

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 866

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WELLS (Sponsor), TILLEY, DUGGER, FISCHER (107),  
LeVOTA, JONES (117), COX, POLLOCK, SANDER AND McGHEE (Co-sponsors).

2025L.01P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 334.098 and 337.649, RSMo, and to enact in lieu thereof two new sections relating to complaints against licensed professionals by sexual violent predators.

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

Section A. Sections 334.098 and 337.649, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 334.098 and 337.649, to read as follows:

334.098. 1. If the board finds merit to a complaint by an individual incarcerated or under  
2 the care and control of the department of corrections **or by an individual who has been**  
3 **ordered to be taken into custody, detained, or held under sections 632.480 to 632.513** and  
4 takes further investigative action, no documentation may appear on file or disciplinary action  
5 may be taken in regards to the licensee's license unless the provisions of subsection 2 of section  
6 334.100 have been violated. Any case file documentation that does not result in the board filing  
7 an action pursuant to subsection 2 of section 334.100 shall be destroyed within three months  
8 after the final case disposition by the board. No notification to any other licensing board in  
9 another state or any national registry regarding any investigative action shall be made unless the  
10 provisions of subsection 2 of section 334.100 have been violated.

11 2. Upon written request of the physician subject to a complaint, prior to August 28, 1999,  
12 by an individual incarcerated or under the care and control of the department of corrections **or**  
13 **prior to August 28, 2009, 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

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.

15 action pursuant to subsection 2 of section 334.100, the board and the division of professional  
16 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 medical practice.

337.649. 1. If the board finds merit to a complaint by an individual incarcerated or under  
2 the care and control of the department of corrections **or by an individual who has been**  
3 **ordered to be taken into custody, detained, or held under sections 632.480 to 632.513** and  
4 takes further investigative action, no documentation may appear on file or disciplinary action  
5 may be taken in regards to the licensee's license unless the provisions of subsection 2 of section  
6 337.630 or subsection 2 of section 337.680 have been violated. Any case file documentation that  
7 does not result in the board filing an action under and pursuant to subsection 2 of section 337.630  
8 or subsection 2 of section 337.680 shall be destroyed within three months after the final case  
9 disposition by the board. No notification to any other licensing board in another state or any  
10 national registry regarding any investigative action shall be made unless the provisions of  
11 subsection 2 of section 337.630 or subsection 2 of section 337.680 have been violated.

12 2. Upon written request of the social worker subject to a complaint, prior to August 28,  
13 2007, by an individual incarcerated or under the care and control of the department of  
14 corrections, **or prior to August 28, 2009, by an individual who has been ordered to be taken**  
15 **into custody, detained, or held under sections 632.480 to 632.513** that did not result in the  
16 board filing an action under and pursuant to subsection 2 of section 337.630 or subsection 2 of  
17 section 337.680, the board and the division of professional registration shall in a timely fashion:

18 (1) Destroy all documentation regarding the complaint;

19 (2) Notify any other licensing board in another state or any national registry regarding  
20 the board's actions if they have been previously notified of the complaint; and

21 (3) Send a letter to the licensee that clearly states that the board found the complaint to  
22 be unsubstantiated, that the board has taken the requested action, and notify the licensee of the  
23 provisions of subsection 3 of this section.

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

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