

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 866

95TH GENERAL ASSEMBLY

2025L.03T

2009

AN ACT

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

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Section A. Sections 334.098 and 337.649, RSMo, are repealed and two new sections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,**
4 **RSMo,** and takes further investigative action, no documentation may appear on file or
5 disciplinary action may be taken in regards to the licensee's license unless the provisions of
6 subsection 2 of section 334.100 have been violated. Any case file documentation that does not
7 result in the board filing an action pursuant to subsection 2 of section 334.100 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 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, RSMo,** that did not result in the board
15 filing an action pursuant to subsection 2 of section 334.100, the board and the division of
16 professional registration, shall in a timely fashion:

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.

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

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

- 20 (1) Destroy all documentation regarding the complaint;
- 21 (2) Notify any other licensing board in another state or any national registry regarding
22 the board's actions if they have been previously notified of the complaint; and
- 23 (3) Send a letter to the licensee that clearly states that the [board] **committee** found the
24 complaint to be unsubstantiated, that the [board] **committee** has taken the requested action, and
25 notify the licensee of the provisions of subsection 3 of this section.

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

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