

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]

# HOUSE BILL NO. 1791

## 94TH GENERAL ASSEMBLY

4264L.01T

2008

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### AN ACT

To repeal section 632.005, RSMo, and to enact in lieu thereof one new section relating to licensed professional counselors.

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

Section A. Section 632.005, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 632.005, to read as follows:

632.005. As used in chapter 631, RSMo, and this chapter, unless the context clearly requires otherwise, the following terms shall mean:

- (1) "Comprehensive psychiatric services", any one, or any combination of two or more, of the following services to persons affected by mental disorders other than mental retardation or developmental disabilities: inpatient, outpatient, day program or other partial hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education, rehabilitation, prevention, screening, transitional living, medical prevention and treatment for alcohol abuse, and medical prevention and treatment for drug abuse;
- (2) "Council", the Missouri advisory council for comprehensive psychiatric services;
- (3) "Court", the court which has jurisdiction over the respondent or patient;
- (4) "Division", the division of comprehensive psychiatric services of the department of mental health;
- (5) "Division director", director of the division of comprehensive psychiatric services of the department of mental health, or his designee;
- (6) "Head of mental health facility", superintendent or other chief administrative officer of a mental health facility, or his designee;
- (7) "Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday when the court is open for business, but excluding Saturdays, Sundays and legal holidays;

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.

19 (8) "Licensed physician", a physician licensed pursuant to the provisions of chapter 334,  
20 RSMo, or a person authorized to practice medicine in this state pursuant to the provisions of  
21 section 334.150, RSMo;

22 (9) **"Licensed professional counselor", a person licensed as a professional counselor**  
23 **under chapter 337, RSMo, and with a minimum of one year training or experience in**  
24 **providing psychiatric care, treatment, or services in a psychiatric setting to individuals**  
25 **suffering from a mental disorder;**

26 (10) "Likelihood of serious harm" means any one or more of the following but does not  
27 require actual physical injury to have occurred:

28 (a) A substantial risk that serious physical harm will be inflicted by a person upon his  
29 own person, as evidenced by recent threats, including verbal threats, or attempts to commit  
30 suicide or inflict physical harm on himself. Evidence of substantial risk may also include  
31 information about patterns of behavior that historically have resulted in serious harm previously  
32 being inflicted by a person upon himself;

33 (b) A substantial risk that serious physical harm to a person will result or is occurring  
34 because of an impairment in his capacity to make decisions with respect to his hospitalization  
35 and need for treatment as evidenced by his current mental disorder or mental illness which  
36 results in an inability to provide for his own basic necessities of food, clothing, shelter, safety  
37 or medical care or his inability to provide for his own mental health care which may result in a  
38 substantial risk of serious physical harm. Evidence of that substantial risk may also include  
39 information about patterns of behavior that historically have resulted in serious harm to the  
40 person previously taking place because of a mental disorder or mental illness which resulted in  
41 his inability to provide for his basic necessities of food, clothing, shelter, safety or medical or  
42 mental health care; or

43 (c) A substantial risk that serious physical harm will be inflicted by a person upon  
44 another as evidenced by recent overt acts, behavior or threats, including verbal threats, which  
45 have caused such harm or which would place a reasonable person in reasonable fear of sustaining  
46 such harm. Evidence of that substantial risk may also include information about patterns of  
47 behavior that historically have resulted in physical harm previously being inflicted by a person  
48 upon another person;

49 [(10)] (11) "Mental health coordinator", a mental health professional employed by the  
50 state of Missouri who has knowledge of the laws relating to hospital admissions and civil  
51 commitment and who is appointed by the director of the department, or his designee, to serve  
52 a designated geographic area or mental health facility and who has the powers, duties and  
53 responsibilities provided in this chapter;

54        [(11)] (12) "Mental health facility", any residential facility, public or private, or any  
55 public or private hospital, which can provide evaluation, treatment and, inpatient care to persons  
56 suffering from a mental disorder or mental illness and which is recognized as such by the  
57 department or any outpatient treatment program certified by the department of mental health.  
58 No correctional institution or facility, jail, regional center or mental retardation facility shall be  
59 a mental health facility within the meaning of this chapter;

60        [(12)] (13) "Mental health professional", a psychiatrist, resident in psychiatry,  
61 psychologist, psychiatric nurse, **licensed professional counselor**, or psychiatric social worker;

62        [(13)] (14) "Mental health program", any public or private residential facility, public or  
63 private hospital, public or private specialized service or public or private day program that can  
64 provide care, treatment, rehabilitation or services, either through its own staff or through  
65 contracted providers, in an inpatient or outpatient setting to persons with a mental disorder or  
66 mental illness or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by  
67 the department. No correctional institution or facility or jail may be a mental health program  
68 within the meaning of this chapter;

69        [(14)] (15) "Ninety-six hours" shall be construed and computed to exclude Saturdays,  
70 Sundays and legal holidays which are observed either by the court or by the mental health facility  
71 where the respondent is detained;

72        [(15)] (16) "Peace officer", a sheriff, deputy sheriff, county or municipal police officer  
73 or highway patrolman;

74        [(16)] (17) "Psychiatric nurse", a registered professional nurse who is licensed under  
75 chapter 335, RSMo, and who has had at least two years of experience as a registered professional  
76 nurse in providing psychiatric nursing treatment to individuals suffering from mental disorders;

77        [(17)] (18) "Psychiatric social worker", a person with a master's or further advanced  
78 degree from an accredited school of social work, practicing pursuant to chapter 337, RSMo, and  
79 with a minimum of one year training or experience in providing psychiatric care, treatment or  
80 services in a psychiatric setting to individuals suffering from a mental disorder;

81        [(18)] (19) "Psychiatrist", a licensed physician who in addition has successfully  
82 completed a training program in psychiatry approved by the American Medical Association, the  
83 American Osteopathic Association or other training program certified as equivalent by the  
84 department;

85        [(19)] (20) "Psychologist", a person licensed to practice psychology under chapter 337,  
86 RSMo, with a minimum of one year training or experience in providing treatment or services to  
87 mentally disordered or mentally ill individuals;

88            [(20)] **(21)** "Resident in psychiatry", a licensed physician who is in a training program  
89 in psychiatry approved by the American Medical Association, the American Osteopathic  
90 Association or other training program certified as equivalent by the department;

91            [(21)] **(22)** "Respondent", an individual against whom involuntary civil detention  
92 proceedings are instituted pursuant to this chapter;

93            [(22)] **(23)** "Treatment", any effort to accomplish a significant change in the mental or  
94 emotional conditions or the behavior of the patient consistent with generally recognized  
95 principles or standards in the mental health professions.

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