

SECOND REGULAR SESSION

HOUSE BILL NO. 2380

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (141).

5897H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 105.711, 161.825, 188.027, 188.039, 191.211, 191.411, 191.831, 191.1100, 198.088, 208.955, 287.144, 302.291, 324.001, 324.021, 324.022, 324.023, 324.028, 332.071, 337.010, 337.015, 337.020, 337.021, 337.025, 337.027, 337.029, 337.030, 337.033, 337.035, 337.041, 337.045, 337.050, 337.055, 337.060, 337.065, 337.068, 337.070, 337.085, 337.090, 337.093, 337.300, 337.305, 337.310, 337.315, 337.320, 337.325, 337.330, 337.335, 337.340, 337.347, 376.814, 376.1224, 376.1575, 383.130, 453.070, 516.105, 537.035, 552.020, 595.030, 632.005, 632.425, and 632.560, RSMo, and to enact in lieu thereof sixty-one new sections relating to the practice of psychology.

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

Section A. Sections 105.711, 161.825, 188.027, 188.039, 191.211, 191.411, 191.831, 191.1100, 198.088, 208.955, 287.144, 302.291, 324.001, 324.021, 324.022, 324.023, 324.028, 332.071, 337.010, 337.015, 337.020, 337.021, 337.025, 337.027, 337.029, 337.030, 337.033, 337.035, 337.041, 337.045, 337.050, 337.055, 337.060, 337.065, 337.068, 337.070, 337.085, 337.090, 337.093, 337.300, 337.305, 337.310, 337.315, 337.320, 337.325, 337.330, 337.335, 337.340, 337.347, 376.814, 376.1224, 376.1575, 383.130, 453.070, 516.105, 537.035, 552.020, 595.030, 632.005, 632.425, and 632.560, RSMo, are repealed and sixty-one new sections enacted in lieu thereof, to be known as sections 105.711, 161.825, 188.027, 188.039, 191.211, 191.411, 191.831, 191.1100, 198.088, 208.955, 287.144, 302.291, 324.001, 324.021, 324.022, 324.023, 324.028, 332.071, 342.010, 342.015, 342.020, 342.021, 342.025, 342.027, 342.029, 342.030, 342.033, 342.035, 342.041, 342.045, 342.050, 342.055, 342.060, 342.065, 342.068, 342.070, 342.085, 342.090, 342.093, 342.300, 342.305, 342.310, 342.315, 342.320, 342.325, 342.330,

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.

13 342.335, 342.340, 342.347, 376.814, 376.1224, 376.1575, 383.130, 453.070, 516.105, 537.035,
14 552.020, 595.030, 632.005, 632.425, and 632.560, to read as follows:

105.711. 1. There is hereby created a "State Legal Expense Fund" which shall consist
2 of moneys appropriated to the fund by the general assembly and moneys otherwise credited to
3 such fund pursuant to section 105.716.

4 2. Moneys in the state legal expense fund shall be available for the payment of any claim
5 or any amount required by any final judgment rendered by a court of competent jurisdiction
6 against:

7 (1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or
8 536.087 or section 537.600;

9 (2) Any officer or employee of the state of Missouri or any agency of the state, including,
10 without limitation, elected officials, appointees, members of state boards or commissions, and
11 members of the Missouri National Guard upon conduct of such officer or employee arising out
12 of and performed in connection with his or her official duties on behalf of the state, or any
13 agency of the state, provided that moneys in this fund shall not be available for payment of
14 claims made under chapter 287;

15 (3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health
16 care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335,
17 336, 337, ~~or~~ 338, **or 342** who is employed by the state of Missouri or any agency of the state
18 under formal contract to conduct disability reviews on behalf of the department of elementary
19 and secondary education or provide services to patients or inmates of state correctional facilities
20 on a part-time basis, and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or
21 other health care provider licensed to practice in Missouri under the provisions of chapter 330,
22 332, 334, 335, 336, 337, ~~or~~ 338, **or 342** who is under formal contract to provide services to
23 patients or inmates at a county jail on a part-time basis;

24 (b) Any physician licensed to practice medicine in Missouri under the provisions of
25 chapter 334 and his professional corporation organized pursuant to chapter 356 who is employed
26 by or under contract with a city or county health department organized under chapter 192 or
27 chapter 205, or a city health department operating under a city charter, or a combined city-county
28 health department to provide services to patients for medical care caused by pregnancy, delivery,
29 and child care, if such medical services are provided by the physician pursuant to the contract
30 without compensation or the physician is paid from no other source than a governmental agency
31 except for patient co-payments required by federal or state law or local ordinance;

32 (c) Any physician licensed to practice medicine in Missouri under the provisions of
33 chapter 334 who is employed by or under contract with a federally funded community health
34 center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42

35 U.S.C. Section 216, 254c) to provide services to patients for medical care caused by pregnancy,
36 delivery, and child care, if such medical services are provided by the physician pursuant to the
37 contract or employment agreement without compensation or the physician is paid from no other
38 source than a governmental agency or such a federally funded community health center except
39 for patient co-payments required by federal or state law or local ordinance. In the case of any
40 claim or judgment that arises under this paragraph, the aggregate of payments from the state legal
41 expense fund shall be limited to a maximum of one million dollars for all claims arising out of
42 and judgments based upon the same act or acts alleged in a single cause against any such
43 physician, and shall not exceed one million dollars for any one claimant;

44 (d) Any physician licensed pursuant to chapter 334 who is affiliated with and receives
45 no compensation from a nonprofit entity qualified as exempt from federal taxation under Section
46 501(c)(3) of the Internal Revenue Code of 1986, as amended, which offers a free health
47 screening in any setting or any physician, nurse, physician assistant, dental hygienist, dentist, or
48 other health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,
49 337, ~~or~~ 338, **or 342** who provides health care services within the scope of his or her license or
50 registration at a city or county health department organized under chapter 192 or chapter 205,
51 a city health department operating under a city charter, or a combined city-county health
52 department, or a nonprofit community health center qualified as exempt from federal taxation
53 under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, excluding federally
54 funded community health centers as specified in paragraph (c) of this subdivision and rural
55 health clinics under 42 U.S.C. Section 1396d(l)(1), if such services are restricted to primary care
56 and preventive health services, provided that such services shall not include the performance of
57 an abortion, and if such health services are provided by the health care professional licensed or
58 registered under chapter 330, 331, 332, 334, 335, 336, 337, ~~or~~ 338, **or 342** without
59 compensation. MO HealthNet or Medicare payments for primary care and preventive health
60 services provided by a health care professional licensed or registered under chapter 330, 331,
61 332, 334, 335, 336, 337, ~~or~~ 338, **or 342** who volunteers at a community health clinic is not
62 compensation for the purpose of this section if the total payment is assigned to the community
63 health clinic. For the purposes of the section, "community health clinic" means a nonprofit
64 community health center qualified as exempt from federal taxation under Section 501(c)(3) of
65 the Internal Revenue Code of 1987, as amended, that provides primary care and preventive
66 health services to people without health insurance coverage. In the case of any claim or
67 judgment that arises under this paragraph, the aggregate of payments from the state legal expense
68 fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out
69 of and judgments based upon the same act or acts alleged in a single cause and shall not exceed
70 five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant

71 to the provisions of section 105.721 shall be limited to five hundred thousand dollars. Liability
72 or malpractice insurance obtained and maintained in force by or on behalf of any health care
73 professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, ~~[or]~~ 338, or
74 **342** shall not be considered available to pay that portion of a judgment or claim for which the
75 state legal expense fund is liable under this paragraph;

76 (e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or
77 registered to practice medicine, nursing, or dentistry or to act as a physician assistant or dental
78 hygienist in Missouri under the provisions of chapter 332, 334, or 335, or lawfully practicing,
79 who provides medical, nursing, or dental treatment within the scope of his license or registration
80 to students of a school whether a public, private, or parochial elementary or secondary school or
81 summer camp, if such physician's treatment is restricted to primary care and preventive health
82 services and if such medical, dental, or nursing services are provided by the physician, dentist,
83 physician assistant, dental hygienist, or nurse without compensation. In the case of any claim
84 or judgment that arises under this paragraph, the aggregate of payments from the state legal
85 expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims
86 arising out of and judgments based upon the same act or acts alleged in a single cause and shall
87 not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased
88 pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars;
89 or

90 (f) Any physician licensed under chapter 334, or dentist licensed under chapter 332,
91 providing medical care without compensation to an individual referred to his or her care by a city
92 or county health department organized under chapter 192 or 205, a city health department
93 operating under a city charter, or a combined city-county health department, or nonprofit health
94 center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue
95 Code of 1986, as amended, or a federally funded community health center organized under
96 Section 315, 329, 330, or 340 of the Public Health Services Act, 42 U.S.C. Section 216, 254c;
97 provided that such treatment shall not include the performance of an abortion. In the case of any
98 claim or judgment that arises under this paragraph, the aggregate of payments from the state legal
99 expense fund shall be limited to a maximum of one million dollars for all claims arising out of
100 and judgments based upon the same act or acts alleged in a single cause and shall not exceed one
101 million dollars for any one claimant, and insurance policies purchased under the provisions of
102 section 105.721 shall be limited to one million dollars. Liability or malpractice insurance
103 obtained and maintained in force by or on behalf of any physician licensed under chapter 334,
104 or any dentist licensed under chapter 332, shall not be considered available to pay that portion
105 of a judgment or claim for which the state legal expense fund is liable under this paragraph;

106 (4) Staff employed by the juvenile division of any judicial circuit;

(5) Any attorney licensed to practice law in the state of Missouri who practices law at or through a nonprofit community social services center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or through any agency of any federal, state, or local government, if such legal practice is provided by the attorney without compensation. In the case of any claim or judgment that arises under this subdivision, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars;

(6) Any social welfare board created under section 205.770 and the members and officers thereof upon conduct of such officer or employee while acting in his or her capacity as a board member or officer, and any physician, nurse, physician assistant, dental hygienist, dentist, or other health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, ~~338~~, or **342** who is referred to provide medical care without compensation by the board and who provides health care services within the scope of his or her license or registration as prescribed by the board; or

(7) Any person who is selected or appointed by the state director of revenue under subsection 2 of section 136.055 to act as an agent of the department of revenue, to the extent that such agent's actions or inactions upon which such claim or judgment is based were performed in the course of the person's official duties as an agent of the department of revenue and in the manner required by state law or department of revenue rules.

3. The department of health and senior services shall promulgate rules regarding contract procedures and the documentation of care provided under paragraphs (b), (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to the provisions of section 105.721, provided in subsection 7 of this section, shall not apply to any claim or judgment arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section. Any claim or judgment arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721, to the extent damages are allowed under sections 538.205 to 538.235. Liability or malpractice insurance obtained and maintained in force by any health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, ~~338~~, or **342** for coverage concerning his or her private practice and assets shall not be considered available under subsection 7 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under paragraph (a), (b), (c), (d), (e), or (f) of subdivision

143 (3) of subsection 2 of this section. However, a health care professional licensed or registered
144 under chapter 330, 331, 332, 334, 335, 336, 337, ~~338~~, **or 342** may purchase liability or
145 malpractice insurance for coverage of liability claims or judgments based upon care rendered
146 under paragraphs (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this section which
147 exceed the amount of liability coverage provided by the state legal expense fund under those
148 paragraphs. Even if paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of
149 this section is repealed or modified, the state legal expense fund shall be available for damages
150 which occur while the pertinent paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of
151 subsection 2 of this section is in effect.

152 4. The attorney general shall promulgate rules regarding contract procedures and the
153 documentation of legal practice provided under subdivision (5) of subsection 2 of this section.
154 The limitation on payments from the state legal expense fund or any policy of insurance procured
155 pursuant to section 105.721 as provided in subsection 7 of this section shall not apply to any
156 claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim or
157 judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state
158 legal expense fund or any policy of insurance procured pursuant to section 105.721 to the extent
159 damages are allowed under sections 538.205 to 538.235. Liability or malpractice insurance
160 otherwise obtained and maintained in force shall not be considered available under subsection
161 7 of this section to pay that portion of a judgment or claim for which the state legal expense fund
162 is liable under subdivision (5) of subsection 2 of this section. However, an attorney may obtain
163 liability or malpractice insurance for coverage of liability claims or judgments based upon legal
164 practice rendered under subdivision (5) of subsection 2 of this section that exceed the amount
165 of liability coverage provided by the state legal expense fund under subdivision (5) of subsection
166 2 of this section. Even if subdivision (5) of subsection 2 of this section is repealed or amended,
167 the state legal expense fund shall be available for damages that occur while the pertinent
168 subdivision (5) of subsection 2 of this section is in effect.

169 5. All payments shall be made from the state legal expense fund by the commissioner
170 of administration with the approval of the attorney general. Payment from the state legal expense
171 fund of a claim or final judgment award against a health care professional licensed or registered
172 under chapter 330, 331, 332, 334, 335, 336, 337, ~~338~~, **or 342**, described in paragraph (a),
173 (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section, or against an attorney in
174 subdivision (5) of subsection 2 of this section, shall only be made for services rendered in
175 accordance with the conditions of such paragraphs. In the case of any claim or judgment against
176 an officer or employee of the state or any agency of the state based upon conduct of such officer
177 or employee arising out of and performed in connection with his or her official duties on behalf

178 of the state or any agency of the state that would give rise to a cause of action under section
179 537.600, the state legal expense fund shall be liable, excluding punitive damages, for:

180 (1) Economic damages to any one claimant; and

181 (2) Up to three hundred fifty thousand dollars for noneconomic damages.

182

183 The state legal expense fund shall be the exclusive remedy and shall preclude any other civil
184 actions or proceedings for money damages arising out of or relating to the same subject matter
185 against the state officer or employee, or the officer's or employee's estate. No officer or
186 employee of the state or any agency of the state shall be individually liable in his or her personal
187 capacity for conduct of such officer or employee arising out of and performed in connection with
188 his or her official duties on behalf of the state or any agency of the state. The provisions of this
189 subsection shall not apply to any defendant who is not an officer or employee of the state or any
190 agency of the state in any proceeding against an officer or employee of the state or any agency
191 of the state. Nothing in this subsection shall limit the rights and remedies otherwise available
192 to a claimant under state law or common law in proceedings where one or more defendants is
193 not an officer or employee of the state or any agency of the state.

194 6. The limitation on awards for noneconomic damages provided for in this subsection
195 shall be increased or decreased on an annual basis effective January first of each year in
196 accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published
197 by the Bureau of Economic Analysis of the United States Department of Commerce. The current
198 value of the limitation shall be calculated by the director of the department of insurance, financial
199 institutions and professional registration, who shall furnish that value to the secretary of state,
200 who shall publish such value in the Missouri Register as soon after each January first as
201 practicable, but it shall otherwise be exempt from the provisions of section 536.021.

202 7. Except as provided in subsection 3 of this section, in the case of any claim or
203 judgment that arises under sections 537.600 and 537.610 against the state of Missouri, or an
204 agency of the state, the aggregate of payments from the state legal expense fund and from any
205 policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed the
206 limits of liability as provided in sections 537.600 to 537.610. No payment shall be made from
207 the state legal expense fund or any policy of insurance procured with state funds pursuant to
208 section 105.721 unless and until the benefits provided to pay the claim by any other policy of
209 liability insurance have been exhausted.

210 8. The provisions of section 33.080 notwithstanding, any moneys remaining to the credit
211 of the state legal expense fund at the end of an appropriation period shall not be transferred to
212 general revenue.

213 9. Any rule or portion of a rule, as that term is defined in section 536.010, that is
214 promulgated under the authority delegated in sections 105.711 to 105.726 shall become effective
215 only if it has been promulgated pursuant to the provisions of chapter 536. Nothing in this section
216 shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28,
217 1999, if it fully complied with the provisions of chapter 536. This section and chapter 536 are
218 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536
219 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
220 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
221 August 28, 1999, shall be invalid and void.

161.825. 1. This section shall be known and may be cited as "Bryce's Law".

2 2. As used in this section, the following terms mean:

3 (1) "Autism spectrum disorder", pervasive developmental disorder; Asperger syndrome;
4 childhood disintegrative disorder; Rett syndrome; and autism;

5 (2) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or
6 real property;

7 (3) "Department", the department of elementary and secondary education;

8 (4) "Director", the commissioner of education;

9 (5) "Dyslexia therapy", an appropriate specialized dyslexia instructional program that
10 is systematic, multisensory, and research-based offered in a small group setting to teach students
11 the components of reading instruction including but not limited to phonemic awareness,
12 graphophonemic knowledge, morphology, semantics, syntax, and pragmatics, instruction on
13 linguistic proficiency and fluency with patterns of language so that words and sentences are
14 carriers of meaning, and strategies that students use for decoding, encoding, word recognition,
15 fluency and comprehension delivered by qualified personnel;

16 (6) "Educational scholarships", grants to students or children to cover all or part of the
17 tuition and fees at a qualified nonpublic school, a qualified public school, or a qualified service
18 provider, including transportation;

19 (7) "Eligible child", any child from birth to age five living in Missouri who has an
20 individualized family services program under the first steps program, sections 160.900 to
21 160.933, and whose parent or guardian has completed the complaint procedure under the
22 Individuals with Disabilities Education Act, Part C, and has received an unsatisfactory response;
23 or any child from birth to age five who has been evaluated for qualifying needs as defined in this
24 section by a person qualified to perform evaluations under the first steps program and has been
25 determined to have a qualifying need but who falls below the threshold for eligibility by no less
26 than twenty-five percent;

27 (8) "Eligible student", any elementary or secondary student who attended public school
28 in Missouri the preceding semester, or who will be attending school in Missouri for the first time,
29 who has an individualized education program based on a qualifying needs condition or who has
30 a medical or clinical diagnosis by a qualified health professional of a qualifying needs condition
31 which in the case of dyslexia, may be based on the C-TOPP assessment as an initial indicator of
32 dyslexia and confirmed by further medical or clinical diagnosis;

33 (9) "Parent", includes a guardian, custodian, or other person with authority to act on
34 behalf of the student or child;

35 (10) "Program", the program established in this section;

36 (11) "Qualified health professional", a person licensed under chapter 334, ~~[or]~~ 337, **or**
37 **342** who possesses credentials as described in rules promulgated jointly by the department of
38 elementary and secondary education and the department of mental health to make a diagnosis
39 of a student's qualifying needs for this program;

40 (12) "Qualified school", either an accredited public elementary or secondary school in
41 a district that is accredited without provision outside of the district in which a student resides or
42 an accredited nonpublic elementary or secondary school in Missouri that complies with all of the
43 requirements of the program and complies with all state laws that apply to nonpublic schools
44 regarding criminal background checks for employees and excludes from employment any person
45 not permitted by state law to work in a nonpublic school;

46 (13) "Qualified service provider", a person or agency authorized by the department to
47 provide services under the first steps program, sections 160.900 to 160.933, and in the case of
48 a provider offering dyslexia therapy, the term also includes a person with national certification
49 as an academic language therapist;

50 (14) "Qualifying needs", an autism spectrum disorder, Down Syndrome, Angelman
51 Syndrome, cerebral palsy, or dyslexia;

52 (15) "Scholarship granting organization", a charitable organization that:

53 (a) Is exempt from federal income tax;

54 (b) Complies with the requirements of this program;

55 (c) Provides education scholarships to students attending qualified schools of their
56 parents' choice or to children receiving services from qualified service providers; and

57 (d) Does not accept contributions on behalf of any eligible student or eligible child from
58 any donor with any obligation to provide any support for the eligible student or eligible child.

59 3. The department of elementary and secondary education shall develop a master list of
60 resources available to the parents of children with an autism spectrum disorder or dyslexia and
61 shall maintain a web page for the information. The department shall also actively seek financial
62 resources in the form of grants and donations that may be devoted to scholarship funds or to

63 clinical trials for behavioral interventions that may be undertaken by qualified service providers.
64 The department may contract out or delegate these duties to a nonprofit organization. Priority
65 in referral for funding shall be given to children who have not yet entered elementary school.

66 4. The director shall determine, at least annually, which organizations in this state may
67 be classified as scholarship granting organizations. The director may require of an organization
68 seeking to be classified as a scholarship granting organization whatever information that is
69 reasonably necessary to make such a determination. The director shall classify an organization
70 as a scholarship granting organization if such organization meets the definition set forth in this
71 section.

72 5. The director shall establish a procedure by which a donor can determine if an
73 organization has been classified as a scholarship granting organization. Scholarship granting
74 organizations shall be permitted to decline a contribution from a donor.

75 6. Each scholarship granting organization shall provide information to the director
76 concerning the identity of each donor making a contribution to the scholarship granting
77 organization.

78 7. (1) The director shall annually make a determination on the number of students in
79 Missouri with an individualized education program based upon qualifying needs as defined in
80 this section. The director shall use ten percent of this number to determine the maximum
81 number of students to receive scholarships from a scholarship granting organization in that year
82 for students with qualifying needs who have at the time of application an individualized
83 education program, plus a number calculated by the director by applying the state's latest
84 available autism, cerebral palsy, Down Syndrome, Angelman Syndrome, and dyslexia incidence
85 rates to the state's population of children from age five to nineteen who are not enrolled in public
86 schools and taking ten percent of that number. The total of these two calculations shall
87 constitute the maximum number of scholarships available to students.

88 (2) The director shall also annually make a determination on the number of children in
89 Missouri whose parent or guardian has enrolled the child in first steps, received an individualized
90 family services program based on qualifying needs, and filed a complaint through the
91 Individuals with Disabilities Education Act, Part C, and received an unsatisfactory response. In
92 addition to this number, the director shall apply the latest available autism, cerebral palsy, Down
93 Syndrome, Angelman Syndrome, and dyslexia incidence rates to the latest available census
94 information for children from birth to age five and determine ten percent of that number for the
95 maximum number of scholarships for children.

96 (3) The director shall publicly announce the number of each category of scholarship
97 opportunities available each year. Once a scholarship granting organization has decided to
98 provide a student or child with a scholarship, it shall promptly notify the director. The director

99 shall keep a running tally of the number of scholarships granted in the order in which they were
100 reported. Once the tally reaches the annual limit of scholarships for eligible students or children,
101 the director shall notify all of the participating scholarship granting organizations that they shall
102 not issue any more scholarships and any more receipts for contributions. If the scholarship
103 granting organizations have not expended all of their available scholarship funds in that year at
104 the time when the limit is reached, the available scholarship funds may be carried over into the
105 next year. These unexpended funds shall not be counted as part of the requirement in
106 subdivision (3) of subsection 8 of this section for that year. Any receipt for a scholarship
107 contribution issued by a scholarship granting organization before the director has publicly
108 announced the student or child limit has been reached shall be valid. Beginning with school year
109 2016-17, the director may adjust the allocation of the proportion of scholarships using
110 information on unmet need and use patterns from the previous school years. The director shall
111 provide notice of the change to the state board of education for its approval.

112 8. Each scholarship granting organization participating in the program shall:

113 (1) Notify the department of its intent to provide educational scholarships to students
114 attending qualified schools or children receiving services from qualified service providers;

115 (2) Provide a department-approved receipt to donors for contributions made to the
116 organization;

117 (3) Ensure that at least ninety percent of its revenue from donations is spent on
118 educational scholarships, and that all revenue from interest or investments is spent on
119 educational scholarships;

120 (4) Ensure that the scholarships provided do not exceed an average of twenty thousand
121 dollars per eligible child or fifty thousand dollars per eligible student;

122 (5) Inform the parent or guardian of the student or child applying for a scholarship that
123 accepting the scholarship is tantamount to a parentally placed private school student pursuant to
124 34 CFR 300.130 and, thus, neither the department nor any Missouri public school is responsible
125 to provide the student with a free appropriate public education pursuant to the Individuals with
126 Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973;

127 (6) Distribute periodic scholarship payments as checks made out to a student's or child's
128 parent and mailed to the qualified school where the student is enrolled or qualified service
129 provider used by the child. The parent or guardian shall endorse the check before it can be
130 deposited;

131 (7) Cooperate with the department to conduct criminal background checks on all of its
132 employees and board members and exclude from employment or governance any individual who
133 might reasonably pose a risk to the appropriate use of contributed funds;

(8) Ensure that scholarships are portable during the school year and can be used at any qualified school that accepts the eligible student or at a different qualified service provider for an eligible child according to a parent's wishes. If a student moves to a new qualified school during a school year or to a different qualified service provider for an eligible child, the scholarship amount may be prorated;

(9) Demonstrate its financial accountability by:

(a) Submitting a financial information report for the organization that complies with uniform financial accounting standards established by the department and conducted by a certified public accountant; and

(b) Having the auditor certify that the report is free of material misstatements;

(10) Demonstrate its financial viability, if the organization is to receive donations of fifty thousand dollars or more during the school year, by filing with the department before the start of the school year:

(a) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(b) Financial information that demonstrates the financial viability of the scholarship granting organization.

9. Each scholarship granting organization shall ensure that each participating school or service provider that accepts its scholarship students or children shall:

(1) Comply with all health and safety laws or codes that apply to nonpublic schools or service providers;

(2) Hold a valid occupancy permit if required by its municipality;

(3) Certify that it will comply with 42 U.S.C. Section 1981, as amended;

(4) Provide academic accountability to parents of the students or children in the program by regularly reporting to the parent on the student's or child's progress;

(5) Certify that in providing any educational services or behavior strategies to a scholarship recipient with a medical or clinical diagnosis of or an individualized education program based upon autism spectrum disorder it will:

(a) Adhere to the best practices recommendations of the Missouri Autism Guidelines Initiative or document why it is varying from the guidelines;

(b) Not use any evidence-based interventions that have been found ineffective by the Centers for Medicare and Medicaid Services as described in the Missouri Autism Guidelines Initiative guide to evidence-based interventions; and

(c) Provide documentation in the student's or child's record of the rationale for the use of any intervention that is categorized as unestablished, insufficient evidence, or level 3 by the Missouri Autism Guidelines Initiative guide to evidence-based interventions; and

(6) Certify that in providing any educational services or behavior strategies to a scholarship recipient with a medical or clinical diagnosis of, or an individualized family services program based upon Down Syndrome, Angelman Syndrome, cerebral palsy, or dyslexia, it will use student, teacher, teaching, and school influences that rank in the zone of desired effects in the meta-analysis of John Hattie, or equivalent analyses as determined by the department, or document why it is using a method that has not been determined by analysis to rank in the zone of desired effects.

10. Scholarship granting organizations shall not provide educational scholarships for students to attend any school or children to receive services from any qualified service provider with paid staff or board members who are relatives within the first degree of consanguinity or affinity.

11. A scholarship granting organization shall publicly report to the department, by June first of each year, the following information prepared by a certified public accountant regarding its grants in the previous calendar year:

(1) The name and address of the scholarship granting organization;

(2) The total number and total dollar amount of contributions received during the previous calendar year; and

(3) The total number and total dollar amount of educational scholarships awarded during the previous calendar year, including the category of each scholarship, and the total number and total dollar amount of educational scholarships awarded during the previous year to students eligible for free and reduced lunch.

12. The department shall adopt rules and regulations consistent with this section as necessary to implement the program.

13. The department shall provide a standardized format for a receipt to be issued by a scholarship granting organization to a donor to indicate the value of a contribution received.

14. The department shall provide a standardized format for scholarship granting organizations to report the information in this section.

15. The department may conduct either a financial review or audit of a scholarship granting organization.

16. If the department believes that a scholarship granting organization has intentionally and substantially failed to comply with the requirements of this section, the department may hold a hearing before the director or the director's designee to bar a scholarship granting organization from participating in the program. The director or the director's designee shall issue a decision within thirty days. A scholarship granting organization may appeal the director's decision to the administrative hearing commission for a hearing in accordance with the provisions of chapter 621.

206 17. If the scholarship granting organization is barred from participating in the program,
207 the department shall notify affected scholarship students or children and their parents of this
208 decision within fifteen days.

209 18. Any rule or portion of a rule, as that term is defined in section 536.010, that is
210 created under the authority delegated in this section shall become effective only if it complies
211 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
212 This section and chapter 536 are nonseverable and if any of the powers vested with the general
213 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
214 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
215 any rule proposed or adopted after August 28, 2013, shall be invalid and void.

216 19. The department shall conduct a study of the program with funds other than state
217 funds. The department may contract with one or more qualified researchers who have previous
218 experience evaluating similar programs. The department may accept grants to assist in funding
219 this study.

220 20. The study shall assess:

221 (1) The level of participating students' and children's satisfaction with the program in a
222 manner suitable to the student or child;

223 (2) The level of parental satisfaction with the program;

224 (3) The percentage of participating students who were bullied or harassed because of
225 their special needs status at their resident school district compared to the percentage so bullied
226 or harassed at their qualified school;

227 (4) The percentage of participating students who exhibited behavioral problems at their
228 resident school district compared to the percentage exhibiting behavioral problems at their
229 qualified school;

230 (5) The class size experienced by participating students at their resident school district
231 and at their qualified school; and

232 (6) The fiscal impact to the state and resident school districts of the program.

233 21. The study shall be completed using appropriate analytical and behavioral sciences
234 methodologies to ensure public confidence in the study.

235 22. The department shall provide the general assembly with a final copy of the
236 evaluation of the program by December 31, 2016.

237 23. The public and nonpublic participating schools and service providers from which
238 students transfer to participate in the program shall cooperate with the research effort by
239 providing student or child assessment instrument scores and any other data necessary to complete
240 this study.

241 24. The general assembly may require periodic updates on the status of the study from
242 the department. The individuals completing the study shall make their data and methodology
243 available for public review while complying with the requirements of the Family Educational
244 Rights and Privacy Act, as amended.

245 25. Under section 23.253 of the Missouri sunset act:

246 (1) The provisions of the new program authorized under this section shall sunset
247 automatically on December 31, 2019, unless reauthorized by an act of the general assembly; and

248 (2) If such program is reauthorized, the program authorized under this section shall
249 sunset automatically on December 31, 2031; and

250 (3) This section shall terminate on December thirty-first of the calendar year immediately
251 following the calendar year in which the program authorized under this section is sunset.

 188.027. 1. Except in the case of medical emergency, no abortion shall be performed
2 or induced on a woman without her voluntary and informed consent, given freely and without
3 coercion. Consent to an abortion is voluntary and informed and given freely and without
4 coercion if, and only if, at least seventy-two hours prior to the abortion:

5 (1) The physician who is to perform or induce the abortion, a qualified professional, or
6 the referring physician has informed the woman orally, reduced to writing, and in person, of the
7 following:

8 (a) The name of the physician who will perform or induce the abortion;

9 (b) Medically accurate information that a reasonable patient would consider material to
10 the decision of whether or not to undergo the abortion, including:

11 a. A description of the proposed abortion method;

12 b. The immediate and long-term medical risks to the woman associated with the
13 proposed abortion method including, but not limited to, infection, hemorrhage, cervical tear or
14 uterine perforation, harm to subsequent pregnancies or the ability to carry a subsequent child to
15 term, and possible adverse psychological effects associated with the abortion; and

16 c. The immediate and long-term medical risks to the woman, in light of the anesthesia
17 and medication that is to be administered, the unborn child's gestational age, and the woman's
18 medical history and medical condition;

19 (c) Alternatives to the abortion which shall include making the woman aware that
20 information and materials shall be provided to her detailing such alternatives to the abortion;

21 (d) A statement that the physician performing or inducing the abortion is available for
22 any questions concerning the abortion, together with the telephone number that the physician
23 may be later reached to answer any questions that the woman may have;

24 (e) The location of the hospital that offers obstetrical or gynecological care located
25 within thirty miles of the location where the abortion is performed or induced and at which the

26 physician performing or inducing the abortion has clinical privileges and where the woman may
27 receive follow-up care by the physician if complications arise;

28 (f) The gestational age of the unborn child at the time the abortion is to be performed or
29 induced; and

30 (g) The anatomical and physiological characteristics of the unborn child at the time the
31 abortion is to be performed or induced;

32 (2) The physician who is to perform or induce the abortion or a qualified professional
33 has presented the woman, in person, printed materials provided by the department, which
34 describe the probable anatomical and physiological characteristics of the unborn child at
35 two-week gestational increments from conception to full term, including color photographs or
36 images of the developing unborn child at two-week gestational increments. Such descriptions
37 shall include information about brain and heart functions, the presence of external members and
38 internal organs during the applicable stages of development and information on when the unborn
39 child is viable. The printed materials shall prominently display the following statement: “The
40 life of each human being begins at conception. Abortion will terminate the life of a separate,
41 unique, living human being.”;

42 (3) The physician who is to perform or induce the abortion, a qualified professional, or
43 the referring physician has presented the woman, in person, printed materials provided by the
44 department, which describe the various surgical and drug-induced methods of abortion relevant
45 to the stage of pregnancy, as well as the immediate and long-term medical risks commonly
46 associated with each abortion method including, but not limited to, infection, hemorrhage,
47 cervical tear or uterine perforation, harm to subsequent pregnancies or the ability to carry a
48 subsequent child to term, and the possible adverse psychological effects associated with an
49 abortion;

50 (4) The physician who is to perform or induce the abortion or a qualified professional
51 shall provide the woman with the opportunity to view at least seventy-two hours prior to the
52 abortion an active ultrasound of the unborn child and hear the heartbeat of the unborn child if
53 the heartbeat is audible. The woman shall be provided with a geographically indexed list
54 maintained by the department of health care providers, facilities, and clinics that perform
55 ultrasounds, including those that offer ultrasound services free of charge. Such materials shall
56 provide contact information for each provider, facility, or clinic including telephone numbers
57 and, if available, website addresses. Should the woman decide to obtain an ultrasound from a
58 provider, facility, or clinic other than the abortion facility, the woman shall be offered a
59 reasonable time to obtain the ultrasound examination before the date and time set for performing
60 or inducing an abortion. The person conducting the ultrasound shall ensure that the active
61 ultrasound image is of a quality consistent with standard medical practice in the community,

62 contains the dimensions of the unborn child, and accurately portrays the presence of external
63 members and internal organs, if present or viewable, of the unborn child. The auscultation of
64 fetal heart tone must also be of a quality consistent with standard medical practice in the
65 community. If the woman chooses to view the ultrasound or hear the heartbeat or both at the
66 abortion facility, the viewing or hearing or both shall be provided to her at the abortion facility
67 at least seventy-two hours prior to the abortion being performed or induced;

68 (5) Prior to an abortion being performed or induced on an unborn child of twenty-two
69 weeks gestational age or older, the physician who is to perform or induce the abortion or a
70 qualified professional has presented the woman, in person, printed materials provided by the
71 department that offer information on the possibility of the abortion causing pain to the unborn
72 child. This information shall include, but need not be limited to, the following:

73 (a) At least by twenty-two weeks of gestational age, the unborn child possesses all the
74 anatomical structures, including pain receptors, spinal cord, nerve tracts, thalamus, and cortex,
75 that are necessary in order to feel pain;

76 (b) A description of the actual steps in the abortion procedure to be performed or
77 induced, and at which steps the abortion procedure could be painful to the unborn child;

78 (c) There is evidence that by twenty-two weeks of gestational age, unborn children seek
79 to evade certain stimuli in a manner that in an infant or an adult would be interpreted as a
80 response to pain;

81 (d) Anesthesia is given to unborn children who are twenty-two weeks or more gestational
82 age who undergo prenatal surgery;

83 (e) Anesthesia is given to premature children who are twenty-two weeks or more
84 gestational age who undergo surgery;

85 (f) Anesthesia or an analgesic is available in order to minimize or alleviate the pain to
86 the unborn child;

87 (6) The physician who is to perform or induce the abortion or a qualified professional
88 has presented the woman, in person, printed materials provided by the department explaining to
89 the woman alternatives to abortion she may wish to consider. Such materials shall:

90 (a) Identify on a geographical basis public and private agencies available to assist a
91 woman in carrying her unborn child to term, and to assist her in caring for her dependent child
92 or placing her child for adoption, including agencies commonly known and generally referred
93 to as pregnancy resource centers, crisis pregnancy centers, maternity homes, and adoption
94 agencies. Such materials shall provide a comprehensive list by geographical area of the agencies,
95 a description of the services they offer, and the telephone numbers and addresses of the agencies;
96 provided that such materials shall not include any programs, services, organizations, or affiliates

97 of organizations that perform or induce, or assist in the performing or inducing of, abortions or
98 that refer for abortions;

99 (b) Explain the Missouri alternatives to abortion services program under section 188.325,
100 and any other programs and services available to pregnant women and mothers of newborn
101 children offered by public or private agencies which assist a woman in carrying her unborn child
102 to term and assist her in caring for her dependent child or placing her child for adoption,
103 including but not limited to prenatal care; maternal health care; newborn or infant care; mental
104 health services; professional counseling services; housing programs; utility assistance;
105 transportation services; food, clothing, and supplies related to pregnancy; parenting skills;
106 educational programs; job training and placement services; drug and alcohol testing and
107 treatment; and adoption assistance;

108 (c) Identify the state website for the Missouri alternatives to abortion services program
109 under section 188.325, and any toll-free number established by the state operated in conjunction
110 with the program;

111 (d) Prominently display the statement: "There are public and private agencies willing
112 and able to help you carry your child to term, and to assist you and your child after your child is
113 born, whether you choose to keep your child or place him or her for adoption. The state of
114 Missouri encourages you to contact those agencies before making a final decision about abortion.
115 State law requires that your physician or a qualified professional give you the opportunity to call
116 agencies like these before you undergo an abortion.";

117 (7) The physician who is to perform or induce the abortion or a qualified professional
118 has presented the woman, in person, printed materials provided by the department explaining that
119 the father of the unborn child is liable to assist in the support of the child, even in instances
120 where he has offered to pay for the abortion. Such materials shall include information on the
121 legal duties and support obligations of the father of a child, including, but not limited to, child
122 support payments, and the fact that paternity may be established by the father's name on a birth
123 certificate or statement of paternity, or by court action. Such printed materials shall also state
124 that more information concerning paternity establishment and child support services and
125 enforcement may be obtained by calling the family support division within the Missouri
126 department of social services; and

127 (8) The physician who is to perform or induce the abortion or a qualified professional
128 shall inform the woman that she is free to withhold or withdraw her consent to the abortion at
129 any time without affecting her right to future care or treatment and without the loss of any state
130 or federally funded benefits to which she might otherwise be entitled.

131 2. All information required to be provided to a woman considering abortion by
132 subsection 1 of this section shall be presented to the woman individually, in the physical

133 presence of the woman and in a private room, to protect her privacy, to maintain the
134 confidentiality of her decision, to ensure that the information focuses on her individual
135 circumstances, to ensure she has an adequate opportunity to ask questions, and to ensure that she
136 is not a victim of coerced abortion. Should a woman be unable to read materials provided to her,
137 they shall be read to her. Should a woman need an interpreter to understand the information
138 presented in the written materials, an interpreter shall be provided to her. Should a woman ask
139 questions concerning any of the information or materials, answers shall be provided in a
140 language she can understand.

141 3. No abortion shall be performed or induced unless and until the woman upon whom
142 the abortion is to be performed or induced certifies in writing on a checklist form provided by
143 the department that she has been presented all the information required in subsection 1 of this
144 section, that she has been provided the opportunity to view an active ultrasound image of the
145 unborn child and hear the heartbeat of the unborn child if it is audible, and that she further
146 certifies that she gives her voluntary and informed consent, freely and without coercion, to the
147 abortion procedure.

148 4. No abortion shall be performed or induced on an unborn child of twenty-two weeks
149 gestational age or older unless and until the woman upon whom the abortion is to be performed
150 or induced has been provided the opportunity to choose to have an anesthetic or analgesic
151 administered to eliminate or alleviate pain to the unborn child caused by the particular method
152 of abortion to be performed or induced. The administration of anesthesia or analgesics shall be
153 performed in a manner consistent with standard medical practice in the community.

154 5. No physician shall perform or induce an abortion unless and until the physician has
155 obtained from the woman her voluntary and informed consent given freely and without coercion.
156 If the physician has reason to believe that the woman is being coerced into having an abortion,
157 the physician or qualified professional shall inform the woman that services are available for her
158 and shall provide her with private access to a telephone and information about such services,
159 including but not limited to the following:

- 160 (1) Rape crisis centers, as defined in section 455.003;
161 (2) Shelters for victims of domestic violence, as defined in section 455.200; and
162 (3) Orders of protection, pursuant to chapter 455.

163 6. The physician who is to perform or induce the abortion shall, at least seventy-two
164 hours prior to such procedure, inform the woman orally and in person of:

- 165 (1) The immediate and long-term medical risks to the woman associated with the
166 proposed abortion method including, but not limited to, infection, hemorrhage, cervical tear or
167 uterine perforation, harm to subsequent pregnancies or the ability to carry a subsequent child to
168 term, and possible adverse psychological effects associated with the abortion; and

169 (2) The immediate and long-term medical risks to the woman, in light of the anesthesia
170 and medication that is to be administered, the unborn child's gestational age, and the woman's
171 medical history and medical conditions.

172 7. No physician shall perform or induce an abortion unless and until the physician has
173 received and signed a copy of the form prescribed in subsection 3 of this section. The physician
174 shall retain a copy of the form in the patient's medical record.

175 8. In the event of a medical emergency as provided by section 188.039, the physician
176 who performed or induced the abortion shall clearly certify in writing the nature and
177 circumstances of the medical emergency. This certification shall be signed by the physician who
178 performed or induced the abortion, and shall be maintained under section 188.060.

179 9. No person or entity shall require, obtain, or accept payment for an abortion from or
180 on behalf of a patient until at least seventy-two hours have passed since the time that the
181 information required by subsection 1 of this section has been provided to the patient. Nothing
182 in this subsection shall prohibit a person or entity from notifying the patient that payment for the
183 abortion will be required after the seventy-two-hour period has expired if she voluntarily chooses
184 to have the abortion.

185 10. The term "qualified professional" as used in this section shall refer to a physician,
186 physician assistant, registered nurse, licensed practical nurse, psychologist, licensed professional
187 counselor, or licensed social worker, licensed or registered under chapter 334, 335, ~~or~~ 337, **or**
188 **342**, acting under the supervision of the physician performing or inducing the abortion, and
189 acting within the course and scope of his or her authority provided by law. The provisions of this
190 section shall not be construed to in any way expand the authority otherwise provided by law
191 relating to the licensure, registration, or scope of practice of any such qualified professional.

192 11. By November 30, 2010, the department shall produce the written materials and forms
193 described in this section. Any written materials produced shall be printed in a typeface large
194 enough to be clearly legible. All information shall be presented in an objective, unbiased manner
195 designed to convey only accurate scientific and medical information. The department shall
196 furnish the written materials and forms at no cost and in sufficient quantity to any person who
197 performs or induces abortions, or to any hospital or facility that provides abortions. The
198 department shall make all information required by subsection 1 of this section available to the
199 public through its department website. The department shall maintain a toll-free,
200 twenty-four-hour hotline telephone number where a caller can obtain information on a regional
201 basis concerning the agencies and services described in subsection 1 of this section. No
202 identifying information regarding persons who use the website shall be collected or maintained.
203 The department shall monitor the website on a regular basis to prevent tampering and correct any
204 operational deficiencies.

205 12. In order to preserve the compelling interest of the state to ensure that the choice to
206 consent to an abortion is voluntary and informed, and given freely and without coercion, the
207 department shall use the procedures for adoption of emergency rules under section 536.025 in
208 order to promulgate all necessary rules, forms, and other necessary material to implement this
209 section by November 30, 2010.

210 13. If the provisions in subsections 1 and 9 of this section requiring a seventy-two-hour
211 waiting period for an abortion are ever temporarily or permanently restrained or enjoined by
212 judicial order, then the waiting period for an abortion shall be twenty-four hours; provided,
213 however, that if such temporary or permanent restraining order or injunction is stayed or
214 dissolved, or otherwise ceases to have effect, the waiting period for an abortion shall be
215 seventy-two hours.

 188.039. 1. For purposes of this section, "medical emergency" means a condition which,
2 on the basis of the physician's good faith clinical judgment, so complicates the medical condition
3 of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death
4 or for which a delay will create a serious risk of substantial and irreversible impairment of a
5 major bodily function.

6 2. Except in the case of medical emergency, no person shall perform or induce an
7 abortion unless at least seventy-two hours prior thereto the physician who is to perform or induce
8 the abortion or a qualified professional has conferred with the patient and discussed with her the
9 indicators and contraindicators, and risk factors including any physical, psychological, or
10 situational factors for the proposed procedure and the use of medications, including but not
11 limited to mifepristone, in light of her medical history and medical condition. For an abortion
12 performed or an abortion induced by a drug or drugs, such conference shall take place at least
13 seventy-two hours prior to the writing or communication of the first prescription for such drug
14 or drugs in connection with inducing an abortion. Only one such conference shall be required
15 for each abortion.

16 3. The patient shall be evaluated by the physician who is to perform or induce the
17 abortion or a qualified professional during the conference for indicators and contraindicators, risk
18 factors including any physical, psychological, or situational factors which would predispose the
19 patient to or increase the risk of experiencing one or more adverse physical, emotional, or other
20 health reactions to the proposed procedure or drug or drugs in either the short or long term as
21 compared with women who do not possess such risk factors.

22 4. At the end of the conference, and if the woman chooses to proceed with the abortion,
23 the physician who is to perform or induce the abortion or a qualified professional shall sign and
24 shall cause the patient to sign a written statement that the woman gave her informed consent
25 freely and without coercion after the physician or qualified professional had discussed with her

26 the indicators and contraindicators, and risk factors, including any physical, psychological, or
27 situational factors. All such executed statements shall be maintained as part of the patient's
28 medical file, subject to the confidentiality laws and rules of this state.

29 5. The director of the department of health and senior services shall disseminate a model
30 form that physicians or qualified professionals may use as the written statement required by this
31 section, but any lack or unavailability of such a model form shall not affect the duties of the
32 physician or qualified professional set forth in subsections 2 to 4 of this section.

33 6. As used in this section, the term "qualified professional" shall refer to a physician,
34 physician assistant, registered nurse, licensed practical nurse, psychologist, licensed professional
35 counselor, or licensed social worker, licensed or registered under chapter 334, 335, ~~[or]~~ 337, **or**
36 **342**, acting under the supervision of the physician performing or inducing the abortion, and
37 acting within the course and scope of his or her authority provided by law. The provisions of this
38 section shall not be construed to in any way expand the authority otherwise provided by law
39 relating to the licensure, registration, or scope of practice of any such qualified professional.

40 7. If the provisions in subsection 2 of this section requiring a seventy-two-hour waiting
41 period for an abortion are ever temporarily or permanently restrained or enjoined by judicial
42 order, then the waiting period for an abortion shall be twenty-four hours; provided, however, that
43 if such temporary or permanent restraining order or injunction is stayed or dissolved, or
44 otherwise ceases to have effect, the waiting period for an abortion shall be seventy-two hours.

191.211. State expenditures for new programs and initiatives enacted by sections
2 103.178, 143.999, 188.230, 191.231, 191.825 to 191.839, 208.177, 208.178, 208.179 and
3 208.181, 211.490, 285.240, ~~[337.093]~~ **342.093**, 374.126, 376.891 to 376.894, 431.064, 660.016,
4 660.017 and 660.018, and the state expenditures for the new initiatives and expansion of
5 programs enacted by revising sections 105.711 and 105.721, 191.520, 191.600, 198.090,
6 208.151, 208.152 and 208.215, as provided by H.B. 564, 1993, shall be funded exclusively by
7 federal funds and the funding sources established in sections 149.011, 149.015, 149.035,
8 149.061, 149.065, 149.160, 149.170, 149.180, 149.190 and 149.192, and no future general
9 revenue shall be appropriated to fund such new programs or expansions.

191.411. 1. The director of the department of health and senior services shall develop
2 and implement a plan to define a system of coordinated health care services available and
3 accessible to all persons, in accordance with the provisions of this section. The plan shall
4 encourage the location of appropriate practitioners of health care services, including dentists, or
5 psychiatrists or psychologists as defined in section 632.005, in rural and urban areas of the state,
6 particularly those areas designated by the director of the department of health and senior services
7 as health resource shortage areas, in return for the consideration enumerated in subsection 2 of

8 this section. The department of health and senior services shall have authority to contract with
9 public and private health care providers for delivery of such services.

10 2. There is hereby created in the state treasury the "Health Access Incentive Fund".
11 Moneys in the fund shall be used to implement and encourage a program to fund loans, loan
12 repayments, start-up grants, provide locum tenens, professional liability insurance assistance,
13 practice subsidy, annuities when appropriate, or technical assistance in exchange for location of
14 appropriate health providers, including dentists, who agree to serve all persons in need of health
15 services regardless of ability to pay. The department of health and senior services shall
16 encourage the recruitment of minorities in implementing this program.

17 3. In accordance with an agreement approved by both the director of the department of
18 social services and the director of the department of health and senior services, the commissioner
19 of the office of administration shall issue warrants to the state treasurer to transfer available
20 funds from the health access incentive fund to the department of social services to be used to
21 enhance MO HealthNet payments to physicians, dentists, psychiatrists, psychologists, or other
22 mental health providers licensed under chapter 337 **or chapter 342** in order to enhance the
23 availability of physician, dental, or mental health services in shortage areas. The amount that
24 may be transferred shall be the amount agreed upon by the directors of the departments of social
25 services and health and senior services and shall not exceed the maximum amount specifically
26 authorized for any such transfer by appropriation of the general assembly.

27 4. The general assembly shall appropriate money to the health access incentive fund from
28 the health initiatives fund created by section 191.831. The health access incentive fund shall also
29 contain money as otherwise provided by law, gift, bequest or devise. Notwithstanding the
30 provisions of section 33.080, the unexpended balance in the fund at the end of the biennium shall
31 not be transferred to the general revenue fund of the state.

32 5. The director of the department of health and senior services shall have authority to
33 promulgate reasonable rules to implement the provisions of this section pursuant to chapter 536.

34 6. The department of health and senior services shall submit an annual report to the
35 oversight committee created under section 208.955 regarding the implementation of the plan
36 developed under this section.

191.831. 1. There is hereby established in the state treasury a "Health Initiatives Fund",
2 to which shall be deposited all revenues designated for the fund under subsection 8 of section
3 149.015, and subsection 3 of section 149.160, and section 167.609, and all other funds donated
4 to the fund or otherwise deposited pursuant to law. The state treasurer shall administer the fund.
5 Money in the fund shall be appropriated to provide funding for implementing the new programs
6 and initiatives established by sections 105.711 and 105.721. The moneys in the fund may further
7 be used to fund those programs established by sections 191.411, 191.520 and 191.600, sections

8 208.151 and 208.152, and sections 103.178, 143.999, 167.600 to 167.621, 188.230, 191.211,
9 191.231, 191.825 to 191.839, 192.013, 208.177, 208.178, 208.179 and 208.181, 211.490,
10 285.240, ~~[337.093]~~ **342.093**, 374.126, 376.891 to 376.894, 431.064, 660.016, 660.017 and
11 660.018; in addition, not less than fifteen percent of the proceeds deposited to the health
12 initiative fund pursuant to sections 149.015 and 149.160 shall be appropriated annually to
13 provide funding for the C-STAR substance abuse rehabilitation program of the department of
14 mental health, or its successor program, and a C-STAR pilot project developed by the director
15 of the division of alcohol and drug abuse and the director of the department of corrections as an
16 alternative to incarceration, as provided in subsections 2, 3, and 4 of this section. Such pilot
17 project shall be known as the "Alt-care" program. In addition, some of the proceeds deposited
18 to the health initiatives fund pursuant to sections 149.015 and 149.160 shall be appropriated
19 annually to the division of alcohol and drug abuse of the department of mental health to be used
20 for the administration and oversight of the substance abuse traffic offenders program defined in
21 section 302.010 and section 577.001. The provisions of section 33.080 to the contrary
22 notwithstanding, money in the health initiatives fund shall not be transferred at the close of the
23 biennium to the general revenue fund.

24 2. The director of the division of alcohol and drug abuse and the director of the
25 department of corrections shall develop and administer a pilot project to provide a
26 comprehensive substance abuse treatment and rehabilitation program as an alternative to
27 incarceration, hereinafter referred to as "Alt-care". Alt-care shall be funded using money
28 provided under subsection 1 of this section through the Missouri Medicaid program, the C-STAR
29 program of the department of mental health, and the division of alcohol and drug abuse's
30 purchase-of-service system. Alt-care shall offer a flexible combination of clinical services and
31 living arrangements individually adapted to each client and her children. Alt-care shall consist
32 of the following components:

- 33 (1) Assessment and treatment planning;
- 34 (2) Community support to provide continuity, monitoring of progress and access to
35 services and resources;
- 36 (3) Counseling from individual to family therapy;
- 37 (4) Day treatment services which include accessibility seven days per week,
38 transportation to and from the Alt-care program, weekly drug testing, leisure activities, weekly
39 events for families and companions, job and education preparedness training, peer support and
40 self-help and daily living skills; and
- 41 (5) Living arrangement options which are permanent, substance-free and conducive to
42 treatment and recovery.

43 3. Any female who is pregnant or is the custodial parent of a child or children under the
44 age of twelve years, and who has pleaded guilty to or found guilty of violating the provisions of
45 chapter 195, and whose controlled substance abuse was a precipitating or contributing factor in
46 the commission of the offense, and who is placed on probation may be required, as a condition
47 of probation, to participate in Alt-care, if space is available in the pilot project area.
48 Determinations of eligibility for the program, placement, and continued participation shall be
49 made by the division of alcohol and drug abuse, in consultation with the department of
50 corrections.

51 4. The availability of space in Alt-care shall be determined by the director of the division
52 of alcohol and drug abuse in conjunction with the director of the department of corrections. If
53 the sentencing court is advised that there is no space available, the court shall consider other
54 authorized dispositions.

 191.1100. 1. Sections 191.1100 to 191.1112 shall be known and may be cited as the
2 "Volunteer Health Services Act".

3 2. As used in sections 191.1100 to 191.1112, the following terms shall mean:

4 (1) "Gross deviation", a conscious disregard of the safety of others;

5 (2) "Health care provider", any physician, surgeon, dentist, nurse, optometrist, mental
6 health professional licensed under chapter 337 **or chapter 342**, veterinarian, or other practitioner
7 of a health care discipline, the professional practice of which requires licensure or certification
8 under state law or under comparable laws of another state, territory, district, or possession of the
9 United States;

10 (3) "Licensed health care provider", any health care provider holding a current license
11 or certificate issued under:

12 (a) Missouri state law;

13 (b) Comparable laws of another state, territory, district, or possession of the United
14 States;

15 (4) "Regularly practice", to practice more than sixty days within any ninety-day period;

16 (5) "Sponsoring organization", any organization that organizes or arranges for the
17 voluntary provision of health care services and registers with the department of health and senior
18 services as a sponsoring organization in accordance with section 191.1106;

19 (6) "Voluntary provision of health care services", the providing of professional health
20 care services by a health care provider without charge to a recipient of the services or a third
21 party. The provision of such health care services under sections 191.1100 to 191.1112 shall be
22 the provider's professional practice area in which the provider is licensed or certified.

 198.088. 1. Every facility, in accordance with the rules applying to each particular type
2 of facility, shall ensure that:

3 (1) There are written policies and procedures available to staff, residents, their families
4 or legal representative and the public which govern all areas of service provided by the facility.
5 The facility shall also retain and make available for public inspection at the facility to staff,
6 residents, their families or legal representative and the public a complete copy of each official
7 notification from the department of violations, deficiencies, licensure approvals, disapprovals,
8 and responses, a description of services, basic rate and charges for any services not covered by
9 the basic rate, if any, and a list of names, addresses and occupation of all individuals who have
10 a proprietary interest in the facility;

11 (2) Policies relating to admission, transfer, and discharge of residents shall assure that:

12 (a) Only those persons are accepted whose needs can be met by the facility directly or
13 in cooperation with community resources or other providers of care with which it is affiliated or
14 has contracts;

15 (b) As changes occur in their physical or mental condition, necessitating service or care
16 which cannot be adequately provided by the facility, residents are transferred promptly to
17 hospitals, skilled nursing facilities, or other appropriate facilities; and

18 (c) Except in the case of an emergency, the resident, his next of kin, attending physician,
19 and the responsible agency, if any, are consulted at least thirty days in advance of the transfer or
20 discharge of any resident, and casework services or other means are utilized to assure that
21 adequate arrangements exist for meeting his needs through other resources;

22 (3) Policies define the uses of chemical and physical restraints, identify the professional
23 personnel who may authorize the application of restraints in emergencies and describe the
24 mechanism for monitoring and controlling their use;

25 (4) Policies define procedures for submittal of complaints and recommendations by
26 residents and for assuring response and disposition;

27 (5) There are written policies governing access to, duplication of, and dissemination of
28 information from the resident's records;

29 (6) Each resident admitted to the facility:

30 (a) Is fully informed of his rights and responsibilities as a resident. Prior to or at the time
31 of admission, a list of resident rights shall be provided to each resident, or his designee, next of
32 kin, or legal guardian. A list of resident rights shall be posted in a conspicuous location in the
33 facility and copies shall be available to anyone upon request;

34 (b) Is fully informed in writing, prior to or at the time of admission and during stay, of
35 services available in the facility, and of related charges including any charges for services not
36 covered under the federal or state programs or not covered by the facility's basic per diem rate;

37 (c) Is fully informed by a physician of his health and medical condition unless medically
38 contraindicated, as documented by a physician in his resident record, and is afforded the

39 opportunity to participate in the planning of his total care and medical treatment and to refuse
40 treatment, and participates in experimental research only upon his informed written consent;

41 (d) Is transferred or discharged only for medical reasons or for his welfare or that of
42 other residents, or for nonpayment for his stay. No resident may be discharged without notice
43 of his right to a hearing and an opportunity to be heard on the issue of whether his immediate
44 discharge is necessary. Such notice shall be given in writing no less than thirty days in advance
45 of the discharge except in the case of an emergency discharge. In emergency discharges a written
46 notice of discharge and right to a hearing shall be given as soon as practicable and an expedited
47 hearing shall be held upon request of the resident, next of kin, legal guardian, or nursing facility;

48 (e) Is encouraged and assisted, throughout his period of stay, to exercise his rights as a
49 resident and as a citizen, and to this end may voice grievances and recommend changes in
50 policies and services to facility staff or to outside representatives of his choice, free from
51 restraint, interference, coercion, discrimination, or reprisal;

52 (f) May manage his personal financial affairs, and, to the extent that the facility assists
53 in such management, has his personal financial affairs managed in accordance with section
54 198.090;

55 (g) Is free from mental and physical abuse, and free from chemical and physical
56 restraints except as follows:

57 a. When used as a part of a total program of care to assist the resident to attain or
58 maintain the highest practicable level of physical, mental or psychosocial well-being;

59 b. When authorized in writing by a physician for a specified period of time; and

60 c. When necessary in an emergency to protect the resident from injury to himself or to
61 others, in which case restraints may be authorized by designated professional personnel who
62 promptly report the action taken to the physician. When restraints are indicated, devices that are
63 least restrictive, consistent with the resident's total treatment program, shall be used;

64 (h) Is ensured confidential treatment of all information contained in his records,
65 including information contained in an automatic data bank, and his written consent shall be
66 required for the release of information to persons not otherwise authorized under law to receive
67 it;

68 (i) Is treated with consideration, respect, and full recognition of his dignity and
69 individuality, including privacy in treatment and in care for his personal needs;

70 (j) Is not required to perform services for the facility;

71 (k) May communicate, associate and meet privately with persons of his choice, unless
72 to do so would infringe upon the rights of other residents, and send and receive his personal mail
73 unopened;

74 (l) May participate in activities of social, religious and community groups at his
75 discretion, unless contraindicated for reasons documented by a physician in the resident's medical
76 record;

77 (m) May retain and use his personal clothing and possessions as space permits;

78 (n) If married, is ensured privacy for visits by his or her spouse; if both are residents in
79 the facility, they are permitted to share a room; and

80 (o) Is allowed the option of purchasing or renting goods or services not included in the
81 per diem or monthly rate from a supplier of his own choice;

82 (7) The resident or his designee, next of kin or legal guardian receives an itemized bill
83 for all goods and services actually rendered;

84 (8) A written account, available to residents and their families, is maintained on a current
85 basis for each resident with written receipts for all personal possessions and funds received by
86 or deposited with the facility and for all disbursements made to or on behalf of the resident.

87 2. Each facility and the department shall encourage and assist residents in the free
88 exercise of the resident's rights to civil and religious liberties, including knowledge of available
89 choices and the right to independent personal decision. Each resident shall be given a copy of
90 a statement of his rights and responsibilities, including a copy of the facility's rules and
91 regulations. Each facility shall prepare a written plan to ensure the respect of each resident's
92 rights and privacy and shall provide appropriate staff training to implement the plan.

93 3. (1) Each facility shall establish written procedures approved by the department by
94 which complaints and grievances of residents may be heard and considered. The procedures
95 shall provide for referral to the department of any complaints or grievances not resolved by the
96 facility's grievance procedure.

97 (2) Each facility shall designate one staff member, employed full time, referred to in this
98 subsection as the "designee", to receive all grievances when they are first made.

99 (3) If anyone wishes to complain about treatment, conditions, or violations of rights, he
100 shall write or cause to be written his grievance or shall state it orally to the designee no later than
101 fourteen days after the occurrence giving rise to the grievance. When the department receives
102 a complaint that does not contain allegations of abuse or neglect or allegations which would, if
103 substantiated, constitute violation of a class I or class II standard as defined in section 198.085,
104 and the complainant indicates that the complaint was not filed with the facility prior to the
105 reporting of it to the department, the department may in such instances refer the complaint to the
106 staff person who is designated by the facility to receive all grievances when they are first made.
107 In such instances the department shall assure appropriate response from the facility, assure
108 resolution at a subsequent on-site visit and provide a report to the complainant. The designee
109 shall confer with persons involved in the occurrence and with any other witnesses and, no later

110 than three days after the grievance, give a written explanation of findings and proposed remedies,
111 if any, to the complainant and to the aggrieved party, if someone other than the complainant.
112 Where appropriate because of the mental or physical condition of the complainant or the
113 aggrieved party, the written explanation shall be accompanied by an oral explanation.

114 (4) The department shall establish and implement procedures for the making and
115 transmission of complaints to the department by any person alleging violation of the provisions
116 of sections 198.003 to 198.186, 198.200, 208.030, and 208.159 and the standards established
117 thereunder. The department shall promptly review each complaint. In the case of a refusal to
118 investigate, the department shall promptly notify the complainant of its refusal and the reasons
119 therefor; and in every other case, the department shall, following investigation, notify the
120 complainant of its investigation and any proposed action.

121 4. Whenever the department finds upon investigation that there have been violations of
122 the provisions of sections 198.003 to 198.186, 198.200, 208.030, and 208.159 or the standards
123 established thereunder by any person licensed under the provisions of chapter 330, 331, 332, 334,
124 335, 336, 337, 338, **342**, or 344, the department shall forward a report of its findings to the
125 appropriate licensing or examining board for further investigation.

126 5. Each facility shall maintain a complete record of complaints and grievances made
127 against such facility and a record of the final disposition of the complaints and grievances. Such
128 record shall be open to inspection by representatives of the department during normal business
129 hours.

130 6. Nothing in this section shall be construed as requiring a resident to exhaust grievance
131 procedures established by the facility or by the department prior to filing a complaint pursuant
132 to section 198.090.

208.955. 1. There is hereby established in the department of social services the "MO
2 HealthNet Oversight Committee", which shall be appointed by January 1, 2008, and shall consist
3 of nineteen members as follows:

4 (1) Two members of the house of representatives, one from each party, appointed by the
5 speaker of the house of representatives and the minority floor leader of the house of
6 representatives;

7 (2) Two members of the Senate, one from each party, appointed by the president pro tem
8 of the senate and the minority floor leader of the senate;

9 (3) One consumer representative who has no financial interest in the health care industry
10 and who has not been an employee of the state within the last five years;

11 (4) Two primary care physicians, licensed under chapter 334, who care for participants,
12 not from the same geographic area, chosen in the same manner as described in section 334.120;

13 (5) Two physicians, licensed under chapter 334, who care for participants but who are
14 not primary care physicians and are not from the same geographic area, chosen in the same
15 manner as described in section 334.120;

16 (6) One representative of the state hospital association;

17 (7) Two nonphysician health care professionals, the first nonphysician health care
18 professional licensed under chapter 335 and the second nonphysician health care professional
19 licensed under chapter 337 **or chapter 342**, who care for participants;

20 (8) One dentist, who cares for participants, chosen in the same manner as described in
21 section 332.021;

22 (9) Two patient advocates who have no financial interest in the health care industry and
23 who have not been employees of the state within the last five years;

24 (10) One public member who has no financial interest in the health care industry and
25 who has not been an employee of the state within the last five years; and

26 (11) The directors of the department of social services, the department of mental health,
27 the department of health and senior services, or the respective directors' designees, who shall
28 serve as ex officio members of the committee.

29 2. The members of the oversight committee, other than the members from the general
30 assembly and ex officio members, shall be appointed by the governor with the advice and
31 consent of the senate. A chair of the oversight committee shall be selected by the members of
32 the oversight committee. Of the members first appointed to the oversight committee by the
33 governor, eight members shall serve a term of two years, seven members shall serve a term of
34 one year, and thereafter, members shall serve a term of two years. Members shall continue to
35 serve until their successor is duly appointed and qualified. Any vacancy on the oversight
36 committee shall be filled in the same manner as the original appointment. Members shall serve
37 on the oversight committee without compensation but may be reimbursed for their actual and
38 necessary expenses from moneys appropriated to the department of social services for that
39 purpose. The department of social services shall provide technical, actuarial, and administrative
40 support services as required by the oversight committee. The oversight committee shall:

41 (1) Meet on at least four occasions annually, including at least four before the end of
42 December of the first year the committee is established. Meetings can be held by telephone or
43 video conference at the discretion of the committee;

44 (2) Review the participant and provider satisfaction reports and the reports of health
45 outcomes, social and behavioral outcomes, use of evidence-based medicine and best practices
46 as required of the health improvement plans and the department of social services under section
47 208.950;

- 48 (3) Review the results from other states of the relative success or failure of various
49 models of health delivery attempted;
- 50 (4) Review the results of studies comparing health plans conducted under section
51 208.950;
- 52 (5) Review the data from health risk assessments collected and reported under section
53 208.950;
- 54 (6) Review the results of the public process input collected under section 208.950;
- 55 (7) Advise and approve proposed design and implementation proposals for new health
56 improvement plans submitted by the department, as well as make recommendations and suggest
57 modifications when necessary;
- 58 (8) Determine how best to analyze and present the data reviewed under section 208.950
59 so that the health outcomes, participant and provider satisfaction, results from other states, health
60 plan comparisons, financial impact of the various health improvement plans and models of care,
61 study of provider access, and results of public input can be used by consumers, health care
62 providers, and public officials;
- 63 (9) Present significant findings of the analysis required in subdivision (8) of this
64 subsection in a report to the general assembly and governor, at least annually, beginning January
65 1, 2009;
- 66 (10) Review the budget forecast issued by the legislative budget office, and the report
67 required under subsection (22) of subsection 1 of section 208.151, and after study:
- 68 (a) Consider ways to maximize the federal drawdown of funds;
- 69 (b) Study the demographics of the state and of the MO HealthNet population, and how
70 those demographics are changing;
- 71 (c) Consider what steps are needed to prepare for the increasing numbers of participants
72 as a result of the baby boom following World War II;
- 73 (11) Conduct a study to determine whether an office of inspector general shall be
74 established. Such office would be responsible for oversight, auditing, investigation, and
75 performance review to provide increased accountability, integrity, and oversight of state medical
76 assistance programs, to assist in improving agency and program operations, and to deter and
77 identify fraud, abuse, and illegal acts. The committee shall review the experience of all states
78 that have created a similar office to determine the impact of creating a similar office in this state;
79 and
- 80 (12) Perform other tasks as necessary, including but not limited to making
81 recommendations to the division concerning the promulgation of rules and emergency rules so
82 that quality of care, provider availability, and participant satisfaction can be assured.

83 3. The oversight committee shall designate a subcommittee devoted to advising the
84 department on the development of a comprehensive entry point system for long-term care that
85 shall:

86 (1) Offer Missourians an array of choices including community-based, in-home,
87 residential and institutional services;

88 (2) Provide information and assistance about the array of long-term care services to
89 Missourians;

90 (3) Create a delivery system that is easy to understand and access through multiple
91 points, which shall include but shall not be limited to providers of services;

92 (4) Create a delivery system that is efficient, reduces duplication, and streamlines access
93 to multiple funding sources and programs;

94 (5) Strengthen the long-term care quality assurance and quality improvement system;

95 (6) Establish a long-term care system that seeks to achieve timely access to and payment
96 for care, foster quality and excellence in service delivery, and promote innovative and
97 cost-effective strategies; and

98 (7) Study one-stop shopping for seniors as established in section 208.612.

99 4. The subcommittee shall include the following members:

100 (1) The lieutenant governor or his or her designee, who shall serve as the subcommittee
101 chair;

102 (2) One member from a Missouri area agency on aging, designated by the governor;

103 (3) One member representing the in-home care profession, designated by the governor;

104 (4) One member representing residential care facilities, predominantly serving MO
105 HealthNet participants, designated by the governor;

106 (5) One member representing assisted living facilities or continuing care retirement
107 communities, predominantly serving MO HealthNet participants, designated by the governor;

108 (6) One member representing skilled nursing facilities, predominantly serving MO
109 HealthNet participants, designated by the governor;

110 (7) One member from the office of the state ombudsman for long-term care facility
111 residents, designated by the governor;

112 (8) One member representing Missouri centers for independent living, designated by the
113 governor;

114 (9) One consumer representative with expertise in services for seniors or persons with
115 a disability, designated by the governor;

116 (10) One member with expertise in Alzheimer's disease or related dementia;

117 (11) One member from a county developmental disability board, designated by the
118 governor;

- 119 (12) One member representing the hospice care profession, designated by the governor;
120 (13) One member representing the home health care profession, designated by the
121 governor;
122 (14) One member representing the adult day care profession, designated by the governor;
123 (15) One member gerontologist, designated by the governor;
124 (16) Two members representing the aged, blind, and disabled population, not of the same
125 geographic area or demographic group designated by the governor;
126 (17) The directors of the departments of social services, mental health, and health and
127 senior services, or their designees; and
128 (18) One member of the house of representatives and one member of the senate serving
129 on the oversight committee, designated by the oversight committee chair.

130

131 Members shall serve on the subcommittee without compensation but may be reimbursed for their
132 actual and necessary expenses from moneys appropriated to the department of health and senior
133 services for that purpose. The department of health and senior services shall provide technical
134 and administrative support services as required by the committee.

135 5. The provisions of section 23.253 shall not apply to sections 208.950 to 208.955.

287.144. As used in sections 287.144 to 287.149, the following words mean:

- 2 (1) "Appropriate vocational testing", appropriate vocational testing may be included
3 when a new job is necessary for consideration for an injured worker. Appropriate vocational
4 testing may include intelligence, aptitude, achievement and interests tests, physical capacity
5 assessment, musculoskeletal evaluation, audiometric evaluation, receptive and expressive
6 components of language and work sample tests;
7 (2) "Director", the director of the division of workers' compensation;
8 (3) "Plan", a written proposal of services to be performed by a rehabilitation provider or
9 practitioner which shall be based on the following objectives:
10 (a) Same job, same employer;
11 (b) Modified job, same employer;
12 (c) Different job, same employer;
13 (d) Same job, new employer;
14 (e) Modified job, new employer;
15 (f) New job, new employer;
16 (g) Reeducation and retraining.

17

18 The plan shall include recommendations on the coordination of physical rehabilitation services,
19 work hardening, vocational assessment, vocational counseling, job placement and occupational

20 skill training, and independent living, if appropriate. Every plan shall consider appropriate
21 vocational testing;

22 (4) "Qualification of medical or physical rehabilitation services", each facility, institution
23 or agency program seeking to qualify to provide medical or physical rehabilitation to employees
24 under this chapter shall be supervised by a physician with a speciality or subspeciality in the area
25 of medicine which deals with the type of injury or disability it intends to treat;

26 (5) "Rehabilitation practitioner", an individual who has provided the director with the
27 necessary proof of eligibility for qualification to render the services outlined in sections 287.144
28 to 287.149, and who has received a certification of qualification from the director. Practitioners
29 shall be qualified in current vocational rehabilitation techniques and processes and familiar with
30 current and appropriate medical interventions as evidenced by:

31 (a) A masters or doctorate degree in health-support services from an accredited
32 institution, or a masters degree based on a curriculum and coursework designed to prepare a
33 person to practice as a vocational rehabilitation counselor or completion of a nationally
34 accredited rehabilitation counselor internship program from a college or university, plus one year
35 experience in vocational or physical rehabilitation;

36 (b) A baccalaureate degree in health-support services from an accredited institution, plus
37 two years of experience in vocational or physical rehabilitation;

38 (c) Certification by the commission of rehabilitation counselor certification as a certified
39 rehabilitation counselor. Practitioners having received their certified rehabilitation counselor
40 certification prior to July 1, 1991, are eligible for licensure under chapter 337 **or chapter 342**;
41 or

42 (d) Internship for those with the education described in paragraphs (a) to (c) of this
43 subdivision, but not experience, who are under the supervision of a qualified rehabilitation
44 practitioner as defined in paragraphs (a) to (c) of this subdivision;

45 (6) "Rehabilitation provider", a vocational rehabilitation facility, institution or agency
46 who offers to render services outlined in sections 287.144 to 287.149, and who shall be qualified
47 in current vocational rehabilitation techniques and current and appropriate medical intervention
48 techniques and certified by the director. Facilities and hospitals shall be accredited by the joint
49 commission on accreditation of hospitals or the joint commission on accreditation of
50 rehabilitation facilities or the American Osteopathic Association or the division of workers'
51 compensation;

52 (7) "Suitable, gainful employment", employment or self-employment which, in the
53 exercise of reasonable diligence, the employee will be able to obtain, to be determined in view
54 of the nature and extent of the injury, the ability of the employee to compete in an open labor
55 market;

56 (8) "Vocational rehabilitation assessments", a written statement of an employee's
57 condition containing relevant documentation by the treating physician and information as
58 indicated by a rehabilitation provider or practitioner of the employee's current and projected
59 functional capacities and limitations, a job description provided by the employer of the position
60 held at the time of injury, and background information including education, work history, career
61 goals and any other relevant information.

302.291. 1. The director, having good cause to believe that an operator is incompetent
2 or unqualified to retain his or her license, after giving ten days' notice in writing by certified mail
3 directed to such person's present known address, may require the person to submit to an
4 examination as prescribed by the director. Upon conclusion of the examination, the director may
5 allow the person to retain his or her license, may suspend, deny or revoke the person's license,
6 or may issue the person a license subject to restrictions as provided in section 302.301. If an
7 examination indicates a condition that potentially impairs safe driving, the director, in addition
8 to action with respect to the license, may require the person to submit to further periodic
9 examinations. The refusal or neglect of the person to submit to an examination within thirty days
10 after the date of such notice shall be grounds for suspension, denial or revocation of the person's
11 license by the director, an associate circuit or circuit court. Notice of any suspension, denial,
12 revocation or other restriction shall be provided by certified mail. As used in this section, the
13 term "denial" means the act of not licensing a person who is currently suspended, revoked or
14 otherwise not licensed to operate a motor vehicle. Denial may also include the act of
15 withdrawing a previously issued license.

16 2. The examination provided for in subsection 1 of this section may include, but is not
17 limited to, a written test and tests of driving skills, vision, highway sign recognition and, if
18 appropriate, a physical and/or mental examination as provided in section 302.173.

19 3. The director shall have good cause to believe that an operator is incompetent or
20 unqualified to retain such person's license on the basis of, but not limited to, a report by:

21 (1) Any certified peace officer;

22 (2) Any physician, physical therapist or occupational therapist licensed pursuant to
23 chapter 334; any chiropractic physician licensed pursuant to chapter 331; any registered nurse
24 licensed pursuant to chapter 335; any psychologist[;] **licensed pursuant to chapter 342; any**
25 social worker or professional counselor licensed pursuant to chapter 337; any optometrist
26 licensed pursuant to chapter 336; any emergency medical technician licensed pursuant to chapter
27 190; or

28 (3) Any member of the operator's family within three degrees of consanguinity, or the
29 operator's spouse, who has reached the age of eighteen, except that no person may report the

30 same family member pursuant to this section more than one time during a twelve-month period.
31

32 The report must state that the person reasonably and in good faith believes the driver cannot
33 safely operate a motor vehicle and must be based upon personal observation or physical evidence
34 which shall be described in the report, or the report shall be based upon an investigation by a law
35 enforcement officer. The report shall be a written declaration in the form prescribed by the
36 department of revenue and shall contain the name, address, telephone number, and signature of
37 the person making the report.

38 4. Any physician, physical therapist or occupational therapist licensed pursuant to
39 chapter 334, any chiropractor licensed pursuant to chapter 331, any registered nurse licensed
40 pursuant to chapter 335, any psychologist **licensed pursuant to chapter 342**, social worker or
41 professional counselor licensed pursuant to chapter 337, or any optometrist licensed pursuant to
42 chapter 336, or any emergency medical technician licensed pursuant to chapter 190 may report
43 to the department any patient diagnosed or assessed as having a disorder or condition that may
44 prevent such person from safely operating a motor vehicle. Such report shall state the diagnosis
45 or assessment and whether the condition is permanent or temporary. The existence of a
46 physician-patient relationship shall not prevent the making of a report by such medical
47 professionals.

48 5. Any person who makes a report in good faith pursuant to this section shall be immune
49 from any civil liability that otherwise might result from making the report. Notwithstanding the
50 provisions of chapter 610 to the contrary, all reports made and all medical records reviewed and
51 maintained by the department of revenue pursuant to this section shall be kept confidential
52 except upon order of a court of competent jurisdiction or in a review of the director's action
53 pursuant to section 302.311.

54 6. The department of revenue shall keep records and statistics of reports made and
55 actions taken against driver's licenses pursuant to this section.

56 7. The department of revenue shall, in consultation with the medical advisory board
57 established by section 302.292, develop a standardized form and provide guidelines for the
58 reporting of cases and for the examination of drivers pursuant to this section. The guidelines
59 shall be published and adopted as required for rules and regulations pursuant to chapter 536. The
60 department of revenue shall also adopt rules and regulations as necessary to carry out the other
61 provisions of this section. The director of revenue shall provide health care professionals and
62 law enforcement officers with information about the procedures authorized in this section. The
63 guidelines and regulations implementing this section shall be in compliance with the federal
64 Americans with Disabilities Act of 1990.

65 8. Any person who knowingly violates a confidentiality provision of this section or who
66 knowingly permits or encourages the unauthorized use of a report or reporting person's name in
67 violation of this section shall be guilty of a class A misdemeanor and shall be liable for damages
68 which proximately result.

69 9. Any person who intentionally files a false report pursuant to this section shall be guilty
70 of a class A misdemeanor and shall be liable for damages which proximately result.

71 10. All appeals of license revocations, suspensions, denials and restrictions shall be made
72 as required pursuant to section 302.311 within thirty days after the receipt of the notice of
73 revocation, suspension, denial or restriction.

74 11. Any individual whose condition is temporary in nature as reported pursuant to the
75 provisions of subsection 4 of this section shall have the right to petition the director of the
76 department of revenue for total or partial reinstatement of his or her license. Such request shall
77 be made on a form prescribed by the department of revenue and accompanied by a statement
78 from a health care provider with the same or similar license as the health care provider who made
79 the initial report resulting in the limitation or loss of the driver's license. Such petition shall be
80 decided by the director of the department of revenue within thirty days of receipt of the petition.
81 Such decision by the director is appealable pursuant to subsection 10 of this section.

324.001. 1. For the purposes of this section, the following terms mean:

2 (1) "Department", the department of insurance, financial institutions and professional
3 registration;

4 (2) "Director", the director of the division of professional registration; and

5 (3) "Division", the division of professional registration.

6 2. There is hereby established a "Division of Professional Registration" assigned to the
7 department of insurance, financial institutions and professional registration as a type III transfer,
8 headed by a director appointed by the governor with the advice and consent of the senate. All
9 of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State
10 Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its
11 divisions, agencies, and personnel.

12 3. The director of the division of professional registration shall promulgate rules and
13 regulations which designate for each board or commission assigned to the division the renewal
14 date for licenses or certificates. After the initial establishment of renewal dates, no director of
15 the division shall promulgate a rule or regulation which would change the renewal date for
16 licenses or certificates if such change in renewal date would occur prior to the date on which the
17 renewal date in effect at the time such new renewal date is specified next occurs. Each board or
18 commission shall by rule or regulation establish licensing periods of one, two, or three years.
19 Registration fees set by a board or commission shall be effective for the entire licensing period

20 involved, and shall not be increased during any current licensing period. Persons who are
21 required to pay their first registration fees shall be allowed to pay the pro rata share of such fees
22 for the remainder of the period remaining at the time the fees are paid. Each board or
23 commission shall provide the necessary forms for initial registration, and thereafter the director
24 may prescribe standard forms for renewal of licenses and certificates. Each board or commission
25 shall by rule and regulation require each applicant to provide the information which is required
26 to keep the board's records current. Each board or commission shall have the authority to collect
27 and analyze information required to support workforce planning and policy development. Such
28 information shall not be publicly disclosed so as to identify a specific health care provider, as
29 defined in section 376.1350. Each board or commission shall issue the original license or
30 certificate.

31 4. The division shall provide clerical and other staff services relating to the issuance and
32 renewal of licenses for all the professional licensing and regulating boards and commissions
33 assigned to the division. The division shall perform the financial management and clerical
34 functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and
35 renewal of licenses and certificates" means the ministerial function of preparing and delivering
36 licenses or certificates, and obtaining material and information for the board or commission in
37 connection with the renewal thereof. It does not include any discretionary authority with regard
38 to the original review of an applicant's qualifications for licensure or certification, or the
39 subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action
40 contemplated against the licensee or certificate holder. The division may develop and implement
41 microfilming systems and automated or manual management information systems.

42 5. The director of the division shall maintain a system of accounting and budgeting, in
43 cooperation with the director of the department, the office of administration, and the state
44 auditor's office, to ensure proper charges are made to the various boards for services rendered
45 to them. The general assembly shall appropriate to the division and other state agencies from
46 each board's funds moneys sufficient to reimburse the division and other state agencies for all
47 services rendered and all facilities and supplies furnished to that board.

48 6. For accounting purposes, the appropriation to the division and to the office of
49 administration for the payment of rent for quarters provided for the division shall be made from
50 the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for
51 the purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited
52 into it from each board's fund. Each board shall contribute a prorated amount necessary to fund
53 the division for services rendered and rent based upon the system of accounting and budgeting
54 established by the director of the division as provided in subsection 5 of this section. Transfers
55 of funds to the professional registration fees fund shall be made by each board on July first of

56 each year; provided, however, that the director of the division may establish an alternative date
57 or dates of transfers at the request of any board. Such transfers shall be made until they equal
58 the prorated amount for services rendered and rent by the division. The provisions of section
59 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed
60 to the credit of general revenue.

61 7. The director of the division shall be responsible for collecting and accounting for all
62 moneys received by the division or its component agencies. Any money received by a board or
63 commission shall be promptly given, identified by type and source, to the director. The director
64 shall keep a record by board and state accounting system classification of the amount of revenue
65 the director receives. The director shall promptly transmit all receipts to the department of
66 revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall
67 provide each board with all relevant financial information in a timely fashion. Each board shall
68 cooperate with the director by providing necessary information.

69 8. All educational transcripts, test scores, complaints, investigatory reports, and
70 information pertaining to any person who is an applicant or licensee of any agency assigned to
71 the division of professional registration by statute or by the department are confidential and may
72 not be disclosed to the public or any member of the public, except with the written consent of
73 the person whose records are involved. The agency which possesses the records or information
74 shall disclose the records or information if the person whose records or information is involved
75 has consented to the disclosure. Each agency is entitled to the attorney-client privilege and
76 work-product privilege to the same extent as any other person. Provided, however, that any
77 board may disclose confidential information without the consent of the person involved in the
78 course of voluntary interstate exchange of information, or in the course of any litigation
79 concerning that person, or pursuant to a lawful request, or to other administrative or law
80 enforcement agencies acting within the scope of their statutory authority. Information regarding
81 identity, including names and addresses, registration, and currency of the license of the persons
82 possessing licenses to engage in a professional occupation and the names and addresses of
83 applicants for such licenses is not confidential information.

84 9. Any deliberations conducted and votes taken in rendering a final decision after a
85 hearing before an agency assigned to the division shall be closed to the parties and the public.
86 Once a final decision is rendered, that decision shall be made available to the parties and the
87 public.

88 10. A compelling governmental interest shall be deemed to exist for the purposes of
89 section 536.025 for licensure fees to be reduced by emergency rule, if the projected fund balance
90 of any agency assigned to the division of professional registration is reasonably expected to
91 exceed an amount that would require transfer from that fund to general revenue.

11. (1) The following boards and commissions are assigned by specific type transfers to the division of professional registration: Missouri state board of accountancy, chapter 326; board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects, professional engineers, professional land surveyors and landscape architects, chapter 327; Missouri state board of chiropractic examiners, chapter 331; state board of registration for the healing arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers and funeral directors, chapter 333; state board of optometry, chapter 336; Missouri state board of nursing, chapter 335; board of pharmacy, chapter 338; state board of podiatric medicine, chapter 330; Missouri real estate appraisers commission, chapter 339; and Missouri veterinary medical board, chapter 340. The governor shall appoint members of these boards by and with the advice and consent of the senate.

(2) The boards and commissions assigned to the division shall exercise all their respective statutory duties and powers, except those clerical and other staff services involving collecting and accounting for moneys and financial management relating to the issuance and renewal of licenses, which services shall be provided by the division, within the appropriation therefor. Nothing herein shall prohibit employment of professional examining or testing services from professional associations or others as required by the boards or commissions on contract. Nothing herein shall be construed to affect the power of a board or commission to expend its funds as appropriated. However, the division shall review the expense vouchers of each board. The results of such review shall be submitted to the board reviewed and to the house and senate appropriations committees annually.

(3) Notwithstanding any other provisions of law, the director of the division shall exercise only those management functions of the boards and commissions specifically provided in the Reorganization Act of 1974, and those relating to the allocation and assignment of space, personnel other than board personnel, and equipment.

(4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, **342**, and 345, shall mean personnel whose functions and responsibilities are in areas not related to the clerical duties involving the issuance and renewal of licenses, to the collecting and accounting for moneys, or to financial management relating to issuance and renewal of licenses; specifically included are executive secretaries (or comparable positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these positions; and such other positions as are established and authorized by statute for a particular board or commission. Boards and commissions may employ legal counsel, if authorized by law, and temporary personnel if the board is unable to meet its responsibilities with the employees authorized above. Any board or commission which hires temporary employees shall annually provide the division director and the appropriation committees of the general

128 assembly with a complete list of all persons employed in the previous year, the length of their
129 employment, the amount of their remuneration, and a description of their responsibilities.

130 (5) Board personnel for each board or commission shall be employed by and serve at the
131 pleasure of the board or commission, shall be supervised as the board or commission designates,
132 and shall have their duties and compensation prescribed by the board or commission, within
133 appropriations for that purpose, except that compensation for board personnel shall not exceed
134 that established for comparable positions as determined by the board or commission pursuant
135 to the job and pay plan of the department of insurance, financial institutions and professional
136 registration. Nothing herein shall be construed to permit salaries for any board personnel to be
137 lowered except by board action.

138 12. All the powers, duties, and functions of the division of athletics, chapter 317, and
139 others, are assigned by type I transfer to the division of professional registration.

140 13. Wherever the laws, rules, or regulations of this state make reference to the division
141 of professional registration of the department of economic development, such references shall
142 be deemed to refer to the division of professional registration.

143 14. (1) The state board of nursing, board of pharmacy, Missouri dental board, state
144 committee of psychologists, state board of chiropractic examiners, state board of optometry,
145 Missouri board of occupational therapy, or state board of registration for the healing arts may
146 individually or collectively enter into a contractual agreement with the department of health and
147 senior services, a public institution of higher education, or a nonprofit entity for the purpose of
148 collecting and analyzing workforce data from its licensees, registrants, or permit holders for
149 future workforce planning and to assess the accessibility and availability of qualified health care
150 services and practitioners in Missouri. The boards shall work collaboratively with other state
151 governmental entities to ensure coordination and avoid duplication of efforts.

152 (2) The boards may expend appropriated funds necessary for operational expenses of the
153 program formed under this subsection. Each board is authorized to accept grants to fund the
154 collection or analysis authorized in this subsection. Any such funds shall be deposited in the
155 respective board's fund.

156 (3) Data collection shall be controlled and approved by the applicable state board
157 conducting or requesting the collection. Notwithstanding the provisions of sections 324.010 and
158 334.001, the boards may release identifying data to the contractor to facilitate data analysis of
159 the health care workforce including, but not limited to, geographic, demographic, and practice
160 or professional characteristics of licensees. The state board shall not request or be authorized
161 to collect income or other financial earnings data.

162 (4) Data collected under this subsection shall be deemed the property of the state board
163 requesting the data. Data shall be maintained by the state board in accordance with chapter 610,

164 provided that any information deemed closed or confidential under subsection 8 of this section
165 or any other provision of state law shall not be disclosed without consent of the applicable
166 licensee or entity or as otherwise authorized by law. Data shall only be released in an aggregate
167 form by geography, profession or professional specialization, or population characteristic in a
168 manner that cannot be used to identify a specific individual or entity. Data suppression standards
169 shall be addressed and established in the contractual agreement.

170 (5) Contractors shall maintain the security and confidentiality of data received or
171 collected under this subsection and shall not use, disclose, or release any data without approval
172 of the applicable state board. The contractual agreement between the applicable state board and
173 contractor shall establish a data release and research review policy to include legal and
174 institutional review board, or agency-equivalent, approval.

175 (6) Each board may promulgate rules subject to the provisions of this subsection and
176 chapter 536 to effectuate and implement the workforce data collection and analysis authorized
177 by this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that
178 is created under the authority delegated in this section shall become effective only if it complies
179 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
180 This section and chapter 536 are nonseverable and if any of the powers vested with the general
181 assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a
182 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
183 proposed or adopted after August 28, 2016, shall be invalid and void.

324.021. When making appointments to the boards governed by sections 209.285 to
2 209.339, sections 256.010 to 256.453, this chapter, and chapters 326, 327, 328, 329, 330, 331,
3 332, 333, 334, 335, 336, 337, 338, 339, 340, **342**, 345, and 346, the governor shall take
4 affirmative action to appoint women and members of minority groups. In addition, the governor
5 shall not discriminate against or in favor of any person on the basis of race, sex, religion, national
6 origin, ethnic background, or language.

324.022. No rule or portion of a rule promulgated under the authority of sections
2 209.285 to 209.339, sections 214.270 to 214.516, sections 256.010 to 256.453, this chapter, and
3 chapters 317, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, **342**,
4 345, and 346 shall become effective unless it has been promulgated pursuant to the provisions
5 of section 536.024.

324.023. 1. Notwithstanding any law to the contrary, any board or commission
2 established under chapters 330, 331, 332, 334, 335, 336, 337, 338, 340, **342**, and 345 may, at its
3 discretion, issue oral or written opinions addressing topics relating to the qualifications,
4 functions, or duties of any profession licensed by the specific board or commission issuing such
5 guidance. Any such opinion is for educational purposes only, is in no way binding on the

6 licensees of the respective board or commission, and cannot be used as the basis for any
7 discipline against any licensee under chapters 330, 331, 332, 334, 335, 336, 337, 338, 340, **342**,
8 and 345. No board or commission may address topics relating to the qualifications, functions,
9 or duties of any profession licensed by a different board or commission.

10 2. The recipient of an opinion given under this section shall be informed that the opinion
11 is for educational purposes only, is in no way binding on the licensees of the board, and cannot
12 be used as the basis for any discipline against any licensee under chapters 330, 331, 332, 334,
13 335, 336, 337, 338, 340, **342**, and 345.

324.028. Any member authorized under the provisions of sections 256.459, 324.063,
2 324.177, 324.203, 324.243, 324.406, 324.478, 326.259, 327.031, 328.030, 329.190, 330.110,
3 331.090, 332.021, 333.151, 334.120, 334.430, 334.625, 334.717, 334.736, 334.830, 335.021,
4 336.130, ~~337.050~~ **342.050**, 338.110, 339.120, 340.210, 345.080, and 346.120 who misses three
5 consecutive regularly scheduled meetings of the board or council on which he serves shall forfeit
6 his membership on that board or council. A new member shall be appointed to the respective
7 board or council by the governor with the advice and consent of the senate.

332.071. A person or other entity "practices dentistry" within the meaning of this chapter
2 who:

- 3 (1) Undertakes to do or perform dental work or dental services or dental operations or
4 oral surgery, by any means or methods, including the use of lasers, gratuitously or for a salary
5 or fee or other reward, paid directly or indirectly to the person or to any other person or entity;
- 6 (2) Diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats
7 or professes to treat, any disease, pain, deformity, deficiency, injury or physical condition of
8 human teeth or adjacent structures or treats or professes to treat any disease or disorder or lesions
9 of the oral regions;
- 10 (3) Attempts to or does replace or restore a part or portion of a human tooth;
- 11 (4) Attempts to or does extract human teeth or attempts to or does correct malformations
12 of human teeth or jaws;
- 13 (5) Attempts to or does adjust an appliance or appliances for use in or used in connection
14 with malposed teeth in the human mouth;
- 15 (6) Interprets or professes to interpret or read dental radiographs;
- 16 (7) Administers an anesthetic in connection with dental services or dental operations or
17 dental surgery;
- 18 (8) Undertakes to or does remove hard and soft deposits from or polishes natural and
19 restored surfaces of teeth;
- 20 (9) Uses or permits to be used for the person's benefit or for the benefit of any other
21 person or other entity the following titles or words in connection with the person's name:

22 "Doctor", "Dentist", "Dr.", "D.D.S.", or "D.M.D.", or any other letters, titles, degrees or
23 descriptive matter which directly or indirectly indicate or imply that the person is willing or able
24 to perform any type of dental service for any person or persons, or uses or permits the use of for
25 the person's benefit or for the benefit of any other person or other entity any card, directory,
26 poster, sign or any other means by which the person indicates or implies or represents that the
27 person is willing or able to perform any type of dental services or operation for any person;

28 (10) Directly or indirectly owns, leases, operates, maintains, manages or conducts an
29 office or establishment of any kind in which dental services or dental operations of any kind are
30 performed for any purpose; but this section shall not be construed to prevent owners or lessees
31 of real estate from lawfully leasing premises to those who are qualified to practice dentistry
32 within the meaning of this chapter;

33 (11) Controls, influences, attempts to control or influence, or otherwise interferes with
34 the dentist's independent professional judgment regarding the diagnosis or treatment of a dental
35 disease, disorder, or physical condition except that any opinion rendered by any health care
36 professional licensed under this chapter or chapter 330, 331, 334, 335, 336, 337, ~~338~~, **or 342**
37 regarding the diagnosis, treatment, disorder, or physical condition of any patient shall not be
38 construed to control, influence, attempt to control or influence or otherwise interfere with a
39 dentist's independent professional judgment;

40 (12) Constructs, supplies, reproduces or repairs any prosthetic denture, bridge, artificial
41 restoration, appliance or other structure to be used or worn as a substitute for natural teeth,
42 except when one, not a registered and licensed dentist, does so pursuant to a written uniform
43 laboratory work order, in the form prescribed by the board, of a dentist registered and currently
44 licensed in Missouri and which the substitute in this subdivision described is constructed upon
45 or by use of casts or models made from an impression furnished by a dentist registered and
46 currently licensed in Missouri;

47 (13) Attempts to or does place any substitute described in subdivision (12) of this section
48 in a human mouth or attempts to or professes to adjust any substitute or delivers any substitute
49 to any person other than the dentist upon whose order the work in producing the substitute was
50 performed;

51 (14) Advertises, solicits, or offers to or does sell or deliver any substitute described in
52 subdivision (12) of this section or offers to or does sell the person's services in constructing,
53 reproducing, supplying or repairing the substitute to any person other than a registered and
54 licensed dentist in Missouri;

55 (15) Undertakes to do or perform any physical evaluation of a patient in the person's
56 office or in a hospital, clinic, or other medical or dental facility prior to or incident to the
57 performance of any dental services, dental operations, or dental surgery;

58 (16) Reviews examination findings, x-rays, or other patient data to make judgments or
59 decisions about the dental care rendered to a patient in this state.

[337.010] **342.010**. As used in sections [337.010 to 337.090] **342.010 to 342.090** the
2 following terms mean:

3 (1) "Committee", the state committee of psychologists;

4 (2) "Department", the department of insurance, financial institutions and professional
5 registration;

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

7 (4) "Internship", any supervised hours that occur during a formal internship of twelve
8 to twenty-four months after all academic course work toward a doctorate has been completed but
9 prior to completion of the full degree. Internship is part of successful completion of a doctorate
10 in psychology, and a person cannot earn his or her doctorate without completion of an internship;

11 (5) "Licensed psychologist", any person who offers to render psychological services to
12 individuals, groups, organizations, institutions, corporations, schools, government agencies or
13 the general public for a fee, monetary or otherwise, implying that such person is trained,
14 experienced and licensed to practice psychology and who holds a current and valid, whether
15 temporary, provisional or permanent, license in this state to practice psychology;

16 (6) "Postdoctoral experiences", experiences that follow the completion of a person's
17 doctoral degree. Such person shall not be licensed until he or she satisfies additional supervised
18 hours. Postdoctoral experiences shall include any supervised clinical activities following the
19 completion of the doctoral degree;

20 (7) "Predoctoral postinternship", any supervised hours that occur following completion
21 of the internship but prior to completing the degree. Such person may continue to provide
22 supervised clinical services even after his or her internship is completed and while still
23 completing his or her doctoral degree requirements;

24 (8) "Preinternship", any supervised hours acquired as a student or in the course of
25 seeking a doctorate in psychology but before the internship, which includes supervised
26 practicum;

27 (9) "Provisional licensed psychologist", any person who is a graduate of a recognized
28 educational institution with a doctoral degree in psychology as defined in section [337.025]
29 **342.025**, and who otherwise meets all requirements to become a licensed psychologist except
30 for passage of the licensing exams, oral examination and completion of the required period of
31 postdegree supervised experience as specified in subsection 2 of section [337.025] **342.025**;

32 (10) "Recognized educational institution":

33 (a) A school, college, university or other institution of higher learning in the United
34 States, which, at the time the applicant was enrolled and graduated, had a graduate program in

35 psychology and was accredited by one of the regional accrediting associations approved by the
36 Council on Postsecondary Accreditation; or

37 (b) A school, college, university or other institution of higher learning outside the United
38 States, which, at the time the applicant was enrolled and graduated, had a graduate program in
39 psychology and maintained a standard of training substantially equivalent to the standards of
40 training of those programs accredited by one of the regional accrediting associations approved
41 by the Council of Postsecondary Accreditation;

42 (11) "Temporary license", a license which is issued to a person licensed as a psychologist
43 in another jurisdiction, who has applied for licensure in this state either by reciprocity or
44 endorsement of the score from the Examination for Professional Practice in Psychology, and who
45 is awaiting either a final determination by the committee relative to such person's eligibility for
46 licensure or who is awaiting the results of the jurisprudence examination or oral examination.

[337.015] **342.015.** 1. No person shall represent himself as a psychologist in the state
2 of Missouri unless he is validly licensed and registered under the provisions of this chapter. No
3 person shall engage in the practice of psychology in the state of Missouri unless he is validly
4 licensed and registered under the provisions of this chapter unless otherwise exempt under the
5 provisions of sections ~~[337.010 to 337.090]~~ **342.010 to 342.090.**

6 2. A person represents himself as a "psychologist" within the meaning of this chapter
7 when he holds himself out to the public by any title or description of services incorporating the
8 words "psychology", "psychological", or "psychologist", or any term of like import,
9 "psychometry", "psychometrics", "psychometrist", "psychotherapy", "psychotherapists",
10 "psychoanalysis", "psychoanalyst", or variants thereof or when the person purports to be trained,
11 experienced or an expert in the field of psychology, and offers to render or renders services as
12 defined below to individuals, groups, organizations, or the public for a fee, monetary or
13 otherwise; provided, however, that professional counselors licensed to practice under this
14 chapter, or a physician licensed to practice pursuant to chapter 334, who specializes in
15 psychiatry, may use any of such terms except "psychology", "psychological", or "psychologist"
16 so long as such is consistent with their respective licensing laws.

17 3. The "practice of psychology" within the meaning of this chapter is defined as the
18 observation, description, evaluation, interpretation, treatment, and modification of human
19 behavior by the application of psychological principles, methods, and procedures, for the purpose
20 of preventing, treating, or eliminating symptomatic, maladaptive, or undesired behavior and of
21 enhancing interpersonal relationships, work and life adjustment, personal effectiveness,
22 behavioral health, and mental health. The practice of psychology includes, but is not limited to,
23 psychometric or psychological testing and the evaluation or assessment of personal
24 characteristics, such as intelligence, personality, abilities, interests, aptitudes, and

25 neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis,
26 biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional
27 disorder or disability in both inpatient and outpatient settings, alcoholism and substance abuse,
28 disorders of habit or conduct, as well as the psychological aspects of physical illness, accident,
29 injury, or disability; psychoeducational evaluation, therapy, remediation, and consultation; and
30 teaching and training of psychological competence. Psychological services may be rendered to
31 individuals, families, groups, and the public. The practice of psychology shall be construed
32 within the meaning of this definition without regard to whether payment is received for services
33 rendered.

34 4. The application of these principles and methods includes, but is not restricted to:
35 diagnosis, prevention, treatment, and amelioration of adjustment problems and emotional and
36 mental disturbances of individuals and groups; hypnosis; counseling; educational and vocational
37 counseling; personnel selection and management; the evaluation and planning for effective work
38 and learning situations; advertising and market research; and the resolution of interpersonal and
39 social conflicts.

[337.020] **342.020.** 1. Each person desiring to obtain a license, whether temporary,
2 provisional or permanent, as a psychologist shall make application to the committee upon such
3 forms and in such manner as may be prescribed by the committee and shall pay the required
4 application fee. The application fee shall not be refundable. Each application shall contain a
5 statement that it is made under oath or affirmation and that its representations are true and correct
6 to the best knowledge and belief of the person signing the application, subject to the penalties
7 of making a false affidavit or declaration.

8 2. Each applicant, whether for temporary, provisional or permanent licensure, shall
9 submit evidence satisfactory to the committee that the applicant is at least twenty-one years of
10 age, is of good moral character, and meets the appropriate educational requirements as set forth
11 in either section ~~[337.021 or 337.025]~~ **342.021 or 342.025**, or is qualified for licensure without
12 examination pursuant to section ~~[337.029]~~ **342.029**. In determining the acceptability of the
13 applicant's qualifications, the committee may require evidence that it deems reasonable and
14 proper, in accordance with law, and the applicant shall furnish the evidence in the manner
15 required by the committee.

16 3. The committee with assistance from the division shall issue a permanent license to
17 and register as a psychologist any applicant who, in addition to having fulfilled the other
18 requirements of sections ~~[337.010 to 337.090]~~ **342.010 to 342.090**, passes the examination for
19 professional practice in psychology and such other examinations in psychology which may be
20 adopted by the committee, except that an applicant fulfilling the requirement of section ~~[337.029]~~
21 **342.029** shall upon successful completion of the jurisprudence examination and completion of

22 the oral examination be permanently licensed without having to retake the examination for
23 professional practice in psychology.

24 4. The committee, with assistance from the division, shall issue a provisional license to,
25 and register as being a provisionally licensed psychologist, any applicant who is a graduate of
26 a recognized educational institution with a doctoral degree in psychology as defined in section
27 ~~[337.025]~~ **342.025**, and who otherwise meets all requirements to become a licensed psychologist,
28 except for passage of the national and state licensing exams, oral examination and completion
29 of the required period of postdegree supervised experience as specified in subsection 2 of section
30 ~~[337.025]~~ **342.025**.

31 5. A provisional license issued pursuant to subsection 4 of this section shall only
32 authorize and permit the applicant to render those psychological services which are under the
33 supervision and the full professional responsibility and control of such person's postdoctoral
34 degree licensed supervisor. A provisional license shall automatically terminate upon issuance
35 of a permanent license, upon a finding of cause to discipline after notice and hearing pursuant
36 to section ~~[337.035]~~ **342.035**, upon the expiration of one year from the date of issuance
37 whichever event first occurs, or upon termination of supervision by the licensed supervisor. The
38 provisional license may be renewed after one year with a maximum issuance of two years total
39 per provisional licensee. The committee by rule shall provide procedures for exceptions and
40 variances from the requirement of a maximum issuance of two years due to vacations, illness,
41 pregnancy and other good causes.

42 6. The committee, with assistance from the division, shall immediately issue a temporary
43 license to any applicant for licensure either by reciprocity pursuant to section ~~[337.029]~~ **342.029**,
44 or by endorsement of the score from the examination for professional practice in psychology
45 upon receipt of an application for such licensure and upon proof that the applicant is either
46 licensed as a psychologist in another jurisdiction, is a diplomate of the American Board of
47 Professional Psychology, or is a member of the National Register of Health Services Providers
48 in Psychology.

49 7. A temporary license issued pursuant to subsection 6 of this section shall authorize the
50 applicant to practice psychology in this state, the same as if a permanent license had been issued.
51 Such temporary license shall be issued without payment of an additional fee and shall remain in
52 full force and effect until the earlier of the following events:

53 (1) A permanent license has been issued to the applicant following successful completion
54 of the jurisprudence examination and the oral interview examination;

55 (2) In cases where the committee has found the applicant ineligible for licensure and no
56 appeal has been taken to the administrative hearing commission, then at the expiration of such
57 appeal time; or

58 (3) In cases where the committee has found the applicant ineligible for licensure and the
59 applicant has taken an appeal to the administrative hearing commission and the administrative
60 hearing commission has also found the applicant ineligible, then upon the rendition by the
61 administrative hearing commission of its findings of fact and conclusions of law to such effect.

62 8. Written and oral examinations pursuant to sections ~~[337.010 to 337.090]~~ **342.010 to**
63 **342.090** shall be administered by the committee at least twice each year to any applicant who
64 meets the educational requirements set forth in either section ~~[337.021 or 337.025]~~ **342.021 or**
65 **342.025** or to any applicant who is seeking licensure either by reciprocity pursuant to section
66 ~~[337.029]~~ **342.029**, or by endorsement of the score from the examination of professional practice
67 in psychology. The committee shall examine in the areas of professional knowledge, techniques
68 and applications, research and its interpretation, professional affairs, ethics, and Missouri law
69 and regulations governing the practice of psychology. The committee may use, in whole or in
70 part, the examination for professional practice in psychology national examination in psychology
71 or such other national examination in psychology which may be available.

72 9. If an applicant fails any examination, the applicant shall be permitted to take a
73 subsequent examination, upon the payment of an additional reexamination fee. This
74 reexamination fee shall not be refundable.

~~[337.021]~~ **342.021.** 1. The provisions of this section shall govern, except as provided
2 in subsection 3 of this section, the education and experience requirements for initial licensure
3 as a psychologist for the following persons:

4 (1) A person who has completed a graduate program which is primarily psychological
5 in nature prior to August 28, 1990; or

6 (2) A person who is matriculated in a graduate program which is primarily psychological
7 in nature prior to August 28, 1990; provided that, such person who does not complete all
8 requirements for initial licensure prior to August 28, 1996, except as provided in subsections 5
9 and 6 of this section, shall be governed by the licensure requirements of section ~~[337.025]~~
10 **342.025.**

11 2. Each applicant shall submit evidence satisfactory to the committee that the applicant
12 either:

13 (1) Has received a doctoral degree, based upon a program of studies from a recognized
14 educational institution the contents of which were primarily psychological, as defined by rule,
15 and who has had at least one year of satisfactory supervised professional experience in the
16 general field of psychology, as defined by rule; or

17 (2) Received a master's degree, based upon a program of studies from a recognized
18 educational institution the contents of which were primarily psychological, as defined by rule,

19 and who has had at least three years of satisfactory professional experience in the general field
20 of psychology, as defined by rule.

21 3. Notwithstanding the provisions of subsection 1 of this section, an applicant who has
22 received a doctoral degree from a graduate program which is primarily psychological in nature
23 prior to August 28, 1990, may elect at the applicant's option to have the applicant's application
24 and licensure evaluated pursuant to the provisions of either section [~~337.021 or 337.025~~] **342.021**
25 **or 342.025**.

26 4. The rules referred to in subsection 2 of this section shall be those rules as previously
27 promulgated by the department pursuant to the provisions of sections [~~337.020 and 337.050~~]
28 **342.020 and 342.050** as were in force and effect on August 28, 1989.

29 5. Notwithstanding any provision of section [~~337.025~~] **342.025** or this section to the
30 contrary, any person who qualifies for initial licensure pursuant to subdivision (2) of subsection
31 2 of this section that has taken the Missouri licensing examination but has not received a passing
32 score on the licensing examination before August 28, 1996, shall be allowed the same amount
33 of attempts, within the same allotted time, to pass such examination as a person who meets the
34 requirements for initial licensure pursuant to subdivision (1) of subsection 2 of this section.

35 6. As used in sections [~~337.010 to 337.090~~] **342.010 to 342.090**, initial licensure refers
36 only to the educational and experience requirements set forth in subsection 2 of this section, such
37 that initial licensure shall not include passage of any examination given for the purposes of full
38 licensure under section [~~337.020~~] **342.020**.

[~~337.025~~] **342.025**. 1. The provisions of this section shall govern the education and
2 experience requirements for initial licensure as a psychologist for the following persons:

3 (1) A person who has not matriculated in a graduate degree program which is primarily
4 psychological in nature on or before August 28, 1990; and

5 (2) A person who is matriculated after August 28, 1990, in a graduate degree program
6 designed to train professional psychologists.

7 2. Each applicant shall submit satisfactory evidence to the committee that the applicant
8 has received a doctoral degree in psychology from a recognized educational institution, and has
9 had at least one year of satisfactory supervised professional experience in the field of psychology.

10 3. A doctoral degree in psychology is defined as:

11 (1) A program accredited, or provisionally accredited, by the American Psychological
12 Association or the Canadian Psychological Association; or

13 (2) A program designated or approved, including provisional approval, by the
14 Association of State and Provincial Psychology Boards or the Council for the National Register
15 of Health Service Providers in Psychology, or both; or

16 (3) A graduate program that meets all of the following criteria:

- 17 (a) The program, wherever it may be administratively housed, shall be clearly identified
18 and labeled as a psychology program. Such a program shall specify in pertinent institutional
19 catalogues and brochures its intent to educate and train professional psychologists;
- 20 (b) The psychology program shall stand as a recognizable, coherent organizational entity
21 within the institution of higher education;
- 22 (c) There shall be a clear authority and primary responsibility for the core and specialty
23 areas whether or not the program cuts across administrative lines;
- 24 (d) The program shall be an integrated, organized, sequence of study;
- 25 (e) There shall be an identifiable psychology faculty and a psychologist responsible for
26 the program;
- 27 (f) The program shall have an identifiable body of students who are matriculated in that
28 program for a degree;
- 29 (g) The program shall include a supervised practicum, internship, field, or laboratory
30 training appropriate to the practice of psychology;
- 31 (h) The curriculum shall encompass a minimum of three academic years of full-time
32 graduate study, with a minimum of one year's residency at the educational institution granting
33 the doctoral degree; and
- 34 (i) Require the completion by the applicant of a core program in psychology which shall
35 be met by the completion and award of at least one three-semester-hour graduate credit course
36 or a combination of graduate credit courses totaling three semester hours or five quarter hours
37 in each of the following areas:
- 38 a. The biological bases of behavior such as courses in: physiological psychology,
39 comparative psychology, neuropsychology, sensation and perception, psychopharmacology;
- 40 b. The cognitive-affective bases of behavior such as courses in: learning, thinking,
41 motivation, emotion, and cognitive psychology;
- 42 c. The social bases of behavior such as courses in: social psychology, group
43 processes/dynamics, interpersonal relationships, and organizational and systems theory;
- 44 d. Individual differences such as courses in: personality theory, human development,
45 abnormal psychology, developmental psychology, child psychology, adolescent psychology,
46 psychology of aging, and theories of personality;
- 47 e. The scientific methods and procedures of understanding, predicting and influencing
48 human behavior such as courses in: statistics, experimental design, psychometrics, individual
49 testing, group testing, and research design and methodology.
- 50 4. Acceptable supervised professional experience may be accrued through preinternship,
51 internship, predoctoral postinternship, or postdoctoral experiences. The academic training

52 director or the postdoctoral training supervisor shall attest to the hours accrued to meet the
53 requirements of this section. Such hours shall consist of:

54 (1) A minimum of fifteen hundred hours of experience in a successfully completed
55 internship to be completed in not less than twelve nor more than twenty-four months; and

56 (2) A minimum of two thousand hours of experience consisting of any combination of
57 the following:

58 (a) Preinternship and predoctoral postinternship professional experience that occurs
59 following the completion of the first year of the doctoral program or at any time while in a
60 doctoral program after completion of a master's degree in psychology or equivalent as defined
61 by rule by the committee;

62 (b) Up to seven hundred fifty hours obtained while on the internship under subdivision
63 (1) of this subsection but beyond the fifteen hundred hours identified in subdivision (1) of this
64 subsection; or

65 (c) Postdoctoral professional experience obtained in no more than twenty-four
66 consecutive calendar months. In no case shall this experience be accumulated at a rate of more
67 than fifty hours per week. Postdoctoral supervised professional experience for prospective health
68 service providers and other applicants shall involve and relate to the delivery of psychological
69 services in accordance with professional requirements and relevant to the applicant's intended
70 area of practice.

71 5. Experience for those applicants who intend to seek health service provider
72 certification and who have completed a program in one or more of the American Psychological
73 Association designated health service provider delivery areas shall be obtained under the primary
74 supervision of a licensed psychologist who is also a health service provider or who otherwise
75 meets the requirements for health service provider certification. Experience for those applicants
76 who do not intend to seek health service provider certification shall be obtained under the
77 primary supervision of a licensed psychologist or such other qualified mental health professional
78 approved by the committee.

79 6. For postinternship and postdoctoral hours, the psychological activities of the applicant
80 shall be performed pursuant to the primary supervisor's order, control, and full professional
81 responsibility. The primary supervisor shall maintain a continuing relationship with the
82 applicant and shall meet with the applicant a minimum of one hour per month in face-to-face
83 individual supervision. Clinical supervision may be delegated by the primary supervisor to one
84 or more secondary supervisors who are qualified psychologists. The secondary supervisors shall
85 retain order, control, and full professional responsibility for the applicant's clinical work under
86 their supervision and shall meet with the applicant a minimum of one hour per week in
87 face-to-face individual supervision. If the primary supervisor is also the clinical supervisor,

88 meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable
89 for supervised professional experience. The primary supervisor shall certify to the committee
90 that the applicant has complied with these requirements and that the applicant has demonstrated
91 ethical and competent practice of psychology. The changing by an agency of the primary
92 supervisor during the course of the supervised experience shall not invalidate the supervised
93 experience.

94 7. The committee by rule shall provide procedures for exceptions and variances from the
95 requirements for once a week face-to-face supervision due to vacations, illness, pregnancy, and
96 other good causes.

[337.027] **342.027.** For purposes of commencing and obtaining the postdegree
2 supervised experience as provided in sections [~~337.010 to 337.090~~] **342.010 to 342.090**, an
3 applicant shall be deemed to have met the educational requirements, either upon the conferral
4 of the formal degree or at the time when all of the degree requirements established by the
5 recognized educational institution for the degree have been met with the sole exception that the
6 degree has not been formally conferred at a graduation program and the institution so certifies
7 in writing to the committee.

[~~337.029~~] **342.029.** 1. A psychologist licensed in another jurisdiction who has had no
2 violations and no suspensions and no revocation of a license to practice psychology in any
3 jurisdiction may receive a license in Missouri, provided the psychologist passes a written
4 examination on Missouri laws and regulations governing the practice of psychology and meets
5 one of the following criteria:

- 6 (1) Is a diplomate of the American Board of Professional Psychology;
- 7 (2) Is a member of the National Register of Health Service Providers in Psychology;
- 8 (3) Is currently licensed or certified as a psychologist in another jurisdiction who is then
9 a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;
- 10 (4) Is currently licensed or certified as a psychologist in another state, territory of the
11 United States, or the District of Columbia and:
 - 12 (a) Has a doctoral degree in psychology from a program accredited, or provisionally
13 accredited, by the American Psychological Association or that meets the requirements as set
14 forth in subdivision (3) of subsection 3 of section [~~337.025~~] **342.025**;
 - 15 (b) Has been licensed for the preceding five years; and
 - 16 (c) Has had no disciplinary action taken against the license for the preceding five years;
- 17 or
- 18 (5) Holds a current certificate of professional qualification (CPQ) issued by the
19 Association of State and Provincial Psychology Boards (ASPPB).

20 2. Notwithstanding the provisions of subsection 1 of this section, applicants may be
21 required to pass an oral examination as adopted by the committee.

22 3. A psychologist who receives a license for the practice of psychology in the state of
23 Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement
24 of the score from the examination of professional practice in psychology score will also be
25 eligible for and shall receive certification from the committee as a health service provider if the
26 psychologist meets one or more of the following criteria:

27 (1) Is a diplomate of the American Board of Professional Psychology in one or more of
28 the specialties recognized by the American Board of Professional Psychology as pertaining to
29 health service delivery;

30 (2) Is a member of the National Register of Health Service Providers in Psychology; or

31 (3) Has completed or obtained through education, training, or experience the requisite
32 knowledge comparable to that which is required pursuant to section ~~[337.033]~~ **342.033**.

~~[337.030]~~ **342.030**. 1. Each psychologist licensed pursuant to the provisions of sections
2 ~~[337.010 to 337.090]~~ **342.010 to 342.090**, who has not filed with the committee a verified
3 statement that the psychologist has retired from or terminated the psychologist's practice of
4 psychology in this state, shall register with the division on or before the registration renewal date.
5 The division shall require a registration fee which shall be submitted together with proof of
6 compliance with the continuing education requirement as provided in section ~~[337.050]~~ **342.050**
7 and any other information required for such registration. Upon receipt of the required material
8 and of the registration fee, the division shall issue a renewal certificate of registration. The
9 division shall, when issuing an initial license to an applicant who has met all of the qualifications
10 of sections ~~[337.010 to 337.093]~~ **342.010 to 342.093** and has been approved for licensure by the
11 committee shall grant the applicant, without payment of any further fee, a certificate of
12 registration valid until the next registration renewal date.

13 2. The division shall mail a renewal notice to the last known address of each licensee
14 prior to the registration renewal date. Failure to provide the division with the proof of
15 compliance with the continuing education requirement and other information required for
16 registration, or to pay the registration fee after such notice shall effect a revocation of the license
17 after a period of sixty days from the registration renewal date. The license shall be restored if,
18 within two years of the registration renewal date, the applicant provides written application and
19 the payment of the registration fee and a delinquency fee and proof of compliance with the
20 requirements for continuing education as provided in section ~~[337.050]~~ **342.050**.

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

23 4. The committee shall set the amount of the fees authorized by sections ~~[337.010 to~~
24 ~~337.093]~~ **342.010 to 342.093** and required by rules and regulations promulgated pursuant to
25 section 536.021. The fees shall be set at a level to produce revenue which shall not substantially
26 exceed the cost and expense of administering sections ~~[337.010 to 337.090]~~ **342.010 to 342.090**.

27 5. The committee is authorized to issue an inactive license to any licensee who makes
28 written application for such license on a form provided by the board and remits the fee for an
29 inactive license established by the committee. An inactive license may be issued only to a person
30 who has previously been issued a license to practice psychology in this state, who is no longer
31 regularly engaged in such practice and who does not hold himself or herself out to the public as
32 being professionally engaged in such practice in this state. Each inactive license shall be subject
33 to all provisions of this chapter, except as otherwise specifically provided. Each inactive license
34 may be renewed by the committee subject to all provisions of this section and all other provisions
35 of this chapter. The inactive licensee shall not be required to submit evidence of completion of
36 continuing education as required by this chapter. An inactive licensee may apply for a license
37 to regularly engage in the practice of psychology upon filing a written application on a form
38 provided by the committee, submitting the reactivation fee established by the committee, and
39 submitting proof of current competency as established by the committee.

~~[337.033]~~ **342.033.** 1. A licensed psychologist shall limit his or her practice to
2 demonstrated areas of competence as documented by relevant professional education, training,
3 and experience. A psychologist trained in one area shall not practice in another area without
4 obtaining additional relevant professional education, training, and experience through an
5 acceptable program of respecialization.

6 2. A psychologist may not represent or hold himself or herself out as a state certified or
7 registered psychological health service provider unless the psychologist has first received the
8 psychologist health service provider certification from the committee; provided, however,
9 nothing in this section shall be construed to limit or prevent a licensed, whether temporary,
10 provisional or permanent, psychologist who does not hold a health service provider certificate
11 from providing psychological services so long as such services are consistent with subsection
12 1 of this section.

13 3. "Relevant professional education and training" for health service provider
14 certification, except those entitled to certification pursuant to subsection 5 or 6 of this section,
15 shall be defined as a licensed psychologist whose graduate psychology degree from a recognized
16 educational institution is in an area designated by the American Psychological Association as
17 pertaining to health service delivery or a psychologist who subsequent to receipt of his or her
18 graduate degree in psychology has either completed a respecialization program from a
19 recognized educational institution in one or more of the American Psychological Association

20 recognized clinical health service provider areas and who in addition has completed at least one
21 year of postdegree supervised experience in such clinical area or a psychologist who has obtained
22 comparable education and training acceptable to the committee through completion of
23 postdoctoral fellowships or otherwise.

24 4. The degree or respecialization program certificate shall be obtained from a recognized
25 program of graduate study in one or more of the health service delivery areas designated by the
26 American Psychological Association as pertaining to health service delivery, which shall meet
27 one of the criteria established by subdivisions (1) to (3) of this subsection:

28 (1) A doctoral degree or completion of a recognized respecialization program in one or
29 more of the American Psychological Association designated health service provider delivery
30 areas which is accredited, or provisionally accredited, by the American Psychological
31 Association; or

32 (2) A clinical or counseling psychology doctoral degree program or respecialization
33 program designated, or provisionally approved, by the Association of State and Provincial
34 Psychology Boards or the Council for the National Register of Health Service Providers in
35 Psychology, or both; or

36 (3) A doctoral degree or completion of a respecialization program in one or more of the
37 American Psychological Association designated health service provider delivery areas that meets
38 the following criteria:

39 (a) The program, wherever it may be administratively housed, shall be clearly identified
40 and labeled as being in one or more of the American Psychological Association designated health
41 service provider delivery areas;

42 (b) Such a program shall specify in pertinent institutional catalogues and brochures its
43 intent to educate and train professional psychologists in one or more of the American
44 Psychological Association designated health service provider delivery areas.

45 5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this
46 chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28,
47 1989, and who subsequently passes the examination shall be deemed to have met all
48 requirements for health service provider certification; provided, however, that such person shall
49 be governed by the provisions of subsection 1 of this section with respect to limitation of
50 practice.

51 6. Any person who is lawfully licensed as a psychologist in this state and who meets one
52 or more of the following criteria shall automatically, upon payment of the requisite fee, be
53 entitled to receive a health service provider certification from the committee:

54 (1) Is a diplomate of the American Board of Professional Psychology in one or more of
55 the specialties recognized by the American Board of Professional Psychology as pertaining to
56 health service delivery; or

57 (2) Is a member of the National Register of Health Service Providers in Psychology.

[337.035] **342.035.** 1. The committee may refuse to issue any certificate of registration
2 or authority, permit or license required pursuant to this chapter for one or any combination of
3 causes stated in subsection 2 of this section. The committee 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[337.041] **342.041.** No official, employee, board, commission, or agency of the state of
2 Missouri, county, municipality, school district, or other political subdivision shall discriminate
3 between persons licensed under sections [337.010 to 337.090] **342.010 to 342.090** and chapter
4 334 when promulgating regulations or when requiring or recommending services which legally
5 may be performed by persons licensed under sections [337.010 to 337.090] **342.010 to 342.090**
6 and by persons licensed under chapter 334.

[337.045] **342.045.** Nothing in sections ~~[337.010 to 337.090]~~ **342.010 to 342.090** shall in any way limit:

(1) Qualified members of other professional groups such as teachers, clergy, practitioners of medicine, practitioners of chiropractic, practitioners of optometry, licensed professional counselors, attorneys, licensed clinical social workers, licensed marriage and family therapists, vocational counselors, vocational rehabilitation counselors, nurses, or duly accredited Christian Science practitioners from doing work of a psychological nature consistent with their training and consistent with any code of ethics of their respective professions; or

(2) The activities, services, or use of official title on the part of any person in the employ of a governmental agency, or of a duly chartered educational institution, or of a corporation primarily engaged in research, insofar as such activities or services are part of the duties of his or her employment, except that any person hired after August 28, 1996, shall be in the process of either meeting the requirements to become licensed, including pursuant to a doctoral degree in psychology or the supervised professional experience requirements or shall be a licensed psychologist; or

(3) Other persons from engaging in activities defined as the practice of psychology, provided that such persons shall not represent themselves by the title "psychologist". Such persons may use the terms "psychological trainee", "psychological intern", "psychological resident", and "psychological assistant" and provided further that such persons perform their activities under the supervision and responsibility of a licensed psychologist in accordance with regulations promulgated by the committee. Nothing in this subsection shall be construed to apply to any person other than:

(a) A matriculated graduate student in psychology whose activities constitute a part of the course of study for a graduate degree in psychology at a recognized educational institution;

(b) An individual pursuing postdoctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure pursuant to the provisions of sections ~~[337.010 to 337.090]~~ **342.010 to 342.090**;

(c) A qualified assistant, including but not limited to, other licensed professionals employed by, or otherwise directly accountable to, a licensed psychologist; or

(4) The use of psychological techniques by government institutions, commercial organizations or individuals for employment, evaluation, promotion or job adjustment of their own employees or employee-applicants, or by employment agencies for evaluation of their own clients prior to recommendation for employment; provided that no government institution, commercial organization or individual shall sell or offer these services to the public or to other firms, organizations or individuals for remuneration, unless the services are performed or

36 supervised by a person licensed and registered pursuant to sections ~~[337.010 to 337.090]~~ **342.010**
37 **to 342.090**; or

38 (5) The practice of psychology in the state of Missouri for a temporary period by a
39 person who resides outside the state of Missouri, and who is licensed or certified to practice
40 psychology in another state and conducts the major part of his or her practice outside the state.
41 The temporary period shall not exceed ten consecutive business days in any period of ninety
42 days, nor in the aggregate exceed fifteen business days in any nine-month period; or

43 (6) The provision of expert testimony by psychologists or other persons who are
44 otherwise exempted by sections ~~[337.010 to 337.090]~~ **342.010 to 342.090**; or

45 (7) The teaching of psychology, the conduct of psychological research, or the provision
46 of psychological services or consultations to organizations or institutions, provided that such
47 teaching, research, or service does not involve the delivery or supervision of direct psychological
48 services to individuals or groups of individuals; or

49 (8) School psychologists certified under the program standards of the National
50 Association of School Psychologists who are employed in a duly accredited school so long as
51 the individual is performing services within the scope of his or her employment for such school
52 and within the scope of his or her education, training and experience; or

53 (9) Psychotherapy activities or services performed by an individual with a doctoral
54 decree in anthropology; provided that such degree was received on or prior to December 31,
55 1989, and which was from an educational institution accredited by one of the regional accrediting
56 associations approved by the council on postsecondary accreditation; and provided further that
57 such individual has completed at least twenty-four months of supervised clinical experience in
58 psychotherapy under the supervision of a physician.

~~[337.050]~~ **342.050.** 1. There is hereby created and established a "State Committee of
2 Psychologists", which shall consist of seven licensed psychologists and one public member. The
3 state committee of psychologists existing on August 28, 1989, is abolished. Nothing in this
4 section shall be construed to prevent the appointment of any current member of the state
5 committee of psychologists to the new state committee of psychologists created on August 28,
6 1989.

7 2. Appointments to the committee shall be made by the governor upon the
8 recommendations of the director of the division, upon the advice and consent of the senate. The
9 division, prior to submitting nominations, shall solicit nominees from professional psychological
10 associations and licensed psychologists in the state. The term of office for committee members
11 shall be five years, and committee members shall not serve more than ten years. No person who
12 has previously served on the committee for ten years shall be eligible for appointment. In
13 making initial appointments to the committee, the governor shall stagger the terms of the

14 appointees so that two members serve initial terms of two years, two members serve initial terms
15 of three years, and two members serve initial terms of four years.

16 3. Each committee member shall be a resident of the state of Missouri for one year, shall
17 be a United States citizen, and shall, other than the public member, have been licensed as a
18 psychologist in this state for at least three years. Committee members shall reflect a diversity
19 of practice specialties. To ensure adequate representation of the diverse fields of psychology,
20 the committee shall consist of at least two psychologists who are engaged full time in the
21 doctoral teaching and training of psychologists, and at least two psychologists who are engaged
22 full time in the professional practice of psychology. In addition, the first appointment to the
23 committee shall include at least one psychologist who shall be licensed on the basis of a master's
24 degree who shall serve a full term of five years. Nothing in sections ~~[337.010 to 337.090]~~
25 **342.010 to 342.090** shall be construed to prohibit full membership rights on the committee for
26 psychologists licensed on the basis of a master's degree. If a member of the committee shall,
27 during the member's term as a committee member, remove the member's domicile from the state
28 of Missouri, then the committee shall immediately notify the director of the division, and the seat
29 of that committee member shall be declared vacant. All such vacancies shall be filled by
30 appointment of the governor with the advice and consent of the senate, and the member so
31 appointed shall serve for the unexpired term of the member whose seat has been declared vacant.

32 4. The public member shall be at the time of the public member's appointment a citizen
33 of the United States; a resident of this state for a period of one year and a registered voter; a
34 person who is not and never was a member of any profession licensed or regulated pursuant to
35 sections ~~[337.010 to 337.093]~~ **342.010 to 342.093** or the spouse of such person; and a person
36 who does not have and never has had a material, financial interest in either the providing of the
37 professional services regulated by sections ~~[337.010 to 337.093]~~ **342.010 to 342.093**, or an
38 activity or organization directly related to any profession licensed or regulated pursuant to
39 sections ~~[337.010 to 337.093]~~ **342.010 to 342.093**. The duties of the public member shall not
40 include the determination of the technical requirements to be met for licensure or whether any
41 person meets such technical requirements or of the technical competence or technical judgment
42 of a licensee or a candidate for licensure.

43 5. The committee shall hold a regular annual meeting at which it shall select from among
44 its members a chairperson and a secretary. A quorum of the committee shall consist of a
45 majority of its members. In the absence of the chairperson, the secretary shall conduct the office
46 of the chairperson.

47 6. Each member of the committee shall receive, as compensation, an amount set by the
48 division not to exceed fifty dollars for each day devoted to the affairs of the committee and shall

49 be entitled to reimbursement for necessary and actual expenses incurred in the performance of
50 the member's official duties.

51 7. Staff for the committee shall be provided by the director of the division of professional
52 registration.

53 8. The governor may remove any member of the committee for misconduct, inefficiency,
54 incompetency, or neglect of office.

55 9. In addition to the powers set forth elsewhere in sections ~~[337.010 to 337.090]~~ **342.010**
56 **to 342.090**, the division may adopt rules and regulations, not otherwise inconsistent with sections
57 ~~[337.010 to 337.090]~~ **342.010 to 342.090**, to carry out the provisions of sections ~~[337.010 to~~
58 ~~337.090]~~ **342.010 to 342.090**. The committee may promulgate, by rule, "Ethical Rules of
59 Conduct" governing the practices of psychology which rules shall be based upon the ethical
60 principles promulgated and published by the American Psychological Association.

61 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is
62 promulgated to administer and enforce sections ~~[337.010 to 337.090]~~ **342.010 to 342.090**, shall
63 become effective only if the agency has fully complied with all of the requirements of chapter
64 536 including but not limited to section 536.028 if applicable, after August 28, 1998. All
65 rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed
66 as of August 28, 1998, however nothing in this act shall be interpreted to repeal or affect the
67 validity of any rule adopted and promulgated prior to August 28, 1998. If the provisions of
68 section 536.028 apply, the provisions of this section are nonseverable and if any of the powers
69 vested with the general assembly pursuant to section 536.028 to review, to delay the effective
70 date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid,
71 the purported grant of rulemaking authority and any rule so proposed and contained in the order
72 of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity
73 of any rule adopted and promulgated prior to August 28, 1998.

74 11. The committee may sue and be sued in its official name, and shall have a seal which
75 shall be affixed to all certified copies or records and papers on file, and to such other instruments
76 as the committee may direct. All courts shall take judicial notice of such seal. Copies of records
77 and proceedings of the committee, and of all papers on file with the division on behalf of the
78 committee certified under the seal shall be received as evidence in all courts of record.

79 12. When applying for a renewal of a license pursuant to section ~~[337.030]~~ **342.030**, each
80 licensed psychologist shall submit proof of the completion of at least forty hours of continuing
81 education credit within the two-year period immediately preceding the date of the application for
82 renewal of the license. The type of continuing education to be considered shall include, but not
83 be limited to:

- 84 (1) Attending recognized educational seminars, the content of which are primarily
85 psychological, as defined by rule;
- 86 (2) Attending a graduate level course at a recognized educational institution where the
87 contents of which are primarily psychological, as defined by rule;
- 88 (3) Presenting a recognized educational seminar, the contents of which are primarily
89 psychological, as defined by rule;
- 90 (4) Presenting a graduate level course at a recognized educational institution where the
91 contents of which are primarily psychological, as defined by rule; and
- 92 (5) Independent course of studies, the contents of which are primarily psychological,
93 which have been approved by the committee and defined by rule.

94

95 The committee shall determine by administrative rule the amount of training, instruction,
96 self-instruction or teaching that shall be counted as an hour of continuing education credit.

[337.055] **342.055.** Any communication made by any person to a licensed psychologist
2 in the course of professional services rendered by the licensed psychologist shall be deemed a
3 privileged communication and the licensed psychologist shall not be examined or be made to
4 testify to any privileged communication without the prior consent of the person who received his
5 professional services.

[337.060] **342.060.** Nothing in this chapter shall be construed as authorizing persons
2 licensed and registered as psychologists to engage in any manner in the practice of medicine as
3 defined in the laws of this state.

[337.065] **342.065.** 1. Any person found guilty of violating any provision of sections
2 [337.010 to 337.090] **342.010 to 342.090** is guilty of a class A misdemeanor and upon conviction
3 thereof shall be punished as provided by law.

4 2. All fees or other compensation received for services rendered in violation of sections
5 [337.010 to 337.090] **342.010 to 342.090** shall be refunded.

6 3. The committee shall inquire as to any violation of any provision of sections [337.010
7 to 337.090] **342.010 to 342.090**, and may institute actions for penalties herein prescribed, and
8 shall enforce generally the provisions of sections [337.010 to 337.090] **342.010 to 342.090**.

9 4. Any person, organization, association or corporation who reports or provides
10 information to the committee or the division pursuant to the provisions of sections [337.010 to
11 337.090] **342.010 to 342.090** and who does so in good faith shall not be subject to an action for
12 civil damages as a result thereof.

13 5. Upon application by the committee, the attorney general may on behalf of the
14 committee request that a court of competent jurisdiction grant an injunction, restraining order
15 or other order as may be appropriate to enjoin a person from:

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

20 (2) Engaging in any practice or business authorized by a certificate of registration or
21 authority, permit or license issued pursuant to sections ~~[337.010 to 337.090]~~ **342.010 to 342.090**
22 upon a showing that the holder presents a substantial probability of serious harm to the health,
23 safety or welfare of any resident of this state or client or patient of the licensee.

24 6. Any action brought pursuant to the provisions of this section shall be commenced
25 either in the county in which such conduct occurred or in the county in which the defendant
26 resides.

27 7. Any action brought under this section may be in addition to or in lieu of any penalty
28 provided by sections ~~[337.010 to 337.090]~~ **342.010 to 342.090** and may be brought concurrently
29 with other actions to enforce sections ~~[337.010 to 337.090]~~ **342.010 to 342.090**.

~~[337.068]~~ **342.068**. 1. If the board finds merit to a complaint by an individual
2 incarcerated or under the care and control of the department of corrections or who has been
3 ordered to be taken into custody, detained, or held under sections 632.480 to 632.513 and takes
4 further investigative action, no documentation may appear on file or disciplinary action may be
5 taken in regards to the licensee's license unless the provisions of subsection 2 of section
6 ~~[337.035]~~ **342.035** have been violated. Any case file documentation that does not result in the
7 board filing an action pursuant to subsection 2 of section ~~[337.035]~~ **342.035** shall be destroyed
8 within three months after the final case disposition by the board. No notification to any other
9 licensing board in another state or any national registry regarding any investigative action shall
10 be made unless the provisions of subsection 2 of section ~~[337.035]~~ **342.035** have been violated.

11 2. Upon written request of the psychologist subject to a complaint, prior to August 28,
12 1999, by an individual incarcerated or under the care and control of the department of corrections
13 or prior to August 28, 2008, by an individual who has been ordered to be taken into custody,
14 detained, or held under sections 632.480 to 632.513 that did not result in the board filing an
15 action pursuant to subsection 2 of section ~~[337.035]~~ **342.035**, the board and the division of
16 professional registration, shall in a timely fashion:

17 (1) Destroy all documentation regarding the complaint;

18 (2) Notify any other licensing board in another state or any national registry regarding
19 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 complaint to
21 be unsubstantiated, that the board has taken the requested action, and notify the licensee of the
22 provisions of subsection 3 of this section.

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

~~[337.070]~~ **342.070.** No person who has been licensed by the committee as a psychologist
2 in this state shall be taxed or made liable to pay any municipal or other corporation tax or license
3 fee of any description whatever for the privilege of following or carrying on such profession.

~~[337.085]~~ **342.085.** 1. There is hereby established in the state treasury a fund to be
2 known as the "State Committee of Psychologists Fund". All fees of any kind and character
3 authorized under sections ~~[337.010 to 337.090]~~ **342.010 to 342.090** to be charged by the
4 committee or division shall be collected by the director of the division of professional
5 registration and shall be transmitted to the department of revenue for deposit in the state treasury
6 for credit to this fund. Such funds, upon appropriation, shall be disbursed only in payment of
7 expenses of maintaining the committee and for the enforcement of the provisions of law
8 concerning professions regulated by the committee. No other money shall be paid out of the
9 state treasury for carrying out these provisions. Warrants shall be issued on the state treasurer
10 for payment out of the fund.

11 2. The provisions of section 33.080 to the contrary notwithstanding, money in this fund
12 shall not be transferred and placed to the credit of general revenue until the amount in the fund
13 at the end of the biennium exceeds two times the amount of the appropriation from the
14 committee's fund for the preceding fiscal year or, if the committee requires by rule renewal less
15 frequently than yearly then three times the appropriation from the committee's fund for the
16 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the
17 fund which exceeds the appropriate multiple of the appropriations from the committee's fund for
18 the preceding fiscal year.

19 3. All funds pertaining to the Missouri state committee of psychologists deposited in the
20 state treasury to the credit of the committee of registration for the healing arts fund shall be
21 transferred from that fund to the state committee of psychologists fund by the division director.

~~[337.090]~~ **342.090.** The committee and division in issuing licenses and in publishing the
2 directory as provided in section 324.032 shall not include or list the degree upon which the
3 license or certificate was issued. Any person licensed on the basis of a master's degree who has
4 then earned a doctoral degree may use the title "doctor" or hold himself out in his practice as a
5 psychologist as having a doctoral degree so long as it is from an accredited institution of higher
6 education and so long as the degree is relevant to the practice of psychology.

~~[337.093]~~ **342.093.** Nothing in the provisions of this act is intended to repeal or modify
2 those provisions of sections ~~[337.010 to 337.090]~~ **342.010 to 342.090**, which provide for the
3 licensure of psychologists.

2 ~~[337.300]~~ **342.300.** As used in sections ~~[337.300 to 337.345]~~ **342.300 to 342.345**, the
3 following terms shall mean:

4 (1) "Applied behavior analysis", the design, implementation, and evaluation of
5 environmental modifications, using behavioral stimuli and consequences, to produce socially
6 significant improvement in human behavior, including the use of direct observation,
7 measurement, and functional analysis of the relationships between environment and behavior.
8 Applied behavior analysis does not include cognitive therapies or psychological testing,
9 personality assessment, intellectual assessment, neuropsychological assessment, psychotherapy,
10 cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, family therapy, and long-term
11 counseling as treatment modalities;

12 (2) "Board", the behavior analyst advisory board within the state committee of
13 psychologists;

14 (3) "Certifying entity", the nationally accredited Behavior Analyst Certification Board,
15 or other equivalent nationally accredited nongovernmental agency approved by the committee
16 which certifies individuals who have completed academic, examination, training, and
17 supervision requirements in applied behavior analysis;

18 (4) "Committee", the state committee of psychologists;

19 (5) "Division", the division of professional registration within the department of
20 insurance, financial institutions and professional registration;

21 (6) "Licensed assistant behavior analyst" or "LaBA", an individual who is certified by
22 the certifying entity as a certified assistant behavior analyst and meets the criteria in section
23 ~~[337.315]~~ **342.315** and as established by committee rule;

24 (7) "Licensed behavior analyst" or "LBA", an individual who is certified by the certifying
25 entity as a certified behavior analyst and meets the criteria in section ~~[337.315]~~ **342.315** and as
26 established by committee rule;

27 (8) "Practice of applied behavior analysis", the application of the principles, methods,
28 and procedures of the experimental analysis of behavior and applied behavior analysis (including
29 principles of operant and respondent learning) to assess and improve socially important human
30 behaviors. It includes, but is not limited to, applications of those principles, methods, and
31 procedures to:

32 (a) The design, implementation, evaluation, and modification of treatment programs to
33 change behavior of individuals;

34 (b) The design, implementation, evaluation, and modification of treatment programs to
35 change behavior of groups; and

 (c) Consultation to individuals and organizations;

36 (9) "Provisionally licensed assistant behavior analyst" or "PLABA", an individual who
37 meets the criteria in subsection 5 of section ~~[337.315]~~ **342.315** and as established by the
38 committee by rule;

39 (10) "Provisionally licensed behavior analyst" or "PLBA", an individual who meets the
40 criteria in subsection 5 of section ~~[337.315]~~ **342.315** and as established by the committee by rule;

41 (11) "Temporary licensed assistant behavior analyst" or "TLaBA", an individual who
42 meets the criteria of subsection 4 of section ~~[337.315]~~ **342.315** and as established by the
43 committee by rule;

44 (12) "Temporary licensed behavior analyst" or "TLBA", an individual who meets the
45 criteria in subsection 4 of section ~~[337.315]~~ **342.315** and as established by the committee by rule.

~~[337.305]~~ **342.305.** 1. There is hereby created under the state committee of
2 psychologists within the division of professional registration the "Behavior Analyst Advisory
3 Board". The behavior analyst advisory board shall consist of the following seven members:
4 three licensed behavior analysts, one licensed behavior analyst holding a doctoral degree, one
5 licensed assistant behavior analyst, one professional member of the committee, and one public
6 member.

7 2. Appointments to the board, except for the one professional member of the committee,
8 shall be made by the governor upon the recommendations of the director of the division, upon
9 the advice and consent of the senate. The division, prior to submitting nominations, shall solicit
10 nominees from professional associations and licensed behavior analysts or licensed assistant
11 behavior analysts in the state. Appointment to the board of the one professional member of the
12 committee shall be made by nomination and majority vote of the committee.

13 3. The term of office for board members shall be five years. In making initial
14 appointments to the board, the governor shall stagger the terms of the appointees so that one
15 member serves an initial term of two years, three members shall serve an initial term of three
16 years, and three members serve initial terms of four years. Each member of the board shall hold
17 office until his or her successor has been qualified. A vacancy in the membership of the board
18 shall be filled for the unexpired term in the manner provided for the original appointment. A
19 member appointed for less than a full term may serve two full terms in addition to such part of
20 a full term.

21 4. Each board member shall be a resident of this state for a period of one year and a
22 registered voter, shall be a United States citizen, and shall, other than the public member, have
23 been a licensed behavior analyst or licensed assistant behavior analyst in this state for at least
24 three years prior to appointment except for the original members of the board who shall have
25 experience in the practice of applied behavior analysis.

26 5. The public member shall be a person who is not and never was a member of any
27 profession licensed or regulated under sections ~~[337.300 to 337.345]~~ **342.300 to 342.345** or the
28 spouse of such person; and a person who does not have and never has had a material financial
29 interest in either the providing of the professional services regulated by sections ~~[337.300 to~~
30 ~~337.345]~~ **342.300 to 342.345**, or an activity or organization directly related to any profession
31 licensed or regulated under sections ~~[337.300 to 337.345]~~ **342.300 to 342.345**.

32 6. The board shall meet at least quarterly. At one of its regular meetings, the board shall
33 select from among its members a chairperson and a vice chairperson. A quorum of the
34 committee shall consist of a majority of its members. In the absence of the chairperson, the vice
35 chairperson shall conduct the office of the chairperson.

36 7. Each member of the board shall receive as compensation an amount set by the division
37 not to exceed fifty dollars for each day devoted to the affairs of the board and shall be entitled
38 to reimbursement for necessary and actual expenses incurred in the performance of the member's
39 official duties.

40 8. Staff for the board shall be provided by the director of the division of professional
41 registration.

42 9. The governor may remove any member of the board for misconduct, inefficiency,
43 incompetency, or neglect of office. All vacancies shall be filled by appointment of the governor
44 with the advice and consent of the senate, and the member so appointed shall serve for the
45 unexpired term.

~~[337.310]~~ **342.310.** 1. The behavior analyst advisory board is authorized to:

2 (1) Review all applications for licensure, provisional licensure, and temporary licensure
3 for behavior analysts and assistant behavior analysts and any supporting documentation
4 submitted with the application to the committee and make recommendations to the committee
5 regarding the resolution of the application;

6 (2) Review all complaints made relating to the practice of behavior analysis and make
7 recommendations to the committee regarding investigation of the complaint, referral for
8 discipline or other resolution of the complaint; and

9 (3) Review any entities responsible for certifying behavior analysts and make
10 recommendations to the committee as to approval or disapproval of the certifying entity based
11 on qualifications established by the committee.

12 2. The board shall recommend to the committee rules to be promulgated pertaining to:

13 (1) The form and content of license applications required and the procedures for filing
14 an application for an initial, provisional temporary or renewal license in this state;

15 (2) The establishment of fees;

16 (3) The educational and training requirements for licensed behavior analysts and licensed
17 assistant behavior analysts;

18 (4) The roles, responsibilities, and duties of licensed behavior analysts, licensed assistant
19 behavior analysts, provisionally licensed behavior analysts, provisionally licensed assistant
20 behavior analysts, temporary licensed behavior analysts, and temporary licensed assistant
21 behavior analysts;

22 (5) The characteristics of supervision and supervised clinical practicum experience for
23 licensed behavior analyst, licensed assistant behavior analyst, provisionally licensed behavior
24 analysts, provisionally licensed assistant behavior analysts, temporary licensed behavior analysts,
25 and temporary licensed assistant behavior analysts;

26 (6) The supervision of licensed assistant behavior analysts, provisionally licensed
27 behavior analysts, provisionally licensed assistant behavior analysts, temporary licensed behavior
28 analysts, and temporary licensed assistant behavior analysts;

29 (7) The requirements for continuing education for licensed behavior analysts and
30 licensed assistant behavior analysts;

31 (8) A code of conduct; and

32 (9) Any other policies or procedures necessary to the fulfillment of the requirements of
33 sections ~~[337.300 to 337.345]~~ **342.300 to 342.345**.

34 3. Only after the board's recommendation and approval by majority vote may the
35 committee make any final decisions related to licensing, rules and regulations, complaint
36 resolution, approval of certifying entities or any actions bearing upon the practice of applied
37 behavior analysis unless otherwise authorized by sections ~~[337.300 to 337.345]~~ **342.300 to**
38 **342.345**.

39 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
40 under the authority delegated in this section shall become effective only if it complies with and
41 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
42 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
43 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
44 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
45 proposed or adopted after August 28, 2010, shall be invalid and void.

~~[337.315]~~ **342.315**. 1. An applied behavior analysis intervention shall produce socially
2 significant improvements in human behavior through skill acquisition, increase or decrease in
3 behaviors under specific environmental conditions and the reduction of problematic behavior.
4 An applied behavior analysis intervention shall:

5 (1) Be based on empirical research and the identification of functional relations between
6 behavior and environment, contextual factors, antecedent stimuli and reinforcement operations

7 through the direct observation and measurement of behavior, arrangement of events and
8 observation of effects on behavior, as well as other information gathering methods such as record
9 review and interviews; and

10 (2) Utilize changes and arrangements of contextual factors, antecedent stimuli, positive
11 reinforcement, and other consequences to produce behavior change.

12 2. Each person wishing to practice as a licensed behavior analyst shall:

13 (1) Submit a complete application on a form approved by the committee;

14 (2) Pay all necessary fees as set by the committee;

15 (3) Submit a two-inch or three-inch photograph or passport photograph taken no more
16 than six months prior to the application date;

17 (4) Provide two classified sets of fingerprints for processing by the Missouri state
18 highway patrol under section 43.543. One set of fingerprints shall be used by the highway patrol
19 to search the criminal history repository and the second set shall be forwarded to the Federal
20 Bureau of Investigation for searching the federal criminal history files;

21 (5) Have passed an examination and been certified as a board-certified behavior analyst
22 by a certifying entity, as defined in section ~~[337.300]~~ **342.300**;

23 (6) Provide evidence of active status as a board-certified behavior analyst; and

24 (7) If the applicant holds a license as a behavior analyst in another state, a statement from
25 all issuing states verifying licensure and identifying any disciplinary action taken against the
26 license holder by that state.

27 3. Each person wishing to practice as a licensed assistant behavior analyst shall:

28 (1) Submit a complete application on a form approved by the committee;

29 (2) Pay all necessary fees as set by the committee;

30 (3) Submit a two-inch or three-inch photograph or passport photograph taken no more
31 than six months prior to the application date;

32 (4) Provide two classified sets of fingerprints for processing by the Missouri state
33 highway patrol under section 43.543. One set of fingerprints shall be used by the highway patrol
34 to search the criminal history repository and the second set shall be forwarded to the Federal
35 Bureau of Investigation for searching the federal criminal history files;

36 (5) Have passed an examination and been certified as a board-certified assistant behavior
37 analyst by a certifying entity, as defined in section ~~[337.300]~~ **342.300**;

38 (6) Provide evidence of active status as a board-certified assistant behavior analyst;

39 (7) If the applicant holds a license as an assistant behavior analyst in another state, a
40 statement from all issuing states verifying licensure and identifying any disciplinary action taken
41 against the license holder by that state; and

42 (8) Submit documentation satisfactory to the committee that the applicant will be directly
43 supervised by a licensed behavior analyst in a manner consistent with the certifying entity.

44 4. The committee shall be authorized to issue a temporary license to an applicant for a
45 behavior analyst license or assistant behavior analyst license upon receipt of a complete
46 application, submission of a fee as set by the committee by rule for behavior analyst or assistant
47 behavior analyst, and a showing of valid licensure as a behavior analyst or assistant behavior
48 analyst in another state, only if the applicant has submitted fingerprints and no disqualifying
49 criminal history appears on the family care safety registry. The temporary license shall expire
50 upon issuance of a license or denial of the application but no later than ninety days from issuance
51 of the temporary license. Upon written request to the committee, the holder of a temporary
52 license shall be entitled to one extension of ninety days of the temporary license.

53 5. (1) The committee shall, in accordance with rules promulgated by the committee,
54 issue a provisional behavior analyst license or a provisional assistant behavior analyst license
55 upon receipt by the committee of a complete application, appropriate fee as set by the committee
56 by rule, and proof of satisfaction of requirements under subsections 2 and 3 of this section,
57 respectively, and other requirements established by the committee by rule, except that applicants
58 for a provisional license as either a behavior analyst or assistant behavior analyst need not have
59 passed an examination and been certified as a board-certified behavior analyst or a
60 board-certified assistant behavior analyst to obtain a provisional behavior analyst or provisional
61 assistant behavior analyst license.

62 (2) A provisional license issued under this subsection shall only authorize and permit the
63 licensee to render behavior analysis under the supervision and the full professional responsibility
64 and control of such licensee's licensed supervisor.

65 (3) A provisional license shall automatically terminate upon issuance of a permanent
66 license, upon a finding of cause to discipline after notice and hearing under section ~~[337.330]~~
67 **342.330**, upon termination of supervision by a licensed supervisor, or upon the expiration of one
68 year from the date of issuance of the provisional license, whichever first occurs. The provisional
69 license may be renewed after one year, with a maximum issuance of two years. Upon a showing
70 of good cause, the committee by rule shall provide procedures for exceptions and variances from
71 the requirement of a maximum issuance of two years.

72 6. No person shall hold himself or herself out to be licensed behavior analysts or LBA,
73 provisionally licensed behavior analyst or PLBA, provisionally licensed assistant behavior
74 analyst or PLABA, temporary licensed behavior analyst or TLBA, or temporary licensed
75 assistant behavior analyst or TLaBA, licensed assistant behavior analysts or LaBA in the state
76 of Missouri unless they meet the applicable requirements.

77 7. No persons shall practice applied behavior analysis unless they are:

78 (1) Licensed behavior analysts;

79 (2) Licensed assistant behavior analysts working under the supervision of a licensed
80 behavior analyst;

81 (3) An individual who has a bachelor's or graduate degree and completed course work
82 for licensure as a behavior analyst and is obtaining supervised field experience under a licensed
83 behavior analyst pursuant to required supervised work experience for licensure at the behavior
84 analyst or assistant behavior analyst level;

85 (4) Licensed psychologists practicing within the rules and standards of practice for
86 psychologists in the state of Missouri and whose practice is commensurate with their level of
87 training and experience;

88 (5) Provisionally licensed behavior analysts;

89 (6) Provisionally licensed assistant behavior analysts;

90 (7) Temporary licensed behavior analysts; or

91 (8) Temporary licensed assistant behavior analysts.

92 8. Notwithstanding the provisions in subsection 6 of this section, any licensed or
93 certified professional may practice components of applied behavior analysis, as defined in
94 section ~~[337.300]~~ **342.300** if he or she is acting within his or her applicable scope of practice and
95 ethical guidelines.

96 9. All licensed behavior analysts and licensed assistant behavior analysts shall be bound
97 by the code of conduct adopted by the committee by rule.

98 10. Licensed assistant behavior analysts shall work under the direct supervision of a
99 licensed behavior analyst as established by committee rule.

100 11. Persons who provide services under the Individuals with Disabilities Education Act
101 (IDEA), 20 U.S.C. Section 1400, et seq., or Section 504 of the federal Rehabilitation Act of
102 1973, 29 U.S.C. Section 794, or are enrolled in a course of study at a recognized educational
103 institution through which the person provides applied behavior analysis as part of supervised
104 clinical experience shall be exempt from the requirements of this section.

105 12. A violation of this section shall be punishable by probation, suspension, or loss of
106 any license held by the violator.

~~[337.320]~~ **342.320**. 1. The division shall mail a renewal notice to the last known address
2 of each licensee or registrant prior to the renewal date.

3 2. Each person wishing to renew the behavior analyst license or the assistant behavior
4 analyst license shall:

5 (1) Submit a complete application on a form approved by the committee;

6 (2) Pay all necessary fees as set by the committee; and

7 (3) Submit proof of active certification and fulfillment of all requirements for renewal
8 and recertification with the certifying entity.

9 3. Failure to provide the division with documentation required by subsection 2 of this
10 section or other information required for renewal shall effect a revocation of the license after a
11 period of sixty days from the renewal date.

12 4. Each person wishing to restore the license, within two years of the renewal date, shall:

13 (1) Submit a complete application on a form approved by the committee;

14 (2) Pay the renewal fee and a delinquency fee as set by the committee; and

15 (3) Submit proof of current certification from a certifying body approved by the
16 committee.

17 5. A new license to replace any certificate lost, destroyed, or mutilated may be issued
18 subject to the rules of the committee, upon payment of a fee established by the committee.

19 6. The committee shall set the amount of the fees authorized by sections ~~[337.300 to~~
20 ~~337.345]~~ **342.300 to 342.345** and required by rules promulgated under section 536.021. The fees
21 shall be set at a level to produce revenue which shall not substantially exceed the cost and
22 expense of administering sections ~~[337.300 to 337.345]~~ **342.300 to 342.345**.

23 7. The committee is authorized to issue an inactive license to any licensee who makes
24 written application for such license on a form provided by the committee and remits the fee for
25 an inactive license established by the committee. An inactive license may be issued only to a
26 person who has previously been issued a license to practice as a licensed behavior analyst or a
27 licensed assistant behavior analyst who is no longer regularly engaged in such practice and who
28 does not hold himself or herself out to the public as being professionally engaged in such practice
29 in this state. Each inactive license shall be subject to all provisions of this chapter, except as
30 otherwise specifically provided. Each inactive license may be renewed by the committee subject
31 to all provisions of this section and all other provisions of this chapter. The inactive licensee
32 shall not be required to submit evidence of completion of continuing education as required by
33 this chapter.

34 8. An inactive licensee may apply for a license to regularly engage in the practice of
35 behavioral analysis by:

36 (1) Submitting a complete application on a form approved by the committee;

37 (2) Paying the reactivation fee as set by the committee; and

38 (3) Submitting proof of current certification from a certifying body approved by the
39 committee.

~~[337.325]~~ **342.325**. A licensed behavior analyst, licensed assistant behavior analyst,
2 provisionally licensed behavior analyst, provisionally licensed assistant behavior analyst,
3 temporary licensed behavior analyst and temporary licensed assistant behavior analyst shall limit

4 his or her practice to demonstrated areas of competence as documented by relevant professional
5 education, training, or experience. A licensed behavior analyst, licensed assistant behavior
6 analyst, provisionally licensed behavior analyst, provisionally licensed assistant behavior analyst,
7 temporary licensed behavior analyst and temporary licensed assistant behavior analyst trained
8 in one area shall not practice in another area without obtaining additional relevant professional
9 education, training, and experience.

[337.330] **342.330.** 1. The committee may refuse to issue any license required under this
2 chapter for one or any combination of causes stated in subsection 2 of this section. The
3 committee shall notify the applicant in writing of the reasons for the refusal and shall advise the
4 applicant of the applicant's right to file a complaint with the administrative hearing commission
5 as provided by chapter 621.

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

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

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

19 (3) Use of fraud, deception, misrepresentation or bribery in securing any permit or
20 license issued under this chapter or in obtaining permission to take any examination given or
21 required under sections ~~[337.300 to 337.345]~~ **342.300 to 342.345;**

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

24 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty
25 in the performance of the functions or duties of any profession licensed by sections ~~[337.300 to~~
26 ~~337.345]~~ **342.300 to 342.345;**

27 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
28 ~~[337.300 to 337.345]~~ **342.300 to 342.345**, or of any lawful rule adopted thereunder;

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

32 (8) Disciplinary action against the holder of a license or other right to practice any
33 profession regulated by sections ~~[337.300 to 337.345]~~ **342.300 to 342.345** granted by another
34 state, territory, federal agency, or country upon grounds for which revocation or suspension is
35 authorized in this state;

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

38 (10) Assisting or enabling any person to practice or offer to practice any profession
39 licensed or regulated by sections ~~[337.300 to 337.345]~~ **342.300 to 342.345** who is not registered
40 and currently eligible to practice as provided in sections ~~[337.300 to 337.345]~~ **342.300 to**
41 **342.345**;

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

44 (12) Failure to display a valid certificate or license if so required by sections ~~[337.300~~
45 ~~to 337.345]~~ **342.300 to 342.345** or any rule promulgated thereunder;

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

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

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

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

~~[337.335]~~ **342.335.** 1. Any person found guilty of violating any provision of sections
2 ~~[337.300 to 337.345]~~ **342.300 to 342.345** is guilty of a class A misdemeanor and upon conviction
3 thereof shall be punished as provided by law.

4 2. All fees or other compensation received for services rendered in violation of sections
5 ~~[337.300 to 337.345]~~ **342.300 to 342.345** shall be refunded.

6 3. The committee shall inquire as to any violation of any provision of sections ~~[337.300~~
7 ~~to 337.345]~~ **342.300 to 342.345** and may institute actions for penalties herein prescribed, and
8 shall enforce generally the provisions of sections ~~[337.300 to 337.345]~~ **342.300 to 342.345**.

9 4. Any person, organization, association or corporation who reports or provides
10 information to the committee or the division under sections ~~[337.300 to 337.345]~~ **342.300 to**
11 **342.345** and who does so in good faith shall not be subject to an action for civil damages as a
12 result thereof.

13 5. Upon application by the committee the attorney general may on behalf of the
14 committee request that a court of competent jurisdiction grant an injunction, restraining order,
15 or other order as may be appropriate to enjoin a person from:

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

20 (2) Engaging in any practice or business authorized by a certificate of registration or
21 authority, permit, or license issued under sections ~~[337.300 to 337.345]~~ **342.300 to 342.345** upon
22 a showing that the holder presents a substantial probability of serious harm to the health, safety,
23 or welfare of any resident of this state or client or patient of the licensee.

24 6. Any action brought under the provisions of this section shall be commenced either in
25 the county in which such conduct occurred or in the county in which the defendant resides.

26 7. Any action brought under this section may be in addition to or in lieu of any penalty
27 provided by sections ~~[337.300 to 337.345]~~ **342.300 to 342.345** and may be brought concurrently
28 with other actions to enforce sections ~~[337.300 to 337.345]~~ **342.300 to 342.345**.

~~[337.340]~~ **342.340**. All fees authorized under sections ~~[337.300 to 337.345]~~ **342.300 to**
2 **342.345** shall be collected by the director of the division of professional registration and shall
3 be transmitted to the department of revenue for deposit in the state treasury to the credit of the
4 state committee of psychologists fund.

~~[337.347]~~ **342.347**. For reimbursement and billing purposes of section 376.1224,
2 services provided by a provisionally licensed assistant behavior analyst, a provisionally licensed
3 behavior analyst, or a temporary licensed behavior analyst shall be billed by the supervising
4 board-certified behavior analyst.

376.814. 1. The department of insurance, financial institutions and professional
2 registration shall promulgate rules and regulations, pursuant to section 376.982 and chapter 536,
3 and the department of mental health shall advise the department of insurance, financial
4 institutions and professional registration on the promulgation of said rules and regulations as they
5 pertain to the development and implementation of all standards and guidelines for managed care

6 as set out in sections 376.810 to 376.814, to ensure that all mental health services provided
7 pursuant to sections 376.810 to 376.814 are provided in accordance with chapters 197, 334, 337,
8 **342**, and section 630.655, provided however, that nothing in this act shall prohibit department
9 of mental health licensed or certified facilities or programs from using qualified mental health
10 professionals or other specialty staff persons.

11 2. Any person who serves or served on a quality assessment and assurance committee
12 required under 42 U.S.C. Sec. 1396r(b)(1)(B) and 42 CFR Sec. 483.75(r), or as amended, shall
13 be immune from civil liability only for acts done directly as a member of such committee so long
14 as the acts are performed in good faith, without malice and are required by the activities of such
15 committee as defined in 42 CFR Sec. 483.75(r).

376.1224. 1. For purposes of this section, the following terms shall mean:

2 (1) "Applied behavior analysis", the design, implementation, and evaluation of
3 environmental modifications, using behavioral stimuli and consequences, to produce socially
4 significant improvement in human behavior, including the use of direct observation,
5 measurement, and functional analysis of the relationships between environment and behavior;

6 (2) "Autism service provider":

7 (a) Any person, entity, or group that provides diagnostic or treatment services for autism
8 spectrum disorders who is licensed or certified by the state of Missouri; or

9 (b) Any person who is licensed under chapter ~~[337]~~ **342** as a board-certified behavior
10 analyst by the behavior analyst certification board or licensed under chapter ~~[337]~~ **342** as an
11 assistant board-certified behavior analyst;

12 (3) "Autism spectrum disorders", a neurobiological disorder, an illness of the nervous
13 system, which includes Autistic Disorder, Asperger's Disorder, Pervasive Developmental
14 Disorder Not Otherwise Specified, Rett's Disorder, and Childhood Disintegrative Disorder, as
15 defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders
16 of the American Psychiatric Association;

17 (4) "Diagnosis of autism spectrum disorders", medically necessary assessments,
18 evaluations, or tests in order to diagnose whether an individual has an autism spectrum disorder;

19 (5) "Habilitative or rehabilitative care", professional, counseling, and guidance services
20 and treatment programs, including applied behavior analysis, that are necessary to develop the
21 functioning of an individual;

22 (6) "Health benefit plan", shall have the same meaning ascribed to it as in section
23 376.1350;

24 (7) "Health carrier", shall have the same meaning ascribed to it as in section 376.1350;

25 (8) "Line therapist", an individual who provides supervision of an individual diagnosed
26 with an autism diagnosis and other neurodevelopmental disorders pursuant to the prescribed

27 treatment plan, and implements specific behavioral interventions as outlined in the behavior plan
28 under the direct supervision of a licensed behavior analyst;

29 (9) "Pharmacy care", medications used to address symptoms of an autism spectrum
30 disorder prescribed by a licensed physician, and any health-related services deemed medically
31 necessary to determine the need or effectiveness of the medications only to the extent that such
32 medications are included in the insured's health benefit plan;

33 (10) "Psychiatric care", direct or consultative services provided by a psychiatrist licensed
34 in the state in which the psychiatrist practices;

35 (11) "Psychological care", direct or consultative services provided by a psychologist
36 licensed in the state in which the psychologist practices;

37 (12) "Therapeutic care", services provided by licensed speech therapists, occupational
38 therapists, or physical therapists;

39 (13) "Treatment for autism spectrum disorders", care prescribed or ordered for an
40 individual diagnosed with an autism spectrum disorder by a licensed physician or licensed
41 psychologist, including equipment medically necessary for such care, pursuant to the powers
42 granted under such licensed physician's or licensed psychologist's license, including, but not
43 limited to:

44 (a) Psychiatric care;

45 (b) Psychological care;

46 (c) Habilitative or rehabilitative care, including applied behavior analysis therapy;

47 (d) Therapeutic care;

48 (e) Pharmacy care.

49 2. All group health benefit plans that are delivered, issued for delivery, continued, or
50 renewed on or after January 1, 2011, if written inside the state of Missouri, or written outside the
51 state of Missouri but insuring Missouri residents, shall provide coverage for the diagnosis and
52 treatment of autism spectrum disorders to the extent that such diagnosis and treatment is not
53 already covered by the health benefit plan.

54 3. With regards to a health benefit plan, a health carrier shall not deny or refuse to issue
55 coverage on, refuse to contract with, or refuse to renew or refuse to reissue or otherwise
56 terminate or restrict coverage on an individual or their dependent because the individual is
57 diagnosed with autism spectrum disorder.

58 4. (1) Coverage provided under this section is limited to medically necessary treatment
59 that is ordered by the insured's treating licensed physician or licensed psychologist, pursuant to
60 the powers granted under such licensed physician's or licensed psychologist's license, in
61 accordance with a treatment plan.

62 (2) The treatment plan, upon request by the health benefit plan or health carrier, shall
63 include all elements necessary for the health benefit plan or health carrier to pay claims. Such
64 elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency and
65 duration of treatment, and goals.

66 (3) Except for inpatient services, if an individual is receiving treatment for an autism
67 spectrum disorder, a health carrier shall have the right to review the treatment plan not more than
68 once every six months unless the health carrier and the individual's treating physician or
69 psychologist agree that a more frequent review is necessary. Any such agreement regarding the
70 right to review a treatment plan more frequently shall only apply to a particular individual being
71 treated for an autism spectrum disorder and shall not apply to all individuals being treated for
72 autism spectrum disorders by a physician or psychologist. The cost of obtaining any review or
73 treatment plan shall be borne by the health benefit plan or health carrier, as applicable.

74 5. Coverage provided under this section for applied behavior analysis shall be subject
75 to a maximum benefit of forty thousand dollars per calendar year for individuals through
76 eighteen years of age. Such maximum benefit limit may be exceeded, upon prior approval by
77 the health benefit plan, if the provision of applied behavior analysis services beyond the
78 maximum limit is medically necessary for such individual. Payments made by a health carrier
79 on behalf of a covered individual for any care, treatment, intervention, service or item, the
80 provision of which was for the treatment of a health condition unrelated to the covered
81 individual's autism spectrum disorder, shall not be applied toward any maximum benefit
82 established under this subsection. Any coverage required under this section, other than the
83 coverage for applied behavior analysis, shall not be subject to the age and dollar limitations
84 described in this subsection.

85 6. The maximum benefit limitation for applied behavior analysis described in subsection
86 5 of this section shall be adjusted by the health carrier at least triennially for inflation to reflect
87 the aggregate increase in the general price level as measured by the Consumer Price Index for
88 All Urban Consumers for the United States, or its successor index, as defined and officially
89 published by the United States Department of Labor, or its successor agency. Beginning January
90 1, 2012, and annually thereafter, the current value of the maximum benefit limitation for applied
91 behavior analysis coverage adjusted for inflation in accordance with this subsection shall be
92 calculated by the director of the department of insurance, financial institutions and professional
93 registration. The director shall furnish the calculated value to the secretary of state, who shall
94 publish such value in the Missouri Register as soon after each January first as practicable, but
95 it shall otherwise be exempt from the provisions of section 536.021.

96 7. Subject to the provisions set forth in subdivision (3) of subsection 4 of this section,
97 coverage provided under this section shall not be subject to any limits on the number of visits

98 an individual may make to an autism service provider, except that the maximum total benefit for
99 applied behavior analysis set forth in subsection 5 of this section shall apply to this subsection.

100 8. This section shall not be construed as limiting benefits which are otherwise available
101 to an individual under a health benefit plan. The health care coverage required by this section
102 shall not be subject to any greater deductible, coinsurance, or co-payment than other physical
103 health care services provided by a health benefit plan. Coverage of services may be subject to
104 other general exclusions and limitations of the contract or benefit plan, not in conflict with the
105 provisions of this section, such as coordination of benefits, exclusions for services provided by
106 family or household members, and utilization review of health care services, including review
107 of medical necessity and care management; however, coverage for treatment under this section
108 shall not be denied on the basis that it is educational or habilitative in nature.

109 9. To the extent any payments or reimbursements are being made for applied behavior
110 analysis, such payments or reimbursements shall be made to either:

111 (1) The autism service provider, as defined in this section; or

112 (2) The entity or group for whom such supervising person, who is certified as a
113 board-certified behavior analyst by the Behavior Analyst Certification Board, works or is
114 associated.

115

116 Such payments or reimbursements under this subsection to an autism service provider or a
117 board-certified behavior analyst shall include payments or reimbursements for services provided
118 by a line therapist under the supervision of such provider or behavior analyst if such services
119 provided by the line therapist are included in the treatment plan and are deemed medically
120 necessary.

121 10. Notwithstanding any other provision of law to the contrary, health carriers shall not
122 be held liable for the actions of line therapists in the performance of their duties.

123 11. The provisions of this section shall apply to any health care plans issued to
124 employees and their dependents under the Missouri consolidated health care plan established
125 pursuant to chapter 103 that are delivered, issued for delivery, continued, or renewed in this state
126 on or after January 1, 2011. The terms "employees" and "health care plans" shall have the same
127 meaning ascribed to them in section 103.003.

128 12. The provisions of this section shall also apply to the following types of plans that are
129 established, extended, modified, or renewed on or after January 1, 2011:

130 (1) All self-insured governmental plans, as that term is defined in 29 U.S.C. Section
131 1002(32);

132 (2) All self-insured group arrangements, to the extent not preempted by federal law;

(3) All plans provided through a multiple employer welfare arrangement, or plans provided through another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, or any waiver or exception to that act provided under federal law or regulation; and

(4) All self-insured school district health plans.

13. The provisions of this section shall not automatically apply to an individually underwritten health benefit plan, but shall be offered as an option to any such plan.

14. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policy of six months or less duration, or any other supplemental policy.

15. Any health carrier or other entity subject to the provisions of this section shall not be required to provide reimbursement for the applied behavior analysis delivered to a person insured by such health carrier or other entity to the extent such health carrier or other entity is billed for such services by any Part C early intervention program or any school district for applied behavior analysis rendered to the person covered by such health carrier or other entity. This section shall not be construed as affecting any obligation to provide services to an individual under an individualized family service plan, an individualized education plan, or an individualized service plan. This section shall not be construed as affecting any obligation to provide reimbursement pursuant to section 376.1218.

16. The provisions of sections 376.383, 376.384, and 376.1350 to 376.1399 shall apply to this section.

17. The director of the department of insurance, financial institutions and professional registration shall grant a small employer with a group health plan, as that term is defined in section 379.930, a waiver from the provisions of this section if the small employer demonstrates to the director by actual claims experience over any consecutive twelve-month period that compliance with this section has increased the cost of the health insurance policy by an amount of two and a half percent or greater over the period of a calendar year in premium costs to the small employer.

18. The provisions of this section shall not apply to the Mo HealthNet program as described in chapter 208.

19. (1) By February 1, 2012, and every February first thereafter, the department of insurance, financial institutions and professional registration shall submit a report to the general assembly regarding the implementation of the coverage required under this section. The report shall include, but shall not be limited to, the following:

(a) The total number of insureds diagnosed with autism spectrum disorder;

169 (b) The total cost of all claims paid out in the immediately preceding calendar year for
170 coverage required by this section;

171 (c) The cost of such coverage per insured per month; and

172 (d) The average cost per insured for coverage of applied behavior analysis;

173 (2) All health carriers and health benefit plans subject to the provisions of this section
174 shall provide the department with the data requested by the department for inclusion in the
175 annual report.

376.1575. As used in sections 376.1575 to 376.1580, the following terms shall mean:

2 (1) "Completed application", a practitioner's application to a health carrier that seeks the
3 health carrier's authorization for the practitioner to provide patient care services as a member of
4 the health carrier's network and does not omit any information which is clearly required by the
5 application form and the accompanying instructions;

6 (2) "Credentialing", a health carrier's process of assessing and validating the
7 qualifications of a practitioner to provide patient care services and act as a member of the health
8 carrier's provider network;

9 (3) "Health carrier", the same meaning as such term is defined in section 376.1350;

10 (4) "Practitioner":

11 (a) A physician or physician assistant eligible to provide treatment services under chapter
12 334;

13 (b) A pharmacist eligible to provide services under chapter 338;

14 (c) A dentist eligible to provide services under chapter 332;

15 (d) A chiropractor eligible to provide services under chapter 331;

16 (e) An optometrist eligible to provide services under chapter 336;

17 (f) A podiatrist eligible to provide services under chapter 330;

18 (g) A psychologist ~~[or]~~ **eligible to provides services under chapter 342;**

19 **(h) A** licensed clinical social worker eligible to provide services under chapter 337; or

20 ~~[(h)]~~ **(i)** An advanced practice nurse eligible to provide services under chapter 335.

383.130. As used in sections 383.130 and 383.133, the following terms shall mean:

2 (1) "Disciplinary action", any final action taken by the board of trustees or similarly
3 empowered officials of a hospital, ambulatory surgical center, owner or operator of a temporary
4 nursing staffing agency, home health agency, nursing home or any nursing facility as such term
5 is defined in chapter 198, or any entity that employs or contracts with licensed health care
6 professionals to provide health care services to individuals to reprimand, discipline or restrict the
7 practice of a health care professional. Only such reprimands, discipline, or restrictions in
8 response to activities which are also grounds for disciplinary actions according to the

9 professional licensing law for that health care professional shall be considered disciplinary
10 actions for the purposes of this definition;

11 (2) "Health care professional", a physician or surgeon licensed under the provisions of
12 chapter 334, a dentist licensed under the provisions of chapter 332, or a podiatrist licensed under
13 the provisions of chapter 330, or a pharmacist licensed under the provisions of chapter 338, a
14 psychologist licensed under the provisions of chapter [337] **342**, or a nurse licensed under the
15 provisions of chapter 335, while acting within their scope of practice;

16 (3) "Hospital", a place devoted primarily to the maintenance and operation of facilities
17 for the diagnosis, treatment or care for not less than twenty-four hours in any week of three or
18 more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal
19 physical conditions; or a place devoted primarily to provide for not less than twenty-four hours
20 in any week medical or nursing care for three or more nonrelated individuals. The term
21 "hospital" does not include convalescent, nursing, shelter or boarding homes as defined in
22 chapter 198;

23 (4) "Licensing authority", the appropriate board or authority which is responsible for the
24 licensing or regulation of the health care professional;

25 (5) "Temporary nursing staffing agency", any person, firm, partnership, or corporation
26 doing business within the state that supplies, on a temporary basis, registered nurses, licensed
27 practical nurses to a hospital, nursing home, or other facility requiring the services of those
28 persons.

453.070. 1. Except as provided in subsection 5 of this section, no decree for the
2 adoption of a child under eighteen years of age shall be entered for the petitioner or petitioners
3 in such adoption as ordered by the juvenile court having jurisdiction, until a full investigation,
4 which includes an assessment of the adoptive parents, an appropriate postplacement assessment
5 and a summary of written reports as provided for in section 453.026, and any other pertinent
6 information relevant to whether the child is suitable for adoption by the petitioner and whether
7 the petitioner is suitable as a parent for the child, has been made. The report shall also include
8 a statement to the effect that the child has been considered as a potential subsidy recipient.

9 2. Such investigation shall be made, as directed by the court having jurisdiction, either
10 by the children's division of the department of social services, a juvenile court officer, a licensed
11 child-placement agency, a social worker, a professional counselor, or a psychologist licensed
12 under chapter [337] **342** and associated with a licensed child-placement agency, or other suitable
13 person appointed by the court. The results of such investigation shall be embodied in a written
14 report that shall be submitted to the court within ninety days of the request for the investigation.

15 3. The children's division shall develop rules and regulations regarding the content of
16 the assessment of the petitioner or petitioners. The content of the assessment shall include but

17 not be limited to a report on the condition of the petitioner's home and information on the
18 petitioner's education, financial, marital, medical and psychological status and criminal
19 background check. If an assessment is conducted after August 28, 1997, but prior to the
20 promulgation of rules and regulations by the department concerning the contents of such
21 assessment, any discrepancy between the contents of the actual assessment and the contents of
22 the assessment required by department rule shall not be used as the sole basis for invalidating
23 an adoption. No rule or portion of a rule promulgated pursuant to the authority of this section
24 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

25 4. The assessment of petitioner or petitioners shall be submitted to the petitioner and to
26 the court prior to the scheduled hearing of the adoptive petition.

27 5. In cases where the adoption or custody involves a child under eighteen years of age
28 that is the natural child of one of the petitioners and where all of the parents required by this
29 chapter to give consent to the adoption or transfer of custody have given such consent, the
30 juvenile court may waive the investigation and report, except the criminal background check, and
31 enter the decree for the adoption or order the transfer of custody without such investigation and
32 report.

33 6. In the case of an investigation and report made by the children's division by order of
34 the court, the court may order the payment of a reasonable fee by the petitioner to cover the costs
35 of the investigation and report.

36 7. Any adult person or persons over the age of eighteen who, as foster parent or parents,
37 have cared for a foster child continuously for a period of nine months or more and bonding has
38 occurred as evidenced by the positive emotional and physical interaction between the foster
39 parent and child, may apply to such authorized agency for the placement of such child with them
40 for the purpose of adoption if the child is eligible for adoption. The agency and court shall give
41 preference and first consideration for adoptive placements to foster parents. However, the final
42 determination of the propriety of the adoption of such foster child shall be within the sole
43 discretion of the court.

44 8. (1) Nothing in this section shall be construed to permit discrimination on the basis
45 of disability or disease of a prospective adoptive parent.

46 (2) The disability or disease of a prospective adoptive parent shall not constitute a basis
47 for a determination that the petitioner is unfit or not suitable to be an adoptive parent without a
48 specific showing that there is a causal relationship between the disability or disease and a
49 substantial and significant risk of harm to a child.

516.105. All actions against physicians, hospitals, dentists, registered or licensed
2 practical nurses, optometrists, podiatrists, pharmacists, chiropractors, professional physical
3 therapists, mental health professionals licensed under chapter 337 **or chapter 342**, and any other

4 entity providing health care services and all employees of any of the foregoing acting in the
5 course and scope of their employment, for damages for malpractice, negligence, error or mistake
6 related to health care shall be brought within two years from the date of occurrence of the act of
7 neglect complained of, except that:

8 (1) In cases in which the act of neglect complained of is introducing and negligently
9 permitting any foreign object to remain within the body of a living person, the action shall be
10 brought within two years from the date of the discovery of such alleged negligence, or from the
11 date on which the patient in the exercise of ordinary care should have discovered such alleged
12 negligence, whichever date first occurs; and

13 (2) In cases in which the act of neglect complained of is the negligent failure to inform
14 the patient of the results of medical tests, the action for failure to inform shall be brought within
15 two years from the date of the discovery of such alleged negligent failure to inform, or from the
16 date on which the patient in the exercise of ordinary care should have discovered such alleged
17 negligent failure to inform, whichever date first occurs; except that, no such action shall be
18 brought for any negligent failure to inform about the results of medical tests performed more than
19 two years before August 28, 1999. For purposes of this subdivision, the act of neglect based on
20 the negligent failure to inform the patient of the results of medical tests shall not include the act
21 of informing the patient of the results of negligently performed medical tests or the act of
22 informing the patient of erroneous test results; and

23 (3) In cases in which the person bringing the action is a minor less than eighteen years
24 of age, such minor shall have until his or her twentieth birthday to bring such action.

25

26 In no event shall any action for damages for malpractice, error, or mistake be commenced after
27 the expiration of ten years from the date of the act of neglect complained of or for two years from
28 a minor's eighteenth birthday, whichever is later.

537.035. 1. As used in this section, unless the context clearly indicates otherwise, the
2 following words and terms shall have the meanings indicated:

3 (1) "Health care professional", a physician or surgeon licensed under the provisions of
4 chapter 334, or a dentist licensed under the provisions of chapter 332, or a podiatrist licensed
5 under the provisions of chapter 330, or an optometrist licensed under the provisions of chapter
6 336, or a pharmacist licensed under the provisions of chapter 338, or a chiropractor licensed
7 under the provisions of chapter 331, or a psychologist licensed under the provisions of chapter
8 ~~337~~ **342**, or a nurse licensed under the provisions of chapter 335, or a social worker licensed
9 under the provisions of chapter 337, or a professional counselor licensed under the provisions
10 of chapter 337, or a mental health professional as defined in section 632.005, while acting within
11 their scope of practice;

12 (2) "Peer review committee", a committee of health care professionals with the
13 responsibility to evaluate, maintain, or monitor the quality and utilization of health care services
14 or to exercise any combination of such responsibilities.

15 2. A peer review committee may be constituted as follows:

16 (1) Comprised of, and appointed by, a state, county or local society of health care
17 professionals;

18 (2) Comprised of, and appointed by, the partners, shareholders, or employed health care
19 professionals of a partnership or professional corporation of health care professionals, or
20 employed health care professionals of a university or an entity affiliated with a university
21 operating under chapter 172, 174, 352, or 355;

22 (3) Appointed by the board of trustees, chief executive officer, or the organized medical
23 staff of a licensed hospital, or other health facility operating under constitutional or statutory
24 authority, including long-term care facilities licensed under chapter 198, or an administrative
25 entity of the department of mental health recognized pursuant to the provisions of subdivision
26 (3) of subsection 1 of section 630.407;

27 (4) Any other organization formed pursuant to state or federal law authorized to exercise
28 the responsibilities of a peer review committee and acting within the scope of such authorization;

29 (5) Appointed by the board of directors, chief executive officer or the medical director
30 of the licensed health maintenance organization.

31 3. Each member of a peer review committee and each person, hospital governing board,
32 health maintenance organization board of directors, and chief executive officer of a licensed
33 hospital or other hospital operating under constitutional or statutory authority, chief executive
34 officer or medical director of a licensed health maintenance organization who testifies before,
35 or provides information to, acts upon the recommendation of, or otherwise participates in the
36 operation of, such a committee shall be immune from civil liability for such acts so long as the
37 acts are performed in good faith, without malice and are reasonably related to the scope of
38 inquiry of the peer review committee.

39 4. Except as otherwise provided in this section, the interviews, memoranda, proceedings,
40 findings, deliberations, reports, and minutes of peer review committees, or the existence of the
41 same, concerning the health care provided any patient are privileged and shall not be subject to
42 discovery, subpoena, or other means of legal compulsion for their release to any person or entity
43 or be admissible into evidence in any judicial or administrative action for failure to provide
44 appropriate care. Except as otherwise provided in this section, no person who was in attendance
45 at any peer review committee proceeding shall be permitted or required to disclose any
46 information acquired in connection with or in the course of such proceeding, or to disclose any
47 opinion, recommendation, or evaluation of the committee or board, or any member thereof;

48 provided, however, that information otherwise discoverable or admissible from original sources
49 is not to be construed as immune from discovery or use in any proceeding merely because it was
50 presented during proceedings before a peer review committee nor is a member, employee, or
51 agent of such committee, or other person appearing before it, to be prevented from testifying as
52 to matters within his personal knowledge and in accordance with the other provisions of this
53 section, but such witness cannot be questioned about testimony or other proceedings before any
54 health care review committee or board or about opinions formed as a result of such committee
55 hearings. The disclosure of any interview, memoranda, proceedings, findings, deliberations,
56 reports, or minutes to any person or entity, including but not limited to governmental agencies,
57 professional accrediting agencies, or other health care providers, whether proper or improper,
58 shall not waive or have any effect upon its confidentiality, nondiscoverability, or
59 nonadmissibility.

60 5. The provisions of subsection 4 of this section limiting discovery and admissibility of
61 testimony as well as the proceedings, findings, records, and minutes of peer review committees
62 do not apply in any judicial or administrative action brought by a peer review committee or the
63 legal entity which formed or within which such committee operates to deny, restrict, or revoke
64 the hospital staff privileges or license to practice of a physician or other health care providers;
65 or when a member, employee, or agent of the peer review committee or the legal entity which
66 formed such committee or within which such committee operates is sued for actions taken by
67 such committee which operate to deny, restrict or revoke the hospital staff privileges or license
68 to practice of a physician or other health care provider.

69 6. Nothing in this section shall limit authority otherwise provided by law of a health care
70 licensing board of the state of Missouri to obtain information by subpoena or other authorized
71 process from peer review committees or to require disclosure of otherwise confidential
72 information relating to matters and investigations within the jurisdiction of such health care
73 licensing boards.

552.020. 1. No person who as a result of mental disease or defect lacks capacity to
2 understand the proceedings against him or to assist in his own defense shall be tried, convicted
3 or sentenced for the commission of an offense so long as the incapacity endures.

4 2. Whenever any judge has reasonable cause to believe that the accused lacks mental
5 fitness to proceed, he shall, upon his own motion or upon motion filed by the state or by or on
6 behalf of the accused, by order of record, appoint one or more private psychiatrists or
7 psychologists, as defined in section 632.005, or physicians with a minimum of one year training
8 or experience in providing treatment or services to persons with an intellectual disability or
9 developmental disability or mental illness, who are neither employees nor contractors of the
10 department of mental health for purposes of performing the examination in question, to examine

11 the accused; or shall direct the director to have the accused so examined by one or more
12 psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of
13 one year training or experience in providing treatment or services to persons with an intellectual
14 disability, developmental disability, or mental illness. The order shall direct that a written report
15 or reports of such examination be filed with the clerk of the court. No private physician,
16 psychiatrist, or psychologist shall be appointed by the court unless he has consented to act. The
17 examinations ordered shall be made at such time and place and under such conditions as the
18 court deems proper; except that, if the order directs the director of the department to have the
19 accused examined, the director, or his designee, shall determine the time, place and conditions
20 under which the examination shall be conducted. The order may include provisions for the
21 interview of witnesses and may require the provision of police reports to the department for use
22 in evaluations. The department shall establish standards and provide training for those
23 individuals performing examinations pursuant to this section and section 552.030. No individual
24 who is employed by or contracts with the department shall be designated to perform an
25 examination pursuant to this chapter unless the individual meets the qualifications so established
26 by the department. Any examination performed pursuant to this subsection shall be completed
27 and filed with the court within sixty days of the order unless the court for good cause orders
28 otherwise. Nothing in this section or section 552.030 shall be construed to permit psychologists
29 to engage in any activity not authorized by chapter ~~[337]~~ **342**. One pretrial evaluation shall be
30 provided at no charge to the defendant by the department. All costs of subsequent evaluations
31 shall be assessed to the party requesting the evaluation.

32 3. A report of the examination made under this section shall include:

33 (1) Detailed findings;

34 (2) An opinion as to whether the accused has a mental disease or defect;

35 (3) An opinion based upon a reasonable degree of medical or psychological certainty as
36 to whether the accused, as a result of a mental disease or defect, lacks capacity to understand the
37 proceedings against him or to assist in his own defense;

38 (4) A recommendation as to whether the accused should be held in custody in a suitable
39 hospital facility for treatment pending determination, by the court, of mental fitness to proceed;
40 and

41 (5) A recommendation as to whether the accused, if found by the court to be mentally
42 fit to proceed, should be detained in such hospital facility pending further proceedings.

43 4. If the accused has pleaded lack of responsibility due to mental disease or defect or has
44 given the written notice provided in subsection 2 of section 552.030, the court shall order the
45 report of the examination conducted pursuant to this section to include, in addition to the
46 information required in subsection 3 of this section, an opinion as to whether at the time of the

47 alleged criminal conduct the accused, as a result of mental disease or defect, did not know or
48 appreciate the nature, quality, or wrongfulness of his conduct or as a result of mental disease or
49 defect was incapable of conforming his conduct to the requirements of law. A plea of not guilty
50 by reason of mental disease or defect shall not be accepted by the court in the absence of any
51 such pretrial evaluation which supports such a defense. In addition, if the accused has pleaded
52 not guilty by reason of mental disease or defect, and the alleged crime is not a dangerous felony
53 as defined in section 556.061, or those crimes set forth in subsection 11 of section 552.040, or
54 the attempts thereof, the court shall order the report of the examination to include an opinion as
55 to whether or not the accused should be immediately conditionally released by the court pursuant
56 to the provisions of section 552.040 or should be committed to a mental health or developmental
57 disability facility. If such an evaluation is conducted at the direction of the director of the
58 department of mental health, the court shall also order the report of the examination to include
59 an opinion as to the conditions of release which are consistent with the needs of the accused and
60 the interest of public safety, including, but not limited to, the following factors:

- 61 (1) Location and degree of necessary supervision of housing;
- 62 (2) Location of and responsibilities for appropriate psychiatric, rehabilitation and
63 aftercare services, including the frequency of such services;
- 64 (3) Medication follow-up, including necessary testing to monitor medication compliance;
- 65 (4) At least monthly contact with the department's forensic case monitor;
- 66 (5) Any other conditions or supervision as may be warranted by the circumstances of the
67 case.

68 5. If the report contains the recommendation that the accused should be committed to
69 or held in a suitable hospital facility pending determination of the issue of mental fitness to
70 proceed, and if the accused is not admitted to bail or released on other conditions, the court may
71 order that the accused be committed to or held in a suitable hospital facility pending
72 determination of the issue of mental fitness to proceed.

73 6. The clerk of the court shall deliver copies of the report to the prosecuting or circuit
74 attorney and to the accused or his counsel. The report shall not be a public record or open to the
75 public. Within ten days after the filing of the report, both the defendant and the state shall, upon
76 written request, be entitled to an order granting them an examination of the accused by a
77 psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one
78 year training or experience in providing treatment or services to persons with an intellectual
79 disability or developmental disability or mental illness, of their own choosing and at their own
80 expense. An examination performed pursuant to this subsection shall be completed and a report
81 filed with the court within sixty days of the date it is received by the department or private

82 psychiatrist, psychologist or physician unless the court, for good cause, orders otherwise. A copy
83 shall be furnished the opposing party.

84 7. If neither the state nor the accused nor his counsel requests a second examination
85 relative to fitness to proceed or contests the findings of the report referred to in subsections 2 and
86 3 of this section, the court may make a determination and finding on the basis of the report filed
87 or may hold a hearing on its own motion. If any such opinion is contested, the court shall hold
88 a hearing on the issue. The court shall determine the issue of mental fitness to proceed and may
89 impanel a jury of six persons to assist in making the determination. The report or reports may
90 be received in evidence at any hearing on the issue but the party contesting any opinion therein
91 shall have the right to summon and to cross-examine the examiner who rendered such opinion
92 and to offer evidence upon the issue.

93 8. At a hearing on the issue pursuant to subsection 7 of this section, the accused is
94 presumed to have the mental fitness to proceed. The burden of proving that the accused does not
95 have the mental fitness to proceed is by a preponderance of the evidence and the burden of going
96 forward with the evidence is on the party raising the issue. The burden of going forward shall
97 be on the state if the court raises the issue.

98 9. If the court determines that the accused lacks mental fitness to proceed, the criminal
99 proceedings shall be suspended and the court shall commit him to the director of the department
100 of mental health.

101 10. Any person committed pursuant to subsection 9 of this section shall be entitled to
102 the writ of habeas corpus upon proper petition to the court that committed him. The issue of the
103 mental fitness to proceed after commitment under subsection 9 of this section may also be raised
104 by a motion filed by the director of the department of mental health or by the state, alleging the
105 mental fitness of the accused to proceed. A report relating to the issue of the accused's mental
106 fitness to proceed may be attached thereto. If the motion is not contested by the accused or his
107 counsel or if after a hearing on a motion the court finds the accused mentally fit to proceed, or
108 if he is ordered discharged from the director's custody upon a habeas corpus hearing, the criminal
109 proceedings shall be resumed.

110 11. The following provisions shall apply after a commitment as provided in this section:

111 (1) Six months after such commitment, the court which ordered the accused committed
112 shall order an examination by the head of the facility in which the accused is committed, or a
113 qualified designee, to ascertain whether the accused is mentally fit to proceed and if not, whether
114 there is a substantial probability that the accused will attain the mental fitness to proceed to trial
115 in the foreseeable future. The order shall direct that written report or reports of the examination
116 be filed with the clerk of the court within thirty days and the clerk shall deliver copies to the
117 prosecuting attorney or circuit attorney and to the accused or his counsel. The report required

118 by this subsection shall conform to the requirements under subsection 3 of this section with the
119 additional requirement that it include an opinion, if the accused lacks mental fitness to proceed,
120 as to whether there is a substantial probability that the accused will attain the mental fitness to
121 proceed in the foreseeable future;

122 (2) Within ten days after the filing of the report, both the accused and the state shall,
123 upon written request, be entitled to an order granting them an examination of the accused by a
124 psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one
125 year training or experience in providing treatment or services to persons with an intellectual
126 disability or developmental disability or mental illness, of their own choosing and at their own
127 expense. An examination performed pursuant to this subdivision shall be completed and filed
128 with the court within thirty days unless the court, for good cause, orders otherwise. A copy shall
129 be furnished to the opposing party;

130 (3) If neither the state nor the accused nor his counsel requests a second examination
131 relative to fitness to proceed or contests the findings of the report referred to in subdivision (1)
132 of this subsection, the court may make a determination and finding on the basis of the report
133 filed, or may hold a hearing on its own motion. If any such opinion is contested, the court shall
134 hold a hearing on the issue. The report or reports may be received in evidence at any hearing on
135 the issue but the party contesting any opinion therein relative to fitness to proceed shall have the
136 right to summon and to cross-examine the examiner who rendered such opinion and to offer
137 evidence upon the issue;

138 (4) If the accused is found mentally fit to proceed, the criminal proceedings shall be
139 resumed;

140 (5) If it is found that the accused lacks mental fitness to proceed but there is a substantial
141 probability the accused will be mentally fit to proceed in the reasonably foreseeable future, the
142 court shall continue such commitment for a period not longer than six months, after which the
143 court shall reinstitute the proceedings required under subdivision (1) of this subsection;

144 (6) If it is found that the accused lacks mental fitness to proceed and there is no
145 substantial probability that the accused will be mentally fit to proceed in the reasonably
146 foreseeable future, the court shall dismiss the charges without prejudice and the accused shall
147 be discharged, but only if proper proceedings have been filed under chapter 632 or chapter 475,
148 in which case those sections and no others will be applicable. The probate division of the circuit
149 court shall have concurrent jurisdiction over the accused upon the filing of a proper pleading to
150 determine if the accused shall be involuntarily detained under chapter 632, or to determine if the
151 accused shall be declared incapacitated under chapter 475, and approved for admission by the
152 guardian under section 632.120 or 633.120, to a mental health or developmental disability
153 facility. When such proceedings are filed, the criminal charges shall be dismissed without

154 prejudice if the court finds that the accused is mentally ill and should be committed or that he
155 is incapacitated and should have a guardian appointed. The period of limitation on prosecuting
156 any criminal offense shall be tolled during the period that the accused lacks mental fitness to
157 proceed.

158 12. If the question of the accused's mental fitness to proceed was raised after a jury was
159 impaneled to try the issues raised by a plea of not guilty and the court determines that the accused
160 lacks the mental fitness to proceed or orders the accused committed for an examination pursuant
161 to this section, the court may declare a mistrial. Declaration of a mistrial under these
162 circumstances, or dismissal of the charges pursuant to subsection 11 of this section, does not
163 constitute jeopardy, nor does it prohibit the trial, sentencing or execution of the accused for the
164 same offense after he has been found restored to competency.

165 13. The result of any examinations made pursuant to this section shall not be a public
166 record or open to the public.

167 14. No statement made by the accused in the course of any examination or treatment
168 pursuant to this section and no information received by any examiner or other person in the
169 course thereof, whether such examination or treatment was made with or without the consent of
170 the accused or upon his motion or upon that of others, shall be admitted in evidence against the
171 accused on the issue of guilt in any criminal proceeding then or thereafter pending in any court,
172 state or federal. A finding by the court that the accused is mentally fit to proceed shall in no way
173 prejudice the accused in a defense to the crime charged on the ground that at the time thereof he
174 was afflicted with a mental disease or defect excluding responsibility, nor shall such finding by
175 the court be introduced in evidence on that issue nor otherwise be brought to the notice of the
176 jury.

595.030. 1. No compensation shall be paid unless the claimant has incurred an
2 out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support
3 from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable
4 expenses or indebtedness reasonably incurred:

5 (1) For medical care or other services, including psychiatric, psychological or counseling
6 expenses, necessary as a result of the crime upon which the claim is based, except that the
7 amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not
8 exceed two thousand five hundred dollars; or

9 (2) As a result of personal property being seized in an investigation by law enforcement.

10

11 Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal
12 to the loss sustained, but shall not exceed two hundred fifty dollars.

13 2. No compensation shall be paid unless the department of public safety finds that a
14 crime was committed, that such crime directly resulted in personal physical injury to, or the death
15 of, the victim, and that police records show that such crime was promptly reported to the proper
16 authorities. In no case may compensation be paid if the police records show that such report was
17 made more than forty-eight hours after the occurrence of such crime, unless the department of
18 public safety finds that the report to the police was delayed for good cause. If the victim is under
19 eighteen years of age such report may be made by the victim's parent, guardian or custodian; by
20 a physician, a nurse, or hospital emergency room personnel; by the children's division personnel;
21 or by any other member of the victim's family. In the case of a sexual offense, filing a report of
22 the offense to the proper authorities may include, but not be limited to, the filing of the report
23 of the forensic examination by the appropriate medical provider, as defined in section 595.220,
24 with the prosecuting attorney of the county in which the alleged incident occurred.

25 3. No compensation shall be paid for medical care if the service provider is not a medical
26 provider as that term is defined in section 595.027, and the individual providing the medical care
27 is not licensed by the state of Missouri or the state in which the medical care is provided.

28 4. No compensation shall be paid for psychiatric treatment or other counseling services,
29 including psychotherapy, unless the service provider is a:

30 (1) Physician licensed pursuant to chapter 334 or licensed to practice medicine in the
31 state in which the service is provided;

32 (2) Psychologist licensed pursuant to chapter ~~337~~ **342** or licensed to practice
33 psychology in the state in which the service is provided;

34 (3) Clinical social worker licensed pursuant to chapter 337;

35 (4) Professional counselor licensed pursuant to chapter 337; or

36 (5) Board-certified psychiatric-mental health clinical nurse specialist or board certified
37 psychiatric-mental health nurse practitioner licensed under chapter 335 or licensed in the state
38 in which the service is provided.

39 5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal
40 injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or
41 support from gainful employment, not to exceed four hundred dollars per week, resulting from
42 such injury or death. In the event of death of the victim, an award may be made for reasonable
43 and necessary expenses actually incurred for preparation and burial not to exceed five thousand
44 dollars.

45 6. Any compensation for loss of earnings or support from gainful employment shall be
46 in an amount equal to the actual loss sustained not to exceed four hundred dollars per week;
47 provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed
48 twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of

49 the death of a person which is the direct result of a crime or in the case of a sexual assault, the
50 compensation shall be apportioned by the department of public safety among the claimants in
51 proportion to their loss.

52 7. The method and timing of the payment of any compensation pursuant to sections
53 595.010 to 595.075 shall be determined by the department.

54 8. The department shall have the authority to negotiate the costs of medical care or other
55 services directly with the providers of the care or services on behalf of any victim receiving
56 compensation pursuant to sections 595.010 to 595.075.

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

3 (1) "Comprehensive psychiatric services", any one, or any combination of two or more,
4 of the following services to persons affected by mental disorders other than intellectual
5 disabilities or developmental disabilities: inpatient, outpatient, day program or other partial
6 hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education,
7 rehabilitation, prevention, screening, transitional living, medical prevention and treatment for
8 alcohol abuse, and medical prevention and treatment for drug abuse;

9 (2) "Council", the Missouri advisory council for comprehensive psychiatric services;

10 (3) "Court", the court which has jurisdiction over the respondent or patient;

11 (4) "Division", the division of comprehensive psychiatric services of the department of
12 mental health;

13 (5) "Division director", director of the division of comprehensive psychiatric services
14 of the department of mental health, or his designee;

15 (6) "Head of mental health facility", superintendent or other chief administrative officer
16 of a mental health facility, or his designee;

17 (7) "Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday when the
18 court is open for business, but excluding Saturdays, Sundays and legal holidays;

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

22 (9) "Licensed professional counselor", a person licensed as a professional counselor
23 under chapter 337 and with a minimum of one year training or experience in providing
24 psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a
25 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 (11) "Mental health coordinator", a mental health professional who has knowledge of
50 the laws relating to hospital admissions and civil commitment and who is authorized by the
51 director of the department, or his designee, to serve a designated geographic area or mental
52 health facility and who has the powers, duties and responsibilities provided in this chapter;

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

59 (13) "Mental health professional", a psychiatrist, resident in psychiatry, psychologist,
60 psychiatric nurse, licensed professional counselor, or psychiatric social worker;

61 (14) "Mental health program", any public or private residential facility, public or private
62 hospital, public or private specialized service or public or private day program that can provide
63 care, treatment, rehabilitation or services, either through its own staff or through contracted

64 providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness
65 or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the
66 department. No correctional institution or facility or jail may be a mental health program within
67 the meaning of this chapter;

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

71 (16) "Peace officer", a sheriff, deputy sheriff, county or municipal police officer or
72 highway patrolman;

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

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

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

83 (20) "Psychologist", a person licensed to practice psychology under chapter ~~337~~ **342**
84 with a minimum of one year training or experience in providing treatment or services to mentally
85 disordered or mentally ill individuals;

86 (21) "Resident in psychiatry", a licensed physician who is in a training program in
87 psychiatry approved by the American Medical Association, the American Osteopathic
88 Association or other training program certified as equivalent by the department;

89 (22) "Respondent", an individual against whom involuntary civil detention proceedings
90 are instituted pursuant to this chapter;

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

632.425. The physician-patient privilege recognized by section 491.060 and the
2 psychologist-patient privilege recognized by section ~~337.055~~ **342.055** shall be deemed waived
3 in detention proceedings under this chapter. The fact that such privileges have been waived
4 pursuant to this section does not by itself waive the privileges in any other proceeding, civil or
5 criminal. The waiver of the privileges shall extend only to that evidence which is directly
6 material and relevant to detention proceedings.

632.560. 1. As used in this section, "mental health care provider" means any person
2 licensed pursuant to chapter 334, chapter 335, ~~[or]~~ chapter 337, **or chapter 342**.

3 2. To provide repressed memory therapy, recovered memory therapy, reparenting therapy
4 or multiple personality disorder treatment, a person shall be a mental health care provider as
5 defined in subsection 1 of this section.

✓