

FIRST REGULAR SESSION

# HOUSE BILL NO. 1269

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FOGLE.

2297H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 337.035, 337.330, 337.525, 337.630, and 337.730, RSMo, and to enact in lieu thereof five new sections relating to youth mental health preservation.

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

Section A. Sections 337.035, 337.330, 337.525, 337.630, and 337.730, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be known as sections 337.035, 337.330,  
3 337.525, 337.630, and 337.730, to read as follows:

337.035. 1. The committee may refuse to issue any certificate of registration or  
2 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, of the United States,

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.

16 or of any country, for any offense directly related to the duties and responsibilities of the  
17 occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

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

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

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

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

48 **(16) Engaging in conversion therapy with a minor. For purposes of this**  
49 **subdivision, the term "conversion therapy" means any practices or treatments that seek**  
50 **to change an individual's sexual orientation or gender identity, including efforts to change**  
51 **behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions**

52 **or feelings toward individuals of the same gender. The term "conversion therapy" shall**  
53 **not include counseling that provides assistance to a person undergoing gender transition**  
54 **or counseling that provides acceptance, support, and understanding of a person or**  
55 **facilitates a person's coping, social support, and identity exploration and development,**  
56 **including sexual-orientation-neutral interventions to prevent or address unlawful conduct**  
57 **or unsafe sexual practices, as long as such counseling does not seek to change an**  
58 **individual's sexual orientation or gender identity.**

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

66         4. An interested third party may file a complaint or appear or present evidence relative  
67 to such complaint or another complaint filed pursuant to this section. For purposes of this  
68 section, an interested third party includes a parent or guardian of a person who received treatment  
69 by a psychologist or any person who is related within the second degree of consanguinity or  
70 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  
2 for one or any combination of causes stated in subsection 2 of this section. The committee shall  
3 notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the  
4 applicant's right to file a complaint with the administrative hearing commission as provided by  
5 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, of the United States,  
15 or of any country for any offense directly related to the duties and responsibilities of the  
16 occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

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

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

22 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty  
23 in the performance of the functions or duties of any profession licensed by sections 337.300 to  
24 337.345;

25 (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
26 337.300 to 337.345, or of any lawful rule adopted thereunder;

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

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

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

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

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

40 (12) Failure to display a valid certificate or license if so required by sections 337.300 to  
41 337.345 or any rule promulgated thereunder;

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

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

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

47 **(16) Engaging in conversion therapy with a minor. For purposes of this**  
48 **subdivision, the term "conversion therapy" means any practices or treatments that seek**  
49 **to change an individual's sexual orientation or gender identity, including efforts to change**  
50 **behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions**  
51 **or feelings toward individuals of the same gender. The term "conversion therapy" shall**  
52 **not include counseling that provides assistance to a person undergoing gender transition**

53 **or counseling that provides acceptance, support, and understanding of a person or**  
54 **facilitates a person's coping, social support, and identity exploration and development,**  
55 **including sexual-orientation-neutral interventions to prevent or address unlawful conduct**  
56 **or unsafe sexual practices, as long as such counseling does not seek to change an**  
57 **individual's sexual orientation or gender identity.**

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

337.525. 1. The committee may refuse to issue or renew any license required by the  
2 provisions of sections 337.500 to 337.540 for one or any combination of causes stated in  
3 subsection 2 of this section. The committee shall notify the applicant in writing of the reasons  
4 for the refusal and shall advise the applicant of his or her right to file a complaint with the  
5 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 license required by sections  
8 337.500 to 337.540 or any person who has failed to renew or has surrendered his license for any  
9 one 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 engage in the occupation of professional  
12 counselor;

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, of the United States,  
15 or of any country, for any offense directly related to the duties and responsibilities of the  
16 occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

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

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

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

24 (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
25 337.500 to 337.540, or of any lawful rule or regulation adopted pursuant to sections 337.500 to  
26 337.540;

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

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

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

33 (10) Assisting or enabling any person to practice or offer to practice professional  
34 counseling who is not licensed and currently eligible to practice under the provisions of sections  
35 337.500 to 337.540;

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

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

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

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

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

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

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

58 4. After the filing of such complaint, the proceedings shall be conducted in accordance  
59 with the provisions of chapter 621. Upon a finding by the administrative hearing commission

60 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the  
61 committee may censure or place the person named in the complaint on probation on such terms  
62 and conditions as the committee deems appropriate for a period not to exceed five years, or may  
63 suspend, for a period not to exceed three years, or revoke the license.

337.630. 1. The committee may refuse to issue or renew any license required by the  
2 provisions of sections 337.600 to 337.689 for one or any combination of causes stated in  
3 subsection 2 of this section. The committee shall notify the applicant in writing of the reasons  
4 for the refusal and shall advise the applicant of the applicant's right to file a complaint with the  
5 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 license required by sections  
8 337.600 to 337.689 or any person who has failed to renew or has surrendered the person's license  
9 for any one 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 engage in the occupation of social work  
12 licensed under this chapter; except that the fact that a person has undergone treatment for past  
13 substance or alcohol abuse and/or has participated in a recovery program, shall not by itself be  
14 cause for refusal to issue or renew a license;

15 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
16 or nolo contendere, in a criminal prosecution pursuant to the laws of any state, of the United  
17 States, or of any country, for any offense directly related to the duties and responsibilities of the  
18 occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

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

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

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

26 (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
27 337.600 to 337.689, or of any lawful rule or regulation adopted pursuant to sections 337.600 to  
28 337.689;

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

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

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

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

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

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

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

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

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

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

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

60 4. After the filing of such complaint, the proceedings shall be conducted in accordance  
61 with the provisions of chapter 621. Upon a finding by the administrative hearing commission  
62 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the  
63 committee may censure or place the person named in the complaint on probation on such terms  
64 and conditions as the committee deems appropriate for a period not to exceed five years, or may  
65 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, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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