

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 819, Page 7, Section 210.487, Line 59, by inserting after said section and line the
2 following:

3
4 "337.035. 1. The committee may refuse to issue any certificate of registration or authority, permit or
5 license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this
6 section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the
7 applicant of the applicant's right to file a complaint with the administrative hearing commission as provided
8 by chapter 621.

9 2. The committee may cause a complaint to be filed with the administrative hearing commission as
10 provided by chapter 621 against any holder of any certificate of registration or authority, permit or license
11 required by this chapter or any person who has failed to renew or has surrendered the person's certificate of
12 registration or authority, permit or license for any one or any combination of the following causes:

13 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent
14 that such use impairs a person's ability to perform the work of any profession licensed or regulated by this
15 chapter;

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

21 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or
22 authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination
23 given or required pursuant to this chapter;

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

26 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the
27 performance of the functions or duties of any profession licensed or regulated by this chapter;

28 (6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of
29 any lawful rule or regulation adopted pursuant to this chapter;

30 (7) Impersonation of any person holding a certificate of registration or authority, permit or license or
31 allowing any person to use his or her certificate of registration or authority, permit, license or diploma from
32 any school;

33 (8) Disciplinary action against the holder of a license or other right to practice any profession
34 regulated by this chapter granted by another state, territory, federal agency or country upon grounds for
35 which revocation or suspension is authorized in this state;

36 (9) A person is finally adjudged insane or incapacitated by a court of competent jurisdiction;

37 (10) Assisting or enabling any person to practice or offer to practice any profession licensed or
38 regulated by this chapter who is not registered and currently eligible to practice as provided this chapter;

39 (11) Issuance of a certificate of registration or authority, permit or license based upon a material

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1 mistake of fact;

2 (12) Failure to display a valid certificate or license if so required by this chapter or any rule
3 promulgated pursuant to this chapter;

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

5 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general
6 public or persons to whom the advertisement or solicitation is primarily directed;

7 (15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as adopted by the
8 committee and filed with the secretary of state;

9 (16) Engaging in conversion therapy with a minor. For purposes of this subdivision, the term
10 "conversion therapy" means any practices or treatments that seek to change an individual's sexual orientation
11 or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce
12 sexual or romantic attractions or feelings toward individuals of the same gender. "Conversion therapy" shall
13 not include counseling that provides assistance to a person undergoing gender transition or counseling that
14 provides acceptance, support, and understanding of a person or facilitates a person's coping, social support,
15 and identity exploration and development, including sexual-orientation-neutral interventions to prevent or
16 address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an
17 individual's sexual orientation or gender identity.

18 3. After the filing of such complaint, the proceedings shall be conducted in accordance with the
19 provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds,
20 provided in subsection 2, for disciplinary action are met, the committee may, singly or in combination,
21 censure or place the person named in the complaint on probation on such terms and conditions as the
22 department deems appropriate for a period not to exceed five years, or may suspend, for a period not to
23 exceed three years, or revoke the license, certificate, or permit.

24 4. An interested third party may file a complaint or appear or present evidence relative to such
25 complaint or another complaint filed pursuant to this section. For purposes of this section, an interested third
26 party includes a parent or guardian of a person who received treatment by a psychologist or any person who
27 is related within the second degree of consanguinity or affinity and who is financially responsible for the
28 payment of such treatment.

29 337.330. 1. The committee may refuse to issue any license required under this chapter for one or
30 any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in
31 writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint
32 with the administrative hearing commission as provided by chapter 621.

33 2. The committee may cause a complaint to be filed with the administrative hearing commission, as
34 provided by chapter 621, against any holder of any license required by this chapter or any person who has
35 failed to renew or has surrendered the person's license for any one or any combination of the following
36 causes:

37 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent
38 that such use impairs a person's ability to perform the work of any profession licensed or regulated by this
39 chapter;

40 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo
41 contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense
42 reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under this
43 chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any
44 offense involving moral turpitude, whether or not sentence is imposed;

45 (3) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued
46 under this chapter or in obtaining permission to take any examination given or required under sections
47 337.300 to 337.345;

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

50 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the
51 performance of the functions or duties of any profession licensed by sections 337.300 to 337.345;

52 (6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.300 to
53 337.345, or of any lawful rule adopted thereunder;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license, or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 337.300 to 337.345 granted by another state, territory, federal agency, or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 337.300 to 337.345 who is not registered and currently eligible to practice as provided in sections 337.300 to 337.345;

(11) Issuance of a certificate of registration or authority, permit, or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by sections 337.300 to 337.345 or any rule promulgated thereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in the code of conduct as adopted by the committee and filed with the secretary of state;

(16) Engaging in conversion therapy with a minor. For purposes of this subdivision, the term “conversion therapy” means any practices or treatments that seek to change an individual’s sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. “Conversion therapy” shall not include counseling that provides assistance to a person undergoing gender transition or counseling that provides acceptance, support, and understanding of a person or facilitates a person’s coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual’s sexual orientation or gender identity.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

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

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license required by sections 337.500 to 337.540 or any person who has failed to renew or has surrendered his license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to engage in the occupation of professional counselor;

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

(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 337.500 to 337.540 or in obtaining permission to take any examination given or required pursuant to the provisions of sections 337.500 to 337.540;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud,

1 deception or misrepresentation;

2 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the
3 functions or duties of a professional counselor;

4 (6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.500 to
5 337.540, or of any lawful rule or regulation adopted pursuant to sections 337.500 to 337.540;

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

8 (8) Revocation or suspension of a license or other right to practice counseling granted by another
9 state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in
10 this state;

11 (9) A person is finally adjudged incapacitated by a court of competent jurisdiction;

12 (10) Assisting or enabling any person to practice or offer to practice professional counseling who is
13 not licensed and currently eligible to practice under the provisions of sections 337.500 to 337.540;

14 (11) Issuance of a license based upon a material mistake of fact;

15 (12) Failure to display a valid license if so required by sections 337.500 to 337.540 or any rule
16 promulgated hereunder;

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

18 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general
19 public or persons to whom the advertisement or solicitation is primarily directed;

20 (15) Being guilty of unethical conduct as defined in the ethical standards for counselors adopted by
21 the division and filed with the secretary of state;

22 (16) Engaging in conversion therapy with a minor. For purposes of this subdivision, the term
23 “conversion therapy” means any practices or treatments that seek to change an individual’s sexual orientation
24 or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce
25 sexual or romantic attractions or feelings toward individuals of the same gender. “Conversion therapy” shall
26 not include counseling that provides assistance to a person undergoing gender transition or counseling that
27 provides acceptance, support, and understanding of a person or facilitates a person’s coping, social support,
28 and identity exploration and development, including sexual-orientation-neutral interventions to prevent or
29 address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an
30 individual’s sexual orientation or gender identity.

31 3. Any person, organization, association or corporation who reports or provides information to the
32 committee pursuant to the provisions of this chapter and who does so in good faith shall not be subject to an
33 action for civil damages as a result thereof.

34 4. After the filing of such complaint, the proceedings shall be conducted in accordance with the
35 provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds,
36 provided in subsection 2 of this section, for disciplinary action are met, the committee may censure or place
37 the person named in the complaint on probation on such terms and conditions as the committee deems
38 appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or
39 revoke the license.

40 337.630. 1. The committee may refuse to issue or renew any license required by the provisions of
41 sections 337.600 to 337.689 for one or any combination of causes stated in subsection 2 of this section. The
42 committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of
43 the applicant's right to file a complaint with the administrative hearing commission as provided by chapter
44 621.

45 2. The committee may cause a complaint to be filed with the administrative hearing commission as
46 provided by chapter 621 against any holder of any license required by sections 337.600 to 337.689 or any
47 person who has failed to renew or has surrendered the person's license for any one or any combination of the
48 following causes:

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

53 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo

1 contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense
 2 reasonably related to the qualifications, functions or duties of a social worker licensed under this chapter; for
 3 any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense
 4 involving moral turpitude, whether or not sentence is imposed;

5 (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to
 6 the provisions of sections 337.600 to 337.689 or in obtaining permission to take any examination given or
 7 required pursuant to the provisions of sections 337.600 to 337.689;

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

10 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the
 11 functions or duties of a social worker licensed pursuant to this chapter;

12 (6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.600 to
 13 337.689, or of any lawful rule or regulation adopted pursuant to sections 337.600 to 337.689;

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

16 (8) Revocation or suspension of a license or other right to practice social work licensed pursuant to
 17 this chapter granted by another state, territory, federal agency or country upon grounds for which revocation
 18 or suspension is authorized in this state;

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

20 (10) Assisting or enabling any person to practice or offer to practice social work licensed pursuant to
 21 this chapter who is not licensed and currently eligible to practice pursuant to the provisions of sections
 22 337.600 to 337.689;

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

24 (12) Failure to display a valid license if so required by sections 337.600 to 337.689 or any rule
 25 promulgated hereunder;

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

27 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general
 28 public or persons to whom the advertisement or solicitation is primarily directed;

29 (15) Being guilty of unethical conduct as defined in the ethical standards for clinical social workers
 30 adopted by the committee by rule and filed with the secretary of state;

31 (16) Engaging in conversion therapy with a minor. For purposes of this subdivision, the term
 32 “conversion therapy” means any practices or treatments that seek to change an individual’s sexual orientation
 33 or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce
 34 sexual or romantic attractions or feelings toward individuals of the same gender. “Conversion therapy” shall
 35 not include counseling that provides assistance to a person undergoing gender transition or counseling that
 36 provides acceptance, support, and understanding of a person or facilitates a person’s coping, social support,
 37 and identity exploration and development, including sexual-orientation-neutral interventions to prevent or
 38 address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an
 39 individual’s sexual orientation or gender identity.

40 3. Any person, organization, association or corporation who reports or provides information to the
 41 committee pursuant to the provisions of sections 337.600 to 337.689 and who does so in good faith shall not
 42 be subject to an action for civil damages as a result thereof.

43 4. After the filing of such complaint, the proceedings shall be conducted in accordance with the
 44 provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds,
 45 provided in subsection 2 of this section, for disciplinary action are met, the committee may censure or place
 46 the person named in the complaint on probation on such terms and conditions as the committee deems
 47 appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or
 48 revoke the license.

49 337.730. 1. The committee may refuse to issue or renew any license required by the provisions of
 50 sections 337.700 to 337.739 for one or any combination of causes stated in subsection 2 of this section. The
 51 committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of
 52 the applicant's right to file a complaint with the administrative hearing commission as provided by chapter
 53 621.

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license required by sections 337.700 to 337.739 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

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

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

(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 337.700 to 337.739 or in obtaining permission to take any examination given or required pursuant to the provisions of sections 337.700 to 337.739;

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

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a marital and family therapist;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.700 to 337.739 or of any lawful rule or regulation adopted pursuant to sections 337.700 to 337.739;

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

(8) Revocation or suspension of a license or other right to practice marital and family therapy granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

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

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

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

(12) Failure to display a valid license if so required by sections 337.700 to 337.739 or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in the ethical standards for marital and family therapists adopted by the committee by rule and filed with the secretary of state;

(16) Engaging in conversion therapy with a minor. For purposes of this subdivision, the term "conversion therapy" means any practices or treatments that seek to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. "Conversion therapy" shall not include counseling that provides assistance to a person undergoing gender transition or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

3. Any person, organization, association or corporation who reports or provides information to the committee under sections 337.700 to 337.739 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

4. After filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the division may censure or place the

- 1 person named in the complaint on probation on such terms and conditions as the committee deems
- 2 appropriate for a period not to exceed five years, or may suspend for a period not to exceed three years, or
- 3 revoke the license."; and
- 4
- 5 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.