

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 275, Page 44, Section 334.749, Line 43,
2 by inserting after all of said section and line the following:

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

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

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

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

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

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

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

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

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

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

Action Taken _____ Date _____

(9) A person is finally adjudged insane or incapacitated by a court of competent jurisdiction;
 (10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice as provided this chapter;

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

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

(13) Violation of any professional trust or confidence;

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

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

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

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

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

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

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

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

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or

1 an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;
 2 (3) Use of fraud, deception, misrepresentation or bribery in securing any permit or license
 3 issued under this chapter or in obtaining permission to take any examination given or required under
 4 sections 337.300 to 337.345;

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

7 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in
 8 the performance of the functions or duties of any profession licensed by sections 337.300 to
 9 337.345;

10 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
 11 337.300 to 337.345, or of any lawful rule adopted thereunder;

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

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

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

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

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

24 (12) Failure to display a valid certificate or license if so required by sections 337.300 to
 25 337.345 or any rule promulgated thereunder;

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

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

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

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

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

47 337.525. 1. The committee may refuse to issue or renew any license required by the
 48 provisions of sections 337.500 to 337.540 for one or any combination of causes stated in subsection
 49 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal

1 and shall advise the applicant of his right to file a complaint with the administrative hearing
2 commission as provided by chapter 621.

3 2. The committee may cause a complaint to be filed with the administrative hearing
4 commission as provided by chapter 621 against any holder of any license required by sections
5 337.500 to 337.540 or any person who has failed to renew or has surrendered his license for any one
6 or any combination of the following causes:

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

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

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

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

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

21 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
22 337.500 to 337.540, or of any lawful rule or regulation adopted pursuant to sections 337.500 to
23 337.540;

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

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

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

30 (10) Assisting or enabling any person to practice or offer to practice professional counseling
31 who is not licensed and currently eligible to practice under the provisions of sections 337.500 to
32 337.540;

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

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

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

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

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

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

1 orientation or gender identity.

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

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

11 337.630. 1. The committee may refuse to issue or renew any license required by the
12 provisions of sections 337.600 to 337.689 for one or any combination of causes stated in subsection
13 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal
14 and shall advise the applicant of the applicant's right to file a complaint with the administrative
15 hearing commission as provided by chapter 621.

16 2. The committee may cause a complaint to be filed with the administrative hearing
17 commission as provided by chapter 621 against any holder of any license required by sections
18 337.600 to 337.689 or any person who has failed to renew or has surrendered the person's license for
19 any one or any combination of the following causes:

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

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

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

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

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

37 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
38 337.600 to 337.689, or of any lawful rule or regulation adopted pursuant to sections 337.600 to
39 337.689;

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

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

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

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

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

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

(13) Violation of any professional trust or confidence;

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

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

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

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

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

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

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

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

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

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

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

1 fraud, deception or misrepresentation;

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

4 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
5 337.700 to 337.739 or of any lawful rule or regulation adopted pursuant to sections 337.700 to
6 337.739;

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

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

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

13 (10) Assisting or enabling any person to practice or offer to practice marital and family
14 therapy who is not licensed and is not currently eligible to practice under the provisions of sections
15 337.700 to 337.739;

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

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

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

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

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

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

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

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

43
44 Further amend said bill by amending the title, enacting clause, and intersectional references
45 accordingly.