be a class B misdemeanor.

3 2. All fees or other compensation received for services rendered in violation of sections  
4 337.500 to [337.540] **337.565** shall be refunded.

5 3. The [department] **board** may sue in its own name in any court in this state. The  
6 [department] **board** shall inquire diligently as to any violation of sections 337.500 to [337.540]

7 **337.565**, [shall] **may** institute actions for penalties herein prescribed, and shall enforce generally  
8 the provisions of sections 337.500 to [337.540] **337.565**.

9 4. Upon application by the [committee] **board**, the attorney general may on behalf of the  
10 [committee] **board** request that a court of competent jurisdiction grant an injunction, restraining  
11 order or other order as may be appropriate to enjoin a person from:

12 (1) Offering to engage or engaging in the performance of any acts or practices for which  
13 a certificate of registration or authority, permit or license is required **under sections 337.500 to**  
14 **337.565**, upon a showing that such acts or practices were performed or offered to be performed  
15 without a certificate of registration or authority, permit or license; or

16 (2) Engaging in any practice or business authorized by a certificate of registration or  
17 authority, permit or license issued pursuant to [this chapter] **sections 337.500 to 337.565** upon  
18 a showing that the holder presents a substantial probability of serious harm to the health, safety  
19 or welfare of any resident of this state or client or patient of the licensee.

20 5. Any action brought pursuant to [the provisions of] this section shall be commenced  
21 either in the county in which such conduct occurred or in the county in which the defendant  
22 resides.

23 6. Any action brought under this section may be in addition to or in lieu of any penalty  
24 provided by [this chapter] **sections 337.500 to 337.565**, and may be brought concurrently with  
25 other actions to enforce [this chapter] **sections 337.500 to 337.565**.

**337.545. 1. There is hereby created a "Board of Counselors and Therapists",**  
2 **which shall guide, advise, and make recommendations to the division and fulfill all other**  
3 **responsibilities designated by sections 337.700 to 337.739 as such sections pertain to marital**  
4 **and family therapists and sections 337.500 to 337.540 as such sections pertain to licensed**  
5 **professional counselors. The duties and responsibilities of the board of counselors and**  
6 **therapists as such duties and responsibilities pertain to marital and family therapists and**  
7 **licensed professional counselors shall not take full force and effect until such time as the**  
8 **governor appoints the members of the board of counselors and therapists and the**  
9 **appointments are confirmed by the senate. At such time, the powers and duties of the state**  
10 **committee of marital and family therapists and the committee for professional counselors**  
11 **shall be merged into the board of counselors and therapists under section 337.550.**

12 **2. The board of counselors and therapists shall be appointed by the governor with**  
13 **the advice and consent of the senate and shall consist of nine members that are United**  
14 **States citizens and residents of this state. Of these nine members, four shall be licensed**  
15 **professional counselors who shall constitute the subcommittee for professional counselors,**  
16 **and four shall be licensed marital and family therapists who shall constitute the**  
17 **subcommittee for marital and family therapists, and one shall be a voting public member.**

18           **3. At least one member of each of the subcommittees and the public member of the**  
19 **initial board shall be appointed by the governor with the advice and consent of the senate**  
20 **to serve a term of four years, two members of each of the subcommittees shall be appointed**  
21 **by the governor with the advice and consent of the senate to serve a term of three years and**  
22 **the remaining members of the initial board shall be appointed for a term of two years.**  
23 **Thereafter, all members shall be appointed by the governor with the advice and consent**  
24 **of the senate to serve four-year terms. No person shall be eligible for reappointment that**  
25 **has served as a member of the board for a total of eight years. The membership of the**  
26 **board shall reflect the differences in levels of education and work experience with**  
27 **consideration being given to race, gender, and ethnic origins. No more than one counselor-**  
28 **educator shall be a member of the board at the same time.**

29           **4. At the time of appointment, the public member shall be a citizen of the United**  
30 **States, a resident of this state for a period of at least one year immediately preceding the**  
31 **appointment, and a registered voter. The public member or the spouse of such member**  
32 **shall be a person who is not and never was a member of any profession licensed or**  
33 **regulated by the board of counselors and therapists. The public member and the spouse**  
34 **of such member shall be a person who does not have and never has had a material financial**  
35 **interest in the provision of the professional services regulated by the board of counselors**  
36 **and therapists, or an activity or organization directly related to any professions licensed**  
37 **or regulated by the board of counselors and therapists.**

38           **5. Each member of the board shall receive compensation in an amount set by the**  
39 **board not to exceed seventy dollars for each day devoted to the affairs of the board,**  
40 **including meeting and conference attendance, meeting preparation and travel, and**  
41 **activities related to the board and subject to approval by the director of the division. The**  
42 **division shall provide all staff for the board to include inspectors, investigators, and clerical**  
43 **support.**

**337.550. 1. Upon appointment by the governor and confirmation by the senate of**  
2 **the board of counselors and therapists, the committee for professional counselors and the**  
3 **state committee of marital and family therapists are abolished and their duties and**  
4 **responsibilities shall merge into the board of counselors and therapists as established**  
5 **under section 337.545. The board of counselors and therapists shall be a continuance of**  
6 **and shall carry out the duties of the committee for professional counselors and the state**  
7 **committee of marital and family therapists.**

8           **2. Upon appointment by the governor and confirmation by the senate of the board**  
9 **of counselors and therapists, all of the powers, duties, and functions of the committee for**  
10 **professional counselors and the state committee of marital and family therapists are**

11 transferred to, conferred, and imposed upon the board of counselors and therapists. The  
12 board of counselors and therapists shall be the successor in every way to the powers,  
13 duties, and functions of the committee for professional counselors and the state committee  
14 of marital and family therapists.

15 3. Every act performed in the exercise of such powers, duties, and authorities by  
16 or under the authority of the board of counselors and therapists shall be deemed to have  
17 the same force and effect as if performed by the committee for professional counselors or  
18 state committee of marital and family therapists under sections 337.700 to 337.739 and  
19 sections 337.500 to 337.540, including any amendments thereto effective with the passage  
20 of this law or prior to the effective date of sections 337.500 to 337.565.

21 4. All rules and regulations of the committee for professional counselors and the  
22 state committee of marital and family therapists and amendments thereto shall continue  
23 to be effective and shall be deemed to be duly adopted rules and regulations of the board  
24 of counselors and therapists until revised, amended, or repealed by the board of counselors  
25 and therapists. The board of counselors and therapists shall review such rules and  
26 regulations and shall adopt new rules and regulations as required for the administration  
27 of the licensure law for professional counselors and marital and family therapists.

28 5. Any person licensed or provisionally licensed as a professional counselor by the  
29 committee for professional counselors or any person licensed by the state committee of  
30 marital and family therapists prior to the appointment by the governor and confirmation  
31 by the senate of the board of counselors and therapists, shall be considered licensed as a  
32 professional counselor, provisionally licensed as a professional counselor, or licensed as a  
33 marital and family therapist by the board of counselors and therapists. Any person  
34 pursuing post-degree experience approved by the committee for professional counselors  
35 or the state committee of marital and family therapists shall be considered approved for  
36 post-degree experience by the board of counselors and therapists.

337.555. 1. There is hereby created in the state treasury a fund to be known as the  
2 "Board of Counselors and Therapists Fund" which shall consist of all moneys collected by  
3 the board of counselors and therapists.

4 2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys  
5 in this fund shall not be transferred and placed to the credit of general revenue until the  
6 amount in the fund at the end of the biennium exceeds three times the amount of the  
7 appropriations from the board of counselors and therapists fund for the preceding fiscal  
8 year. The amount, if any, in the fund that shall lapse is that amount in the fund that  
9 exceeds the appropriate multiple of the appropriations from the board of counselors and  
10 therapists fund for the preceding fiscal year.

11           **3. Upon appointment by the governor and confirmation by the senate of the board**  
12 **of counselors and therapists, all moneys deposited in the committee for professional**  
13 **counselors fund created in section 337.507 and the marital and family therapists fund**  
14 **created in section 337.712, shall be transferred to the board of counselors and therapists**  
15 **fund created in subsection 1 of this section. The committee for professional counselors**  
16 **fund and the marital and family therapists fund shall be abolished when all moneys are**  
17 **transferred to the board of counselors and therapists fund.**

**337.560. 1. As used in sections 337.500 to 337.565, and 337.700 to 337.739, the**  
2 **following terms mean:**

- 3           (1) "Board", the board of counselors and therapists established in section 337.545;
- 4           (2) "Department", the Missouri department of economic development;
- 5           (3) "Director", the director of the division of professional registration in the
- 6 Missouri department of economic development;
- 7           (4) "Division", the division of professional registration;
- 8           (5) "Fund", the board of counselors and therapists fund created by section 337.555.

**337.565. 1. The board may issue subpoenas duces tecum and require production**  
2 **of documents and records. A person authorized to serve subpoenas of courts of record**  
3 **shall serve the subpoenas duces tecum. In lieu of requiring attendance of a person to**  
4 **produce original documents in response to a subpoena duces tecum, the board may require**  
5 **sworn copies of such documents to be filed with it or delivered to its designated**  
6 **representative.**

7           **2. The board may enforce its subpoenas duces tecum by applying to the circuit**  
8 **court of Cole County, the county of the investigation, hearing, or proceeding, or any county**  
9 **where the person resides or may be found for an order upon any person who shall fail to**  
10 **obey a subpoena to show cause why such subpoena should not be enforced, which such**  
11 **order and a copy of the application therefore shall be served upon the person in the same**  
12 **manner as a summons in a civil action. If the circuit court shall, after a hearing, determine**  
13 **that the subpoena duces tecum should be sustained and enforced, such court shall proceed**  
14 **to enforce the subpoena in the same manner as though the subpoena had been issued in a**  
15 **civil case in the circuit court.**

16           **3. Failure of a licensee to comply with the requirements of a validly enforced**  
17 **subpoena duces tecum shall constitute grounds for disciplinary action as defined in sections**  
18 **337.525 and 337.730.**

**337.700. As used in sections 337.700 to 337.739, the following terms mean:**

- 2           (1) ["Committee", the state committee for family and marital therapists;
- 3           (2) "Department", the Missouri department of economic development;

4 (3) "Director", the director of the division of professional registration in the department  
5 of economic development;

6 (4) "Division", the division of professional registration;

7 (5)] "Fund", the marital and family therapists' fund created in section 337.712;

8 [(6)] (2) "Licensed marital and family therapist", a person to whom a license has been  
9 issued pursuant to the provisions of sections 337.700 to 337.739, whose license is in force and  
10 not suspended or revoked;

11 [(7)] (3) "Marital and family therapy", the use of  
12 scientific and applied marriage and family theories, methods and procedures for the purpose of  
13 describing, evaluating and modifying marital, family and individual behavior within the context  
14 of marital and family systems, including the context of marital formation and dissolution.  
15 Marriage and family therapy is based on systems theories, marriage and family development,  
16 normal and dysfunctional behavior, human sexuality and psychotherapeutic, marital and family  
17 therapy theories and techniques and includes the use of marriage and family therapy theories and  
18 techniques in the evaluation, assessment and treatment of intrapersonal or interpersonal  
19 dysfunctions within the context of marriage and family systems. Marriage and family therapy  
20 may also include clinical research into more effective methods for the treatment and prevention  
21 of the above-named conditions;

22 [(8)] (4) "Practice of marital and family therapy", the rendering of professional marital  
23 and family therapy services to individuals, family groups and marital pairs, singly or in groups,  
24 whether such services are offered directly to the general public or through organizations, either  
25 public or private, for a fee, monetary or otherwise.

337.703. No person shall use the title of "licensed marital and family therapist", "marital  
2 and family therapist", "provisional marital and family therapist", or engage in the practice of  
3 marital and family therapy in this state unless the person is licensed as required by the provisions  
4 of sections 337.700 to 337.739. Sections 337.700 to 337.739 shall not apply to:

5 (1) Any person registered, certificated or licensed by this state, another state or any  
6 recognized national certification agent acceptable to the [division] **board** to practice any other  
7 occupation or profession while rendering services similar in nature to marital and family therapy  
8 in the performance of the occupation or profession in which the person is registered, certificated  
9 or licensed, so long as the person does not use the title of "licensed marital and family therapist",  
10 "marital and family therapist", or "provisional marital and family therapist";

11 (2) The practice of any marital and family therapist who is employed by any political  
12 subdivision, school district, agency or department of the state of Missouri while discharging the  
13 therapist's duties in that capacity; and



14 (3) Duly ordained ministers or clergy, religious workers and volunteers or Christian  
15 Science Practitioners.

337.706. [1. For a period of six months from September 1, 1995, a person may apply  
2 for licensure without examination and shall be exempt from the academic requirements of  
3 sections 337.700 to 337.739 if the division is satisfied that the applicant:

4 (1) Has been a resident of the state of Missouri for at least the last six months; and

5 (2) Holds a valid license as a marital and family therapist from another state.

6 2. The division may determine by administrative rule the types of documentation needed  
7 to verify that an applicant meets the qualifications provided in subsection 1 of this section.

8 3. After March 1, 1996,] No person may engage in **the practice of** marital and family  
9 therapy for compensation or hold himself or herself out as a "licensed marital and family  
10 therapist", "marital and family therapist", or "provisional marital and family therapist" unless the  
11 person complies with all educational and examination requirements and is licensed in accordance  
12 with the provisions of sections 337.700 to 337.739.

337.712. 1. Applications for licensure as a marital and family therapist shall be in  
2 writing, submitted to the [division] **board** on forms prescribed by the [division] **board** and  
3 furnished to the applicant. The application shall contain the applicant's statements showing the  
4 applicant's education, experience and such other information as the [division] **board** may  
5 require. Each application shall contain a statement that it is made under oath or affirmation and  
6 that the information contained therein is true and correct to the best knowledge and belief of the  
7 applicant, subject to the penalties provided for the making of a false affidavit or declaration.  
8 Each application shall be accompanied by the fees required by the [division] **board**.

9 2. The division shall mail a renewal notice to the last known address of each licensee  
10 prior to the licensure renewal date. **Notwithstanding this notice requirement, the failure to**  
11 **receive a license renewal notification from the division does not excuse the licensee from**  
12 **renewing his or her license as required by law.** Failure to provide the division with the  
13 information required for license **renewal**, or to pay the licensure **renewal** fee after such notice  
14 shall effect a revocation of the license after a period of sixty days from the licensure renewal  
15 date. The license shall be restored if, within two years of the licensure **renewal** date, the  
16 applicant provides written application and the payment of the licensure **renewal** fee and a  
17 delinquency fee.

18 3. A new **license** certificate to replace any certificate lost, destroyed or mutilated may  
19 be issued subject to the rules of the [division] **board** upon payment of a fee.

20 4. The [division] **board** shall set the amount of the fees authorized. The fees shall be  
21 set at a level to produce revenue which shall not substantially exceed the cost and expense of  
22 administering the provisions of sections **337.545 to 337.565 and sections** 337.700 to 337.739.

23 All fees provided for in **sections 337.545 to 337.565 and** sections 337.700 to 337.739 shall be  
24 collected by the director who shall deposit the same with the state treasurer to [a fund to be  
25 known as the "Marital and Family Therapists' Fund"] **the board of counselors and therapists**  
26 **fund, as established in section 337.555.**

27 5. [The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in  
28 this fund shall not be transferred and placed to the credit of general revenue until the amount in  
29 the fund at the end of the biennium exceeds two times the amount of the appropriations from the  
30 marital and family therapists' fund for the preceding fiscal year or, if the division requires by rule  
31 renewal less frequently than yearly then three times the appropriation from the fund for the  
32 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the  
33 fund which exceeds the appropriate multiple of the appropriations from the marital and family  
34 therapists' fund for the preceding fiscal year.] **If a license has expired for more than two years**  
35 **and the applicant does not hold a valid, unrevoked, unsuspended license as a professional**  
36 **counselor in another state at the time of application to the board, the applicant shall pay**  
37 **the required fee and obtain continuing education relating to the practice of marital and**  
38 **family therapy as defined by board rule. Continuing education required under this**  
39 **subsection shall not exceed twenty hours of continuing education credit.**

337.715. 1. Each applicant for licensure as a marital and family therapist shall furnish  
2 evidence to the [division] **board** that:

3 (1) The applicant has a master's degree or a doctoral degree in marital and family  
4 therapy, or its equivalent, from an acceptable educational institution accredited by a regional  
5 accrediting body or accredited by an accrediting body which has been approved by the United  
6 States Department of Education;

7 (2) The applicant has twenty-four months of postgraduate supervised clinical experience  
8 acceptable to the [division] **board**, as the [division] **board** determines by rule;

9 (3) Upon examination, the applicant is possessed of requisite knowledge of the  
10 profession, including techniques and applications research and its interpretation and professional  
11 affairs and ethics;

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

15 2. [A licensed marriage and family therapist who has had no violations and no  
16 suspensions and no revocation of a license to practice marriage and family therapy in any  
17 jurisdiction may receive a license in Missouri provided said marriage and family therapist passes  
18 a written examination on Missouri laws and regulations governing the practice of professional  
19 counseling as defined in section 337.700, and meets one of the following criteria:

20 (1) Is a member in good standing and holds a certification from the Academy of  
21 Marriage and Family Therapists;

22 (2) Is currently licensed or certified as a licensed marriage and family therapist in another  
23 state, territory of the United States, or the District of Columbia; and

24 (a) Meets the educational standards set forth in subdivision (1) of subsection 1 of this  
25 section;

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

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

28 or

29 (3) Is currently licensed or certified as a marriage and family therapist in another state,  
30 territory of the United States, or the District of Columbia that extends like privileges for  
31 reciprocal licensing or certification to persons licensed by this state with similar qualifications.]

32 **Any person holding a current license, certificate, or registration from another state or**  
33 **territory of the United States having substantially the same or higher requirements as this**  
34 **state for marital and family therapists may be granted a license without examination to**  
35 **engage in the practice of marital and family therapy in this state upon application to the**  
36 **board, payment of the required fee as established by the board under section 337.712, upon**  
37 **certification by the applicant's current licensing entity that he or she holds a current**  
38 **license and has had no disciplinary action taken against his or her license for the five years**  
39 **immediately preceding application to the board.**

40 3. The [division] **board** shall issue a license to each person who files an application and  
41 fee as required by the provisions of **sections 337.545 to 337.565 and** sections 337.700 to  
42 337.739, and who furnishes evidence satisfactory to the [division] **board** that the applicant has  
43 complied with the provisions of subdivisions (1) to (4) of subsection 1 of this section or with the  
44 provisions of subsection 2 of this section **and has taken and passed a written, open-book**  
45 **examination on Missouri laws and regulations governing the practice of marital and family**  
46 **therapy as defined in section 337.700.**

337.718. 1. Each license issued pursuant to the provisions of **sections 337.545 to**  
2 **337.565 and** sections 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 may establish  
4 a shorter term for the first licenses issued pursuant to sections 337.700 to 337.739]. The  
5 [division] **board** shall renew any license upon application for a renewal and upon payment of  
6 the fee established by the [division] **board** pursuant to the provisions of section 337.712.

7 2. The [division] **board** may issue temporary permits to practice under extenuating  
8 circumstances as determined by the [division] **board** and defined by rule.

337.727. 1. The [division] **board** shall promulgate rules and regulations pertaining to:

(1) The form and content of license applications required by the provisions of **sections 337.545 to 337.565 and** sections 337.700 to 337.739 and the procedures for filing an application for an initial or renewal license in this state;

(2) Fees required by the provisions of sections 337.700 to 337.739;

(3) The content, conduct and administration of the licensing examination required by section 337.715;

(4) The characteristics of supervised clinical experience as that term is used in section 337.715;

(5) The equivalent of the basic educational requirements set forth in section 337.715;

(6) The standards and methods to be used in assessing competency as a licensed marital and family therapist;

(7) Establishment and promulgation of procedures for investigating, hearing and determining grievances and violations occurring under the provisions of **sections 337.545 to 337.565 and** sections 337.700 to 337.739;

(8) Development of an appeal procedure for the review of decisions and rules of administrative agencies existing under the constitution or laws of this state;

(9) Establishment of a policy and procedure for reciprocity with other states, including states which do not have marital and family therapist licensing laws or states whose licensing laws are not substantially the same as those of this state; and

(10) Any other policies or procedures necessary to the fulfillment of the requirements of **sections 337.545 to 337.565 and** sections 337.700 to 337.739.

2. No rule or portion of a rule promulgated under the authority of **sections 337.545 to 337.565 and** sections 337.700 to 337.739 shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided in this section, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided in this section.

3. Upon filing any proposed rule with the secretary of state, the [division] **board** shall concurrently submit such proposed rule to the committee, which may hold hearings upon any proposed rule or portion thereof at any time.

4. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty- day period, the

37 [division] **board** may file such order of rulemaking with the secretary of state and the order of  
38 rulemaking shall be deemed approved.

39 5. The committee may, by majority vote of the members, suspend the order of  
40 rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking  
41 only for one or more of the following grounds:

42 (1) An absence of statutory authority for the proposed rule;

43 (2) An emergency relating to public health, safety or welfare;

44 (3) The proposed rule is in conflict with state law;

45 (4) A substantial change in circumstance since enactment of the law upon which the  
46 proposed rule is based.

47 6. If the committee disapproves any rule or portion thereof, the [division] **board** shall  
48 not file such disapproved portion of any rule with the secretary of state and the secretary of state  
49 shall not publish in the Missouri Register any final order of rulemaking containing the  
50 disapproved portion.

51 7. If the committee disapproves any rule or portion thereof, the committee shall report  
52 its findings to the senate and the house of representatives. No rule or portion thereof disapproved  
53 by the committee shall take effect so long as the senate and the house of representatives ratify  
54 the act of the joint committee by resolution adopted in each house within thirty legislative days  
55 after such rule or portion thereof has been disapproved by the joint committee.

56 8. Upon adoption of a rule as provided in this section, any such rule or portion thereof  
57 may be suspended or revoked by the general assembly either by bill or, pursuant to section 8,  
58 article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of the  
59 joint committee on administrative rules. The committee shall be authorized to hold hearings and  
60 make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of  
61 state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or  
62 revocation.

337.730. 1. The [division] **board** may refuse to issue or renew any license required by  
2 the provisions of **sections 337.545 to 337.565 and** sections 337.700 to 337.739 for one or any  
3 combination of causes stated in subsection 2 of this section. The [division] **board** shall notify  
4 the applicant in writing of the reasons for the refusal and shall advise the applicant of the  
5 applicant's right to file a complaint with the administrative hearing commission as provided by  
6 chapter 621, RSMo.

7 2. The [division] **board** may cause a complaint to be filed with the administrative  
8 hearing commission as provided by chapter 621, RSMo, against any holder of any license  
9 required by **sections 337.545 to 337.565 and** sections 337.700 to 337.739 or any person who has

10 failed to renew or has surrendered the person's license for any one or any combination of the  
11 following causes:

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

17 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
18 in a criminal prosecution under the laws of any state or of the United States, for any offense  
19 reasonably related to the qualifications, functions or duties of a marital and family therapist; for  
20 any offense an essential element of which is fraud, dishonesty or an act of violence; or for any  
21 offense involving moral turpitude, whether or not sentence is imposed;

22 (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued  
23 pursuant to the provisions of **sections 337.545 to 337.565 and** sections 337.700 to 337.739 or  
24 in obtaining permission to take any examination given or required pursuant to the provisions of  
25 **sections 337.545 to 337.565 and** sections 337.700 to 337.739;

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

28 (5) [Incompetency] **Incompetence**, misconduct, **gross negligence**, fraud,  
29 misrepresentation or dishonesty in the performance of the functions or duties of a marital and  
30 family therapist;

31 (6) Violation of, or assisting or enabling any person to violate, any provision of **sections**  
32 **337.545 to 337.565 and** sections 337.700 to 337.739 or of any lawful rule or regulation adopted  
33 pursuant to **sections 337.545 to 337.565 and** sections 337.700 to 337.739;

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

36 (8) [Revocation or suspension] **Disciplinary action against the holder** of a license or  
37 other right to practice marital and family therapy granted by another state, territory, federal  
38 agency or country upon grounds for which [revocation or suspension] **discipline** is authorized  
39 in this state;

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

41 (10) Assisting or enabling any person to practice or offer to practice marital and family  
42 therapy who is not licensed and is not currently eligible to practice under the provisions of  
43 **sections 337.545 to 337.565 and** sections 337.700 to 337.739;

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

45 (12) Failure to display a valid license if so required by **sections 337.545 to 337.565 and**  
46 **sections 337.700 to 337.739** or any rule promulgated hereunder;

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

48 (14) Use of any advertisement or solicitation [which] **that** is false, misleading or  
49 deceptive to the general public or persons to whom the advertisement or solicitation is primarily  
50 directed;

51 (15) [Being guilty of unethical conduct as defined in] **Violation of** the ethical standards  
52 for marital and family therapists [adopted by the committee by rule and filed with the secretary  
53 of state] **as defined by board rule.**

54 3. Any person, organization, association or corporation [who reports or provides]  
55 **reporting or providing** information to the [division] **board** pursuant to the provisions of  
56 **sections 337.545 to 337.565 and** sections 337.700 to 337.739 and who does so in good faith  
57 shall not be subject to an action for civil damages as a result thereof.

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

337.733. 1. Violation of any provision of **sections 337.545 to 337.565 and** sections  
2 337.700 to 337.739 is a class B misdemeanor.

3 2. All fees or other compensation received for services [which] **that** are rendered in  
4 violation of **sections 337.545 to 337.565 and** sections 337.700 to 337.739 shall be refunded.

5 3. The [department] **board** on behalf of the division may sue in its own name in any  
6 court in this state. The [department] **board** shall inquire as to any violations of **sections 337.545**  
7 **to 337.565 and** sections 337.700 to 337.739, may institute actions for penalties prescribed, and  
8 shall enforce generally the provisions of **sections 337.545 to 337.565 and** sections 337.700 to  
9 337.739.

10 4. Upon application by the [division] **board**, the attorney general may on behalf of the  
11 [division] **board** request that a court of competent jurisdiction grant an injunction, restraining  
12 order or other order as may be appropriate to enjoin a person from:

13 (1) Offering to engage or engaging in the performance of any acts or practices for which  
14 a certificate of registration or authority, permit or license is required upon a showing that such  
15 acts or practices were performed or offered to be performed without a certificate of registration  
16 or authority, permit or license;

17 (2) Engaging in any practice of business authorized by a certificate of registration or  
18 authority, permit or license issued pursuant to **sections 337.545 to 337.565 and** sections 337.700  
19 to 337.739, upon a showing that the holder presents a substantial probability of serious harm to  
20 the health, safety or welfare of any resident of this state or client or patient of the licensee.

21 5. Any action brought pursuant to the provisions of this section shall be commenced  
22 either in the county in which such conduct occurred or in the county in which the defendant  
23 resides.

24 6. Any action brought under this section may be in addition to or in lieu of any penalty  
25 provided by sections 337.700 to 337.739 and may be brought concurrently with other actions to  
26 enforce the provisions of sections 337.700 to 337.739.

337.736. Persons licensed under the provisions of **sections 337.545 to 337.565 and**  
2 sections 337.700 to 337.739 [may] **shall** not disclose any information acquired from persons  
3 consulting them in their professional capacity, or be compelled to disclose such information  
4 except:

5 (1) With the written consent of the client, or in the case of the client's death or disability,  
6 the client's personal representative or other person authorized to sue or the beneficiary of any  
7 insurance policy on the client's life, health or physical condition;

8 (2) When such information pertains to a criminal act;

9 (3) When the person is a child under the age of eighteen years and the information  
10 acquired by the licensee indicated that the child was the victim of a crime;

11 (4) When the person waives the privilege by bringing charges against the licensee;

12 (5) When the licensee is called upon to testify in any court or administrative hearings  
13 concerning matters of adoption, adult abuse, child abuse, child neglect or other matters pertaining  
14 to the welfare of clients of the licensee; or

15 (6) When the licensee is collaborating or consulting with professional colleagues or an  
16 administrative superior on behalf of the client.

[337.535. 1. There is hereby established the "Committee for Professional  
2 Counselors" which shall guide, advise, and make recommendations to the  
3 division and fulfill other responsibilities designated by this chapter. The  
4 committee shall approve the examination required by section 337.510 and shall  
5 assist the division in carrying out the provisions of sections 337.500 to 337.540.

6 2. The committee shall consist of six members, including one public  
7 member, appointed by the governor with the advice and consent of the senate.  
8 Each member of the committee shall be a citizen of the United States and a  
9 resident of this state and, except as provided hereinafter, shall be licensed as a  
10 professional counselor by this state. Beginning with the appointments made after  
11 August 28, 1992, two members shall be appointed for four years, two members  
12 shall be appointed for three years and two members shall be appointed for two



13 years. Thereafter, all members shall be appointed to serve four-year terms. No  
14 person shall be eligible for reappointment who has served as a member of the  
15 committee for a total of eight years. The membership of the committee shall  
16 reflect the differences in levels of education and work experience with  
17 consideration being given to race, gender and ethnic origins. Not more than two  
18 counselor educators shall be members of the committee at the same time. The  
19 president of the American Counseling Association of Missouri in office at the  
20 time shall, at least ninety days prior to the expiration of the term of the committee  
21 member, other than the public member, or as soon as feasible after the vacancy  
22 on the committee otherwise occurs, submit to the director of the division of  
23 professional registration a list of five professional counselors qualified and  
24 willing to fill the vacancy in question, with the request and recommendation that  
25 the governor appoint one of the five persons so listed, and with the list so  
26 submitted, the president of the American Counseling Association of Missouri  
27 shall include in his or her letter of transmittal a description of the method by  
28 which the names were chosen by that association.

29 3. A vacancy in the office of a member shall be filled by appointment by  
30 the governor for the remainder of the unexpired term.

31 4. Each member of the committee shall receive as compensation, an  
32 amount set by the committee not to exceed fifty dollars for each day devoted to  
33 the affairs of the committee, and shall be reimbursed for necessary and actual  
34 expenses incurred in the performance of his or her official duties. All staff for  
35 the committee shall be provided by the division.

36 5. The committee shall hold an annual meeting at which it shall elect  
37 from its membership a chairperson and secretary. The committee may hold such  
38 additional meetings as may be required in the performance of its duties, provided  
39 that notice of every meeting must be given to each member at least three days  
40 prior to the date of the meeting. A quorum of the committee shall consist of a  
41 majority of its members.

42 6. The governor may remove a committee member for misconduct,  
43 incompetency or neglect of his or her official duties after giving the committee  
44 member written notice of the charges against the committee member and an  
45 opportunity to be heard thereon.

46 7. The public member shall be at the time of his or her appointment a  
47 citizen of the United States; a resident of this state for a period of one year and  
48 a registered voter; a person who is not and never was a member of any profession  
49 licensed or regulated pursuant to sections 337.500 to 337.540 or the spouse of  
50 such person; and a person who does not have and never has had a material,  
51 financial interest in either the providing of the professional services regulated by  
52 sections 337.500 to 337.540, or an activity or organization directly related to any  
53 profession licensed or regulated pursuant to sections 337.500 to 337.540. The  
54 duties of the public member shall not include the determination of the technical  
55 requirements to be met for licensure or whether any person meets such technical

requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.]

[337.739. 1. There is created and established the "State Committee of Marital and Family Therapists" which shall consist of four family and marital therapists and two voting public members. The committee shall be appointed by the governor with the advice and consent of the senate. Committee members shall serve for a term of five years, except for the members first appointed, one public member and one other member shall be appointed for five years, two members shall be appointed for four years, the other public member and one other member appointed for three years. No person shall be eligible for appointment to the committee who has served as a member of the committee for a total of ten years. Members shall be appointed to represent a diversity in gender, race and ethnicity. No more than three members shall be from the same political party.

2. Each nonpublic committee member shall be a resident of the state of Missouri for one year, shall be a United States citizen, and shall meet all the requirements for licensing enumerated in sections 337.700 to 337.739, shall be licensed pursuant to sections 337.700 to 337.739, except the members of the first committee, who shall be licensed within six months of their appointment, and are actively engaged in the practice of marital and family therapy. If a member of the committee shall, during the member's term as a committee member, remove the member's domicile from the state of Missouri, then the committee shall immediately notify the governor, and the seat of that committee member shall be declared vacant. All such vacancies shall be filled by appointment as in the same manner as the first appointment, and the member so appointed shall serve for the unexpired term of the member whose seat has been declared vacant. The public members shall be at the time of each member's appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; a person who does not have and never has had a material, financial interest in either the provision of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter.

3. The committee shall hold a regular annual meeting at which it shall select from among its members a chairman and a secretary. A quorum of the committee shall consist of a majority of its members. In the absence of the chairman, the secretary shall conduct the office of the chairman.

4. No member of the committee shall receive any compensation for the performance of the member's official duties but shall be entitled to reimbursement for necessary and actual expenses incurred in the performance of the member's duties. The committee shall share resources and facilities with the

41 office for the committee for professional counselors provided for in sections  
42 337.500 to 337.540. All staff for the committee shall be provided by the director  
43 of the division of professional registration.

44 5. The governor may remove any member of the committee for  
45 misconduct, inefficiency, incompetency or neglect of office.]

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