

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 689
100TH GENERAL ASSEMBLY

Reported from the Committee on Professional Registration, February 13, 2020, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 689, adopted February 24, 2020.

Taken up for Perfection February 24, 2020. Bill declared Perfected and Ordered Printed.

ADRIANE D. CROUSE, Secretary.

3182S.04P

AN ACT

To repeal sections 337.020, 337.029, and 337.050, RSMo, and to enact in lieu thereof four new sections relating to licensing requirements for certain professionals.

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

Section A. Sections 337.020, 337.029, and 337.050, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 324.035,
3 337.020, 337.029, and 337.050, to read as follows:

**324.035. 1. No board, commission, or committee within the
2 division of professional registration shall utilize occupational fees, or
3 any other fees associated with licensing requirements, or contract or
4 partner with any outside vendor or agency for the purpose of offering
5 continuing education classes.**

**6 2. Nothing in this section shall be construed to preclude a board,
7 commission, or committee within the division of professional
8 registration from utilizing occupational licensure fees for the purpose
9 of participating in conferences, seminars, or other outreach for the
10 purpose of communicating information to licensees with respect to
11 changes in policy, law, or regulations.**

337.020. 1. Each person desiring to obtain a license, whether temporary,
2 provisional or permanent, as a psychologist shall make application to the
3 committee upon such forms and in such manner as may be prescribed by the
4 committee and shall pay the required application fee. The form shall include a

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

5 statement that the applicant has completed two hours of suicide assessment,
6 referral, treatment, and management training that meets the guidelines
7 developed by the committee. [The committee shall not charge an application fee
8 until such time that the application has been approved. In the event that an
9 application is denied or rejected, no application fee shall be charged.] The
10 application fee shall not be refundable. Each application shall contain a
11 statement that it is made under oath or affirmation and that its representations
12 are true and correct to the best knowledge and belief of the person signing the
13 application, subject to the penalties of making a false affidavit or declaration.

14 2. Each applicant, whether for temporary, provisional or permanent
15 licensure, shall submit evidence satisfactory to the committee that the applicant
16 is at least twenty-one years of age, is of good moral character, and meets the
17 appropriate educational requirements as set forth in either section 337.021 or
18 337.025, or is qualified for licensure without examination pursuant to section
19 337.029. In determining the acceptability of the applicant's qualifications, the
20 committee may require evidence that it deems reasonable and proper, in
21 accordance with law, and the applicant shall furnish the evidence in the manner
22 required by the committee.

23 3. The committee with assistance from the division shall issue a
24 permanent license to and register as a psychologist any applicant who, in
25 addition to having fulfilled the other requirements of sections 337.010 to 337.090,
26 passes the examination for professional practice in psychology and such other
27 examinations in psychology which may be adopted by the committee, except that
28 an applicant fulfilling the requirement of section 337.029 shall upon successful
29 completion of the jurisprudence examination and completion of the oral
30 examination be permanently licensed without having to retake the examination
31 for professional practice in psychology.

32 4. The committee, with assistance from the division, shall issue a
33 provisional license to, and register as being a provisionally licensed psychologist,
34 any applicant who is a graduate of a recognized educational institution with a
35 doctoral degree in psychology as defined in section 337.025, and who otherwise
36 meets all requirements to become a licensed psychologist, except for passage of
37 the national and state licensing exams, oral examination and completion of the
38 required period of postdegree supervised experience as specified in subsection 2
39 of section 337.025.

40 5. A provisional license issued pursuant to subsection 4 of this section

41 shall only authorize and permit the applicant to render those psychological
42 services which are under the supervision and the full professional responsibility
43 and control of such person's postdoctoral degree licensed supervisor. A
44 provisional license shall automatically terminate upon issuance of a permanent
45 license, upon a finding of cause to discipline after notice and hearing pursuant
46 to section 337.035, upon the expiration of one year from the date of issuance
47 whichever event first occurs, or upon termination of supervision by the licensed
48 supervisor. The provisional license may be renewed after one year with a
49 maximum issuance of two years total per provisional licensee. The committee by
50 rule shall provide procedures for exceptions and variances from the requirement
51 of a maximum issuance of two years due to vacations, illness, pregnancy and
52 other good causes.

53 6. The committee, with assistance from the division, shall immediately
54 issue a temporary license to any applicant for licensure either by reciprocity
55 pursuant to section 337.029, or by endorsement of the score from the examination
56 for professional practice in psychology upon receipt of an application for such
57 licensure and upon proof that the applicant is either licensed as a psychologist
58 in another jurisdiction, is a diplomate of the American Board of Professional
59 Psychology, or is a member of the National Register of Health Services Providers
60 in Psychology.

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

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

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

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

77 8. Written and oral examinations pursuant to sections 337.010 to 337.090
78 shall be administered by the committee at least twice each year to any applicant
79 who meets the educational requirements set forth in either section 337.021 or
80 337.025 or to any applicant who is seeking licensure either by reciprocity
81 pursuant to section 337.029, or by endorsement of the score from the examination
82 of professional practice in psychology. The committee shall examine in the areas
83 of professional knowledge, techniques and applications, research and its
84 interpretation, professional affairs, ethics, and Missouri law and regulations
85 governing the practice of psychology. The committee may use, in whole or in part,
86 the examination for professional practice in psychology national examination in
87 psychology or such other national examination in psychology which may be
88 available.

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

 337.029. 1. A psychologist licensed in another jurisdiction who has had
2 no violations and no suspensions and no revocation of a license to practice
3 psychology in any jurisdiction may receive a license in Missouri, provided the
4 psychologist passes a written examination on Missouri laws and regulations
5 governing the practice of psychology and meets 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
8 Psychology;
9 (3) [Is currently licensed or certified as a psychologist in another
10 jurisdiction who is then a signatory to the Association of State and Provincial
11 Psychology Board's reciprocity agreement;
12 (4)] Is currently licensed or certified as a psychologist in another state,
13 territory of the United States, or the District of Columbia and:
14 (a) Has a doctoral degree in psychology from a program accredited, or
15 provisionally accredited, either by the American Psychological Association or the
16 Psychological Clinical Science Accreditation System, or that meets the
17 requirements as set forth in subdivision (3) of subsection 3 of section 337.025;
18 (b) Has been licensed for the preceding five years; and
19 (c) Has had no disciplinary action taken against the license for the
20 preceding five years; or
21 [(5)] (4) Holds a current certificate of professional qualification (CPQ)

22 issued by the Association of State and Provincial Psychology Boards (ASPPB).

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

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

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

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

37 (3) Has completed or obtained through education, training, or experience
38 the requisite knowledge comparable to that which is required pursuant to section
39 337.033.

337.050. 1. There is hereby created and established a "State Committee
2 of Psychologists", which shall consist of seven licensed psychologists and one
3 public member. The state committee of psychologists existing on August 28,
4 1989, is abolished. Nothing in this section shall be construed to prevent the
5 appointment of any current member of the state committee of psychologists to the
6 new state committee of psychologists created on August 28, 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
9 the senate. The division, prior to submitting nominations, shall solicit nominees
10 from professional psychological associations and licensed psychologists in the
11 state. The term of office for committee members shall be five years, and
12 committee members shall not serve more than ten years. No person who has
13 previously served on the committee for ten years shall be eligible for
14 appointment. In making initial appointments to the committee, the governor
15 shall stagger the terms of the appointees so that two members serve initial terms
16 of two years, two members serve initial terms of three years, and two members
17 serve initial terms of four years.

18 3. Each committee member shall be a resident of the state of Missouri for

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

37 4. The public member shall be at the time of the public member's
38 appointment a citizen of the United States; a resident of this state for a period
39 of one year and a registered voter; a person who is not and never was a member
40 of any profession licensed or regulated pursuant to sections 337.010 to 337.093
41 or the spouse of such person; and a person who does not have and never has had
42 a material, financial interest in either the providing of the professional services
43 regulated by sections 337.010 to 337.093, or an activity or organization directly
44 related to any profession licensed or regulated pursuant to sections 337.010 to
45 337.093. The duties of the public member shall not include the determination of
46 the technical requirements to be met for licensure or whether any person meets
47 such technical requirements or of the technical competence or technical judgment
48 of a licensee or a candidate for licensure.

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

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

55 affairs of the committee and shall be entitled to reimbursement for necessary and
56 actual expenses incurred in the performance of the member's official duties.

57 7. Staff for the committee shall be provided by the director of the division
58 of professional registration.

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

61 9. In addition to the powers set forth elsewhere in sections 337.010 to
62 337.090, the division may adopt rules and regulations, not otherwise inconsistent
63 with sections 337.010 to 337.090, to carry out the provisions of sections 337.010
64 to 337.090. The committee may promulgate, by rule, "Ethical Rules of Conduct"
65 governing the practices of psychology which rules shall be based upon the ethical
66 principles promulgated and published by the American Psychological Association.

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

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

88 12. When applying for a renewal of a license pursuant to section 337.030,
89 each licensed psychologist shall submit proof of the completion of at least forty
90 hours of continuing education credit within the two-year period immediately

91 preceding the date of the application for renewal of the license, **with a**
92 **minimum of three of the forty hours of continuing education dedicated**
93 **to professional ethics.** The type of continuing education to be considered shall
94 include, but not be limited to:

95 (1) Attending recognized educational seminars, the content of which are
96 primarily psychological, as defined by rule;

97 (2) Attending a graduate level course at a recognized educational
98 institution where the contents of which are primarily psychological, as defined by
99 rule;

100 (3) Presenting a recognized educational seminar, the contents of which are
101 primarily psychological, as defined by rule;

102 (4) Presenting a graduate level course at a recognized educational
103 institution where the contents of which are primarily psychological, as defined by
104 rule; and

105 (5) Independent course of studies, the contents of which are primarily
106 psychological, which have been approved by the committee and defined by rule.

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

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