

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 555

94TH GENERAL ASSEMBLY

Reported from the Committee on Health Care Policy March 6, 2007 with recommendation that House Committee Substitute for House Bill No. 555 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules March 15, 2007 with recommendation that House Committee Substitute for House Bill No. 555 Do Pass.

Taken up for Perfection April 3, 2007. House Committee Substitute for House Bill No. 555 ordered Perfected and printed.

D. ADAM CRUMBLISS, Chief Clerk

0967L.02P

AN ACT

To amend chapter 337, RSMo, by adding thereto two new sections relating to licensed professional counselors and licensed clinical social workers.

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

Section A. Chapter 337, RSMo, is amended by adding thereto two new sections, to be
2 known as sections 337.528 and 337.640, to read as follows:

337.528. 1. If the committee finds merit to a complaint by an individual
2 incarcerated or under the care and control of the department of corrections and takes
3 further investigative action, no documentation may appear on file or disciplinary action
4 may be taken in regards to the licensee's license unless the provisions of subsection 2 of
5 section 337.525 have been violated. Any case file documentation that does not result in the
6 committee filing an action under subsection 2 of section 337.525 shall be destroyed within
7 three months after the final case disposition by the board. No notification to any other
8 licensing board in another state or any national registry regarding any investigative action
9 shall be made unless the provisions of subsection 2 of section 337.525 have been violated.
10 2. Upon written request of the licensed professional counselor subject to a
11 complaint, prior to August 28, 2007, by an individual incarcerated or under the care and

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.

12 control of the department of corrections that did not result in the committee filing an
13 action under subsection 2 of section 337.525, the committee and the division of professional
14 registration shall in a timely fashion:

15 (1) Destroy all documentation regarding the complaint;

16 (2) Notify any other licensing board in another state or any national registry
17 regarding the committee's actions if they have been previously notified of the complaint;
18 and

19 (3) Send a letter to the licensee that clearly states that the committee found the
20 complaint to be unsubstantiated, that the committee has taken the requested action, and
21 notify the licensee of the provisions of subsection 3 of this section.

22 3. Any person who has been the subject of an unsubstantiated complaint as
23 provided in subsection 1 or 2 of this section shall not be required to disclose the existence
24 of such complaint in subsequent applications or representations relating to their counseling
25 professions.

337.640. 1. If the board finds merit to a complaint by an individual incarcerated
2 or under the care and control of the department of corrections and takes further
3 investigative action, no documentation may appear on file or disciplinary action may be
4 taken in regards to the licensee's license unless the provisions of subsection 2 of section
5 337.630 or subsection 2 of section 337.680 have been violated. Any case file documentation
6 that does not result in the board filing an action pursuant to subsection 2 of section 337.630
7 or subsection 2 of section 337.680 shall be destroyed within three months after the final
8 case disposition by the board. No notification to any other licensing board in another state
9 or nay national registry regarding any investigative action shall be made unless the
10 provisions of subsection 2 of section 337.630 or subsection 2 of section 337.680 have been
11 violated.

12 2. Upon written request of the social worker subject to a complaint, prior to August
13 28, 2007, by an individual incarcerated or under the care and control of the department
14 of corrections that did not result in the board filing an action pursuant to subsection 2 of
15 section 337.630, the board and the division of professional registration, shall in a timely
16 fashion:

17 (1) Destroy all documentation regarding the complaint;

18 (2) Notify any other licensing board in another state or any national registry
19 regarding the board's actions if they have been previously notified of the complaint; and

20 (3) Send a letter to the licensee that clearly states that the board found the
21 complaint to be unsubstantiated, that the board has taken the requested action, and notify
22 the licensee of the provisions of subsection 3 of this section.

23 **3. Any person who has been the subject of an unsubstantiated complaint as**
24 **provided in subsection 1 or 2 of this section shall not be required to disclose the existence**
25 **of such complaint in subsequent applications or representations relating to their social**
26 **work professions.**

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