

SECOND REGULAR SESSION

HOUSE BILL NO. 1823

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOPER (155).

Read 1st time February 20, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5202L.01I

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, 337.709, 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 new sections relating to licensed professional counselors, with penalty provisions.

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337.703, 337.706, 337.709, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736 and 337.739, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 337.500, 337.505, 337.507, 337.510, 337.520, 337.525, 337.530, 337.545, 337.550, 337.555, 337.700, 337.703, 337.709, 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] **"Board", the board of counselors and therapists established in section 337.545;**

(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) **"Fund", the board of counselors and therapists fund created by section 337.560;**

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 (6) "Licensed professional counselor", any person who offers to render professional
11 counseling services to individuals, groups, organizations, institutions, corporations, government
12 agencies or the general public for a fee, monetary or otherwise, implying that the person is
13 trained, experienced, and licensed in counseling, and who holds a current, valid license to
14 practice counseling;

15 [(6)] (7) "Practice of professional counseling", rendering, offering to render, or
16 supervising those who render to individuals, couples, groups, organizations, institutions,
17 corporations, schools, government agencies, or the general public any counseling service
18 involving the application of counseling procedures, and the principles and methods thereof, to
19 assist in achieving more effective intrapersonal or interpersonal, marital, decisional, social,
20 educational, vocational, developmental, or rehabilitative adjustments;

21 [(7)] (8) "Professional counseling", includes, but is not limited to:

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

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

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

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

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

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

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

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

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

42 [(8)] (9) "Provisional licensed professional counselor", any person who is a graduate of
43 an acceptable educational institution, as defined by [division] **board** rules, with at least a
44 master's degree with a major in counseling, or its equivalent, and meets all requirements of a
45 licensed professional counselor, other than the supervised counseling experience prescribed by

46 subdivision (1) of section 337.510, and who is supervised by a person who is qualified for the
47 practice of professional counseling.

337.505. No person shall use the title of "professional counselor", "counselor" or
2 "provisional licensed professional counselor" or engage in the practice of professional counseling
3 in this state unless the person is licensed as required by the provisions of sections 337.500 to
4 [337.540] **337.560**. Sections 337.500 to [337.540] **337.560** do 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 [committee] **board**, to practice any
7 other occupation or profession while rendering counseling service in the performance of the
8 occupation or profession for which the person is registered, certificated, or licensed, including
9 but not limited to physicians, psychologists and attorneys;

10 (2) School counselors, school administration personnel, or classroom teachers, so long
11 as they are performing their assigned duties within the scope of their employment by a board of
12 education or private school;

13 (3) Counselors in postsecondary educational institutions so long as they are practicing
14 within the scope of their employment;

15 (4) Student interns or trainees in counseling procedures pursuing a course of study in
16 counseling in an institution of higher education or training institution if such activities and
17 services constitute a part of their course of study and provided that such persons are designated
18 as "counselor interns";

19 (5) Professionals employed by postsecondary educational institutions as counselor
20 educators so long as they are practicing counseling within the scope of their employment;

21 (6) Duly ordained ministers [or], clergy [or], religious workers, **or staff counselors**
22 while functioning in their ministerial capacity **or in a religious institution or religious**
23 **counseling ministries program**;

24 (7) Alcoholism counselors so long as they serve only individuals with alcohol related
25 concerns;

26 (8) Any nonresident temporarily employed in this state to render counseling services for
27 not more than thirty days in any year, if in the opinion of the [committee] **board** the person
28 would qualify for a license pursuant to the provisions of sections 337.500 to [337.540] **337.560**,
29 and if the person holds a license required for counselors in the person's home state or country;

30 (9) Duly accredited Christian Science practitioners, so long as they are practicing within
31 the scope of Christian Science principles;

32 (10) Counselors employed by the Missouri state department of elementary and secondary
33 education or the Missouri state bureau for the blind while rendering counseling services in the
34 performance of their state assigned duties;

35 (11) Professionals employed by vocational and medical rehabilitation facilities
36 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 renewal date. Failure to provide the division with the information
11 required for registration, or to pay the registration fee after such notice shall effect a revocation
12 of the license after a period of sixty days from the registration renewal date. The license shall
13 be restored if, within two years of the registration date, the applicant provides written application
14 and the payment of the registration fee and a delinquency fee.] **Each license issued under the
15 provisions of section 337.500 to 337.560 shall expire on the renewal date. The division shall
16 mail a renewal notice to the last known address of each licensee prior to the license renewal
17 date. Failure to provide the division or board with the information required for license
18 renewal or pay the license renewal fee shall cause the license to expire. Notwithstanding
19 this notice requirement, the failure to receive a license renewal notification from the
20 division shall not excuse the licensee from renewing the license as required by law.**

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

23 4. The [committee] **board** shall set the amount of the fees [which] **authorized by**
24 sections 337.500 to [337.540 authorize and require by rules and regulations promulgated
25 pursuant to section 536.021, RSMo] **337.560**. The fees shall be set at a level to produce revenue
26 which shall not substantially exceed the cost and expense of administering the provisions of
27 sections 337.500 to 337.540. All fees provided for in sections 337.500 to [337.540] **337.560**
28 shall be collected by the director who shall deposit the same with the state treasurer in [a fund
29 to be known as the "Committee of Professional Counselors Fund"] **the board of counselors and
30 therapists fund established by 337.555.**

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

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

41 each applicant at least ten days prior thereto.] **The board shall designate an examination as**
42 **defined by rule for applicants seeking licensure as a professional counselor.**

43 **6. If a license has expired for more than two years and the applicant does not hold**
44 **a valid, unrevoked, unsuspended license as a professional counselor in another state at the**
45 **time of application to the board, the applicant shall pay the required fee and obtain**
46 **continuing education relating to the practice of professional counseling as defined by the**
47 **board. Continuing education required under this subsection shall not exceed twenty hours**
48 **of continuing education credit.**

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

5 (1) [The applicant has met any one of the three following education-experience
6 requirements:

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

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

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

24 (2) **The applicant has completed acceptable supervised counseling experience as**
25 **defined by board rule. If the applicant has a master's degree with a major in counseling**
26 **as defined by board rule, the applicant shall complete at least two years of acceptable**
27 **supervised counseling experience subsequent to the receipt of the master's degree. The**
28 **composition and number of hours comprising the acceptable supervised counseling**

29 **experience shall be defined by board rule. An applicant may substitute thirty semester**
30 **hours of post master's graduate study for one of the two required years of acceptable**
31 **supervised counseling experience if such hours are clearly related to counseling.**

32 ~~[(2)]~~ (3) After August 28, 2007, [each] **the** applicant [shall have] **has** completed a
33 minimum of three hours of graduate level coursework in diagnostic systems **either** in the
34 curriculum leading to [his or her] **a degree or a post master's graduate level course work;**

35 ~~[(3)]~~ (4) Upon examination, the applicant is possessed of requisite knowledge of the
36 profession, including techniques and applications, research and its interpretation, and
37 professional affairs and ethics.

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

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

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

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

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

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

51 or

52 (3) Is currently licensed or certified as a professional counselor in another state, territory
53 of the United States, or the District of Columbia that extends like privileges for reciprocal
54 licensing or certification to persons licensed by this state with similar qualifications.

55 3.] Any person who previously held a valid unrevoked, unsuspended license as a
56 professional counselor in this state and who held a valid license **as a professional counselor** in
57 another state at the time of application to the [committee] **board** shall be granted a license to
58 engage in professional counseling in this state upon application to the [committee] **board**
59 accompanied by the appropriate fee as established by the [committee] **board** pursuant to section
60 337.507.

61 **3. Any person holding a current license, certificate of registration, or permit from**
62 **another state or territory of the United States to practice as a professional counselor may**
63 **be granted a license without examination to engage in the practice of professional**

64 counseling in this state upon application to the board, payment of the required fee as
65 established by the board, and satisfying one of the following requirements:

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

69 (2) Is in good standing and currently certified by the National Board for Certified
70 Counselors or its successor organization and has completed acceptable supervised
71 counseling experience as defined by board rule; or

72 (3) Determination by the board that the requirements of the other state or territory
73 are substantially the same as Missouri and certification by the applicant's current licensing
74 entity that the applicant has a current license. The applicant shall also consent to
75 examination of any disciplinary history.

76 4. The [committee] **board** shall issue a license to each person who files an application
77 and fee [as required by the provisions of sections 337.500 to 337.540] and who furnishes
78 evidence satisfactory to the [committee] **board** that the applicant has complied with the
79 provisions [of subdivisions (1) and (2) of subsection 1 of this section or with the provisions of
80 subsection 2 or 3] of this section **and has taken and passed a written, open book examination**
81 **on Missouri laws and regulations governing the practice of professional counseling as**
82 **defined in section 337.500.** The [division] **board** shall issue a provisional professional
83 counselor license to any applicant who meets all requirements [of subdivisions (1) and (2) of
84 subsection 1] of this section, but who has not completed the required [one or two years of]
85 acceptable supervised counseling experience [required by paragraphs (a) to (c) of subdivision
86 (1) of subsection 1 of this section,] and such applicant may reapply for licensure as a professional
87 counselor upon completion of such acceptable supervised counseling experience.

88 5. All persons licensed to practice professional counseling in this state shall pay on or
89 before the license renewal date a renewal license fee and shall furnish to the committee
90 satisfactory evidence of the completion of the requisite number of hours of continuing education
91 **as defined by rule**, which shall be no more than forty hours biennially. The continuing
92 education requirements may be waived by the committee upon presentation to the committee of
93 satisfactory evidence of the illness of the licensee or for other good cause.

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] **337.560** 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] **337.560**;

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 **and maintaining** competency as
12 a professional 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] **337.560**;

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] **337.560** 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] **337.560** 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 **or her** 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] **337.560** or any person who has failed to renew or has
9 surrendered his **or her** license for any one or any combination of the following causes:

10 (1) **The illegal** use of any controlled substance, as defined in chapter 195, RSMo, or **the**
11 **use of** alcoholic beverage to an extent that such use impairs a person's ability to engage in the
12 occupation of professional [counselor] **counseling; except the fact that a person has**

13 **undergone treatment for past substance abuse or alcohol abuse or has participated in a**
14 **recovery program shall not by 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] **committed a criminal offense** under the laws of
17 any state or of the United States, for any offense **that:**

18 (a) **Is** reasonably related to the qualifications, functions or duties of a professional
19 counselor;

20 (b) [for any offense an essential element of which is] **Has** fraud, dishonesty or an act of
21 violence **as an essential element of the offense;** or

22 (c) [for any] **The** offense [involving] **involves** moral turpitude, whether or not sentence
23 is imposed;

24 (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued
25 pursuant to the provisions of sections 337.500 to [337.540] **337.560** or in obtaining permission
26 to take any examination given or required pursuant to the provisions of sections 337.500 to
27 [337.540] **337.560;**

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

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

33 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
34 337.500 to [337.540] **337.560**, or of any lawful rule or regulation adopted pursuant to sections
35 337.500 to [337.540] **337.560;**

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

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

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

44 (10) Assisting or enabling any person to practice or offer to practice professional
45 counseling who is not licensed and currently eligible to practice under the provisions of sections
46 337.500 to [337.540] **337.560;**

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

48 (12) Failure to display a valid license if so required by sections 337.500 to [337.540]
49 **337.560** or any rule promulgated hereunder;

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

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

54 (15) Being guilty of unethical conduct as defined in the ethical standards for counselors
55 adopted by the division and filed with the secretary of state].

56 3. Any person, organization, association or corporation [who reports or provides]
57 **reporting or providing** information to the [committee] **board** pursuant to the provisions of [this
58 chapter] **sections 337.500 to 337.560** and who does so in good faith shall not be subject to an
59 action for civil damages as a result thereof.

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

337.530. 1. Violation of any provision of sections 337.500 to [337.540] **337.560** 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] **337.560** 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 **337.560**, [shall] **may** institute actions for penalties herein prescribed, and shall enforce generally
8 the provisions of sections 337.500 to [337.540] **337.560**.

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 **337.560**, 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 337.560** 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 337.560**, and may be brought concurrently with
25 other actions to enforce [this chapter] **sections 337.500 to 337.560**.

**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 337.736 as such sections pertain to marital
4 and family therapists and sections 337.500 to 337.560 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 four shall be licensed marital and family therapists who shall constitute the subcommittee
17 for marital 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,
22 and 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 and never had a material financial interest**
35 **in the provision of the professional services regulated by the board of counselors and**
36 **therapists, or an activity or organization directly related to any professions licensed or**
37 **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 inspector, investigators, and clerical**
43 **support.**

337.550. 1. Upon appointment by the governor and conformation 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 appointments 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 337.500 to 337.560 and**
19 **sections 337.700 to 337.736, including any amendments thereto effective August 28, 2006,**
20 **or prior to August 28, 2006.**

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 therapist fund shall be abolished when all moneys are**
17 **transferred to the board of counselors and therapists fund.**

 337.700. As used in sections 337.700 to [337.739] **337.736**, the following terms mean:

2 (1) ["Committee", the state committee for family and marital therapists] **"Board", the**
3 **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 department
- 6 of economic development;
- 7 (4) "Division", the division of professional registration;
- 8 (5) "Fund", [the marital and family therapists' fund created in section 337.712] **the board**
- 9 **of counselors and therapists fund created by section 337.560;**
- 10 (6) "Licensed marital and family therapist", a person to whom a license has been issued
- 11 pursuant to the provisions of sections 337.700 to [337.739] **337.736**, whose license is in force
- 12 and not suspended or revoked;
- 13 (7) "Marital and family therapy", the use of scientific and applied marriage and family
- 14 theories, methods and procedures for the purpose of describing, evaluating and modifying
- 15 marital, family and individual behavior within the context of marital and family systems,
- 16 including the context of marital formation and dissolution. Marriage and family therapy is based
- 17 on systems theories, marriage and family development, normal and dysfunctional behavior,
- 18 human sexuality and psychotherapeutic, marital and family therapy theories and techniques and
- 19 includes the use of marriage and family therapy theories and techniques in the evaluation,
- 20 assessment and treatment of intrapersonal or interpersonal dysfunctions within the context of
- 21 marriage and family systems. Marriage and family therapy may also include clinical research
- 22 into more effective methods for the treatment and prevention of the above-named conditions;
- 23 (8) "Practice of marital and family therapy", the rendering of professional marital and
- 24 family therapy services to individuals, family groups and marital pairs, singly or in groups,
- 25 whether such services are offered directly to the general public or through organizations, either
- 26 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] **337.736**. Sections 337.700 to [337.739] **337.736** shall not apply

5 to:

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

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

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

337.709. No provision of sections 337.700 to [337.739] **337.736** shall be construed to
2 require any agency, corporation or organization, not otherwise required by law, to employ
3 licensed marital and family therapists.

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. Failure to provide the division with the information required
11 for license, or to pay the licensure fee after such notice shall effect a revocation of the license
12 after a period of sixty days from the licensure renewal date. The license shall be restored if,
13 within two years of the licensure date, the applicant provides written application and the payment
14 of the licensure fee and a delinquency fee.

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

17 [4.] **3.** The [division] **board** shall set the amount of the fees authorized. The fees shall
18 be set at a level to produce revenue which shall not substantially exceed the cost and expense of
19 administering the provisions of sections 337.700 to [337.739] **337.736**. All fees provided for in
20 sections 337.700 to [337.739] **337.736** shall be collected by the director who shall deposit the
21 same with the state treasurer to [a fund to be known as the "Marital and Family Therapists'
22 Fund"] **the board of counselors and therapists fund, as established in section 337.555.**

23 [5. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
24 this fund shall not be transferred and placed to the credit of general revenue until the amount in
25 the fund at the end of the biennium exceeds two times the amount of the appropriations from the
26 marital and family therapists' fund for the preceding fiscal year or, if the division requires by rule
27 renewal less frequently than yearly then three times the appropriation from the fund for the
28 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the

29 fund which exceeds the appropriate multiple of the appropriations from the marital and family
30 therapists' fund for the preceding fiscal year.]

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. **The board shall designate an examination as defined by board rule for**
12 **applicants seeking licensure as a marital and family therapist;**

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

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

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

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

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) Is currently licensed or certified as a marriage and family therapist 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 **Any person holding a current license, certificate, or registration from another state or**
34 **territory of the United States having substantially the same or higher requirements as this**

35 state, as determined by the board, for marital and family therapists may be granted a
36 license without examination to engage in the practice of marital and family therapy in this
37 state upon application to the board, payment of the required fee, as established by the
38 board, and upon certification by the applicant's current licensing entity that he or she
39 holds a current license. The applicant shall consent to the examination of any disciplinary
40 history.

41 3. The [division] **board** shall issue a license to each person who files an application and
42 fee as required by the provisions of sections 337.700 to [337.739] **337.736**, and who furnishes
43 evidence satisfactory to the [division] **board** that the applicant has complied with the provisions
44 of subdivisions (1) to (4) of subsection 1 of this section or with the provisions of subsection 2
45 of this section **and has taken and passed a written, open book examination on Missouri laws**
46 **and regulations governing the practice of marital and family therapy, as defined in section**
47 **337.700.**

337.718. 1. [Each license issued pursuant to the provisions of sections 337.700 to
2 337.739 shall expire on a renewal date established by the director. The term of licensure shall
3 be twenty-four months; however, the director may establish a shorter term for the first licenses
4 issued pursuant to sections 337.700 to 337.739. The division shall renew any license upon
5 application for a renewal and upon payment of the fee established by the division pursuant to the
6 provisions of section 337.712.] **Each license issued under the provisions of sections 337.700**
7 **to 337.736 shall expire on the renewal date. The division shall mail a renewal notice to the**
8 **last known address of each licensee prior to the license renewal date. Failure to provide**
9 **the division or board with the information required for license renewal or pay the license**
10 **renewal fee shall cause the license to expire. Notwithstanding this notice requirement, the**
11 **failure to receive a license renewal notification from the division does not excuse the**
12 **licensee from renewing the license as required by law.**

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

337.727. 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
3 337.700 to [337.739] **337.736** 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 337.700 to [337.739] **337.736**;

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

8 (4) The characteristics of supervised clinical experience as that term is used in section
9 337.715;

- 10 (5) The equivalent of the basic educational requirements set forth in section 337.715;
- 11 (6) The standards and methods to be used in assessing **and maintaining** competency as
- 12 a licensed marital and family therapist;
- 13 (7) Establishment and promulgation of procedures for investigating, hearing and
- 14 determining grievances and violations occurring under the provisions of sections 337.700 to
- 15 [337.739] **337.736**;
- 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 marital and family therapist licensing laws or states whose licensing
- 20 laws are not substantially the same as those of this state; and
- 21 (10) Any other policies or procedures necessary to the fulfillment of the requirements
- 22 of sections 337.700 to [337.739] **337.736**.
- 23 2. No rule or portion of a rule promulgated under the authority of sections 337.700 to
- 24 [337.739] **337.736** shall become effective until it has been approved by the joint committee on
- 25 administrative rules in accordance with the procedures provided in this section, and the
- 26 delegation of the legislative authority to enact law by the adoption of such rules is dependent
- 27 upon the power of the joint committee on administrative rules to review and suspend rules
- 28 pending ratification by the senate and the house of representatives as provided in this section.
- 29 3. Upon filing any proposed rule with the secretary of state, the [division] **board** shall
- 30 concurrently submit such proposed rule to the committee, which may hold hearings upon any
- 31 proposed rule or portion thereof at any time.
- 32 4. A final order of rulemaking shall not be filed with the secretary of state until thirty
- 33 days after such final order of rulemaking has been received by the committee. The committee
- 34 may hold one or more hearings upon such final order of rulemaking during the thirty-day period.
- 35 If the committee does not disapprove such order of rulemaking within the thirty- day period, the
- 36 [division] **board** may file such order of rulemaking with the secretary of state and the order of
- 37 rulemaking shall be deemed approved.
- 38 5. The committee may, by majority vote of the members, suspend the order of
- 39 rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking
- 40 only for one or more of the following grounds:
- 41 (1) An absence of statutory authority for the proposed rule;
- 42 (2) An emergency relating to public health, safety or welfare;
- 43 (3) The proposed rule is in conflict with state law;
- 44 (4) A substantial change in circumstance since enactment of the law upon which the
- 45 proposed rule is based.

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

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

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

 337.730. 1. The [division] **board** may refuse to issue or renew any license required by
2 the provisions of sections 337.700 to [337.739] **337.736** for one or any combination of causes
3 stated in subsection 2 of this section. The [division] **board** shall notify the applicant in writing
4 of the reasons for the refusal and shall advise the applicant of the applicant's right to file a
5 complaint with the administrative hearing commission as provided by chapter 621, RSMo.

6 2. The [division] **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 337.700 to [337.739] **337.736** or any person who has failed to renew or has
9 surrendered the person's license for any one or any combination of the following causes:

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

15 (2) The person has [been finally adjudicated and found guilty, or entered a plea of guilty
16 or nolo contendere, in a criminal prosecution] **committed a criminal offense** under the laws of
17 any state or of the United States, for any offense **that:**

18 (a) **Is** reasonably related to the qualifications, functions or duties of a professional
19 counselor;

20 (b) [for any offense an essential element of which is] **Has** fraud, dishonesty or an act of
21 violence **as an essential element of the offense;** or

22 (c) [for any] **The** offense [involving] **involves** moral turpitude, whether or not sentence
23 is imposed;

24 (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued
25 pursuant to the provisions of sections 337.700 to [337.739] **337.736** or in obtaining permission
26 to take any examination given or required pursuant to the provisions of sections 337.700 to
27 [337.739] **337.736;**

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

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

33 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
34 337.700 to [337.739] **337.736** or of any lawful rule or regulation adopted pursuant to sections
35 337.700 to [337.739] **337.736;**

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

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

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

43 (10) Assisting or enabling any person to practice or offer to practice marital and family
44 therapy who is not licensed and is not currently eligible to practice under the provisions of
45 sections 337.700 to [337.739] **337.736;**

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

47 (12) Failure to display a valid license if so required by sections 337.700 to [337.739]
48 **337.736** or any rule promulgated hereunder;

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

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

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

56 3. Any person, organization, association or corporation [who reports or provides]
57 **reporting or providing** information to the [division] **board** pursuant to the provisions of
58 sections 337.700 to [337.739] **337.736** and who does so in good faith shall not be subject to an
59 action for civil damages as a result thereof.

60 4. After filing of such complaint, the proceedings shall be conducted in accordance with
61 the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission
62 that the grounds provided in subsection 2 of this section for disciplinary action are met, the
63 [division] **board** may censure or place the person named in the complaint on probation on such
64 terms and conditions as the [division] **board** deems appropriate for a period not to exceed five
65 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 337.700 to 337.739 is a class B
2 misdemeanor.

3 2. All fees or other compensation received for services [which] **that** are rendered in
4 violation of sections 337.700 to [337.739] **337.736** 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 337.700
7 to 337.739, may institute actions for penalties prescribed, and shall enforce generally the
8 provisions of sections 337.700 to 337.739.

9 4. Upon application by the [division] **board**, the attorney general may on behalf of the
10 [division] **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 upon a showing that such
14 acts or practices were performed or offered to be performed without a certificate of registration
15 or authority, permit or license;

16 (2) Engaging in any practice of business authorized by a certificate of registration or
17 authority, permit or license issued pursuant to sections 337.700 to [337.739] **337.736**, upon a
18 showing that the holder presents a substantial probability of serious harm to the health, safety or
19 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 sections 337.700 to [337.739] **337.736** and may be brought concurrently with other
25 actions to enforce the provisions of sections 337.700 to [337.739] **337.736**.

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

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

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

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

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

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

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

[337.515. Each license issued pursuant to the provisions of sections
2 337.500 to 337.540 shall expire on the renewal date. The division shall renew
3 any license upon application for renewal and upon payment of the fee established
4 by the committee pursuant to the provisions of section 337.507.]
5

[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

member, other than the public member, or as soon as feasible after the vacancy on the committee otherwise occurs, submit to the director of the division of professional registration a list of five professional counselors qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the American Counseling Association of Missouri shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

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

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

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

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

7. The public member shall be at the time of his or her 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 sections 337.500 to 337.540 or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by sections 337.500 to 337.540, or an activity or organization directly related to any profession licensed or regulated pursuant to sections 337.500 to 337.540. The duties of the public member shall not include the determination of the technical 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.]

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

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

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

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

12 3. After March 1, 1996, no person may engage in marital and family
13 therapy for compensation or hold himself or herself out as a "licensed marital and
14 family therapist", "marital and family therapist", or "provisional marital and
15 family therapist" unless the person complies with all educational and examination
16 requirements and is licensed in accordance with the provisions of sections
17 337.700 to 337.739.]
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[337.739. 1. There is created and established the "State Committee of
2 Marital and Family Therapists" which shall consist of four family and marital
3 therapists and two voting public members. The committee shall be appointed by
4 the governor with the advice and consent of the senate. Committee members
5 shall serve for a term of five years, except for the members first appointed, one
6 public member and one other member shall be appointed for five years, two
7 members shall be appointed for four years, the other public member and one
8 other member appointed for three years. No person shall be eligible for
9 appointment to the committee who has served as a member of the committee for
10 a total of ten years. Members shall be appointed to represent a diversity in
11 gender, race and ethnicity. No more than three members shall be from the same
12 political party.

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

30 provision of the professional services regulated by this chapter, or an activity or
31 organization directly related to any profession licensed or regulated pursuant to
32 this chapter.

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

37 4. No member of the committee shall receive any compensation for the
38 performance of the member's official duties but shall be entitled to
39 reimbursement for necessary and actual expenses incurred in the performance of
40 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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