

FIRST REGULAR SESSION

HOUSE BILL NO. 744

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TREADWAY.

Read 1st time February 12, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1647L.011

AN ACT

To repeal sections 337.500, 337.505, 337.507 and 337.510, RSMo 2000, relating to professional counselors, and to enact in lieu thereof four new sections relating to the same subject.

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

Section A. Sections 337.500, 337.505, 337.507 and 337.510, RSMo 2000, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 337.500, 337.505, 337.507
3 and 337.510, to read as follows:

337.500. As used in sections 337.500 to 337.540, unless the context clearly requires
2 otherwise, the following words and phrases mean:

3 (1) "Committee", the committee for professional counselors;

4 (2) "Department", the Missouri department of economic development;

5 (3) "Director", the director of the division of professional registration in the department
6 of economic development;

7 (4) "Division", the division of professional registration;

8 (5) "Licensed professional counselor", any person who offers to render professional
9 counseling services to individuals, groups, organizations, institutions, corporations, government
10 agencies or the general public for a fee, monetary or otherwise, implying that the person is
11 trained, experienced, and licensed in counseling, and who holds a current, valid license to
12 practice counseling;

13 (6) "Practice of professional counseling", rendering, offering to render, or supervising
14 those who render to individuals, couples, groups, organizations, institutions, corporations,
15 schools, government agencies, or the general public any counseling **or psychotherapy** service

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

16 involving the application of counseling procedures, and the principles and methods thereof, to
17 assist in achieving more effective intrapersonal or interpersonal, marital, decisional, social,
18 educational, vocational, developmental, or rehabilitative adjustments;

19 (7) "Professional counseling", includes, but is not limited to:

20 (a) The use of verbal or nonverbal counseling or both techniques, methods, or procedures
21 based on principles for assessing, understanding, or influencing behavior (such as principles of
22 learning, conditioning, perception, motivation, thinking, emotions, or social systems);

23 (b) Appraisal or assessment, which means selecting, administering, scoring, or
24 interpreting instruments designed to assess a person's or group's aptitudes, intelligence, attitudes,
25 abilities, achievement, interests, and personal characteristics;

26 (c) **Diagnosis, treatment, prevention and amelioration of mental and emotional**
27 **disorders in both inpatient and outpatient settings; provided however, that nothing in**
28 **sections 337.500 to 337.540 shall require a hospital or other institution to extend staff**
29 **privileges to licensed professional counselors;**

30 (d) The use of referral or placement techniques or both which serve to further the goals
31 of counseling;

32 [(d)] (e) Therapeutic vocational or personal or both rehabilitation in relation to coping
33 with or adapting to physical disability, emotional disability, or intellectual disability or any
34 combination of the three;

35 [(e)] (f) Designing, conducting, and interpreting research;

36 [(f)] (g) The use of group methods or techniques to promote the goals of counseling;

37 [(g)] (h) The use of informational and community resources for career, personal, or
38 social development;

39 [(h)] (i) Consultation on any item in paragraphs (a) through [(g) above] (h) **of this**
40 **section;** and

41 [(i)] (j) No provision of sections 337.500 to 337.540, or of chapter 354 or 375, RSMo,
42 shall be construed to mandate benefits or third-party reimbursement for services of professional
43 counselors in the policies or contracts of any insurance company, health services corporation or
44 other third-party payer;

45 (8) "Provisional licensed professional counselor", any person who is a graduate of an
46 acceptable educational institution, as defined by division rules, with at least a master's degree
47 with a major in counseling, or its equivalent, and meets all requirements of a licensed
48 professional counselor, other than the supervised counseling experience prescribed by
49 subdivision (1) of section 337.510, and who is supervised by a person who is qualified for the
50 practice of professional counseling.

337.505. No person shall use the title of "professional counselor", "counselor" or

2 "provisional licensed professional counselor" or engage in the practice of professional counseling
3 in this state unless the person is licensed as required by the provisions of sections 337.500 to
4 337.540. Sections 337.500 to 337.540 do not apply to:

5 (1) Any person registered, certificated or licensed by this state, another state, or any
6 recognized national certification agent, acceptable to the committee, to practice any other
7 occupation or profession while rendering counseling service in the performance of the
8 occupation or profession for which the person is registered, [certificated] **certified**, or licensed,
9 including but not limited to physicians, psychologists and attorneys;

10 (2) School counselors, school administration personnel, or classroom teachers, so long
11 as they are performing their assigned duties within the scope of their employment by a board of
12 education or private school;

13 (3) Counselors in postsecondary educational institutions so long as they are practicing
14 within the scope of their employment;

15 (4) Student interns or trainees in counseling procedures pursuing a course of study in
16 counseling in an institution of higher education or training institution if such activities and
17 services constitute a part of their course of study and provided that such persons are designated
18 as "counselor interns";

19 (5) [Professionals employed by postsecondary educational institutions as counselor
20 educators so long as they are practicing counseling within the scope of their employment;

21 (6) Duly ordained ministers or clergy or religious workers while functioning in their
22 ministerial capacity;

23 (7) Alcoholism counselors so long as they serve only individuals with alcohol related
24 concerns] **Ministers, clergy or accredited Christian Science practitioners from practicing**
25 **professional counseling consistent with their training and consistent with the code of ethics**
26 **of their profession;**

27 **(6) Substance abuse counselors certified by the Missouri substance abuse**
28 **counselors certification board, incorporated or by an agent acceptable to the committee so**
29 **long as such counselors are practicing consistent with such standards and serving**
30 **individuals with substance abuse-related concerns only;**

31 [(8)] (7) Any nonresident temporarily employed in this state to render counseling
32 services for not more than thirty days in any year, if in the opinion of the committee the person
33 would qualify for a license pursuant to the provisions of sections 337.500 to 337.540, and if the
34 person holds a license required for counselors in the person's home state or country;

35 [(9)] (9) Duly accredited Christian Science practitioners, so long as they are practicing within
36 the scope of Christian Science principles;

37 [(10)] (8) Counselors employed by the Missouri state department of elementary and

38 secondary education or the Missouri state bureau for the blind while rendering counseling
39 services in the performance of their state assigned duties;

40 [(11)] (9) Professionals employed by vocational and medical rehabilitation facilities
41 accredited by the commission on the accreditation of rehabilitation facilities, the joint committee
42 on accreditation of hospitals or other agents acceptable to the committee while rendering
43 counseling services in the performance of their assigned duties, and so long as they do not use
44 the title of "counselor";

45 [(12)] (10) Employees or volunteers of sheltered workshops who are providing
46 meaningful employment services for handicapped workers, so long as they do not use the
47 "counselor" title;

48 [(13)] Marital therapists or family therapists or both, certified by the American
49 Association of Marriage and Family Therapists or an agent acceptable to the committee, and their
50 supervisees, so long as they serve only individuals with marital or family systems concerns, and,
51 so long as they do not use the titles of "counselor" or "counseling";

52 (14) Staff counselors employed by religious institutions in a religious counseling
53 ministries program;

54 (15) Drug abuse counselors certified by the department of mental health as meeting
55 standards in rules promulgated pursuant to section 630.655, RSMo, certified by the Missouri
56 substance abuse counselors certification board, or by an agent acceptable to the committee, so
57 long as such counselors are practicing consistent with such standards, and they are serving only
58 individuals with drug-related concerns;

59 (16) Social workers, certified by the National Association of Social Workers, Inc., or by
60 an agent acceptable to the committee, or workers under their supervision so long as they are
61 doing work consistent with their training and with a code of ethics of the social work profession,
62 and so long as they do not use the title of "professional counselor";

63 [(17)] (11) Professionals in the employ of a governmental agency while rendering
64 services in the performance of their duties;

65 [(18)] Any person performing counseling, as defined in sections 337.500 to 337.540,
66 without receiving compensation, monetary or otherwise, and so long as they do not use the title
67 of "professional counselor";

68 (19) Employment counselors and interviewers, personnel officers, personnel analysts and
69 consultants and related workers who in the normal course of their duties and responsibilities as
70 employees of this state]

71 (12) **State employees or consultants who, in the normal course of their duties and**
72 **responsibilities,** may engage in the screening, examination, assessment, referral or selection of
73 individuals for employment or for consideration for employment;

74 [(20)] **(13)** Counselors and employees of employee assistance programs which are
75 members of the Association of Labor-Management Administrators and Consultants on
76 Alcoholism, Inc., a Wisconsin corporation, or its successors or such other accrediting body for
77 EAP Programs acceptable to the committee who provide evaluation, assessment, information,
78 and referral services so long as they are performing their assigned duties within the scope of their
79 employment; provided, however, that this exemption shall not apply to individuals employed by
80 employee assistance programs who provide direct long-term therapy and counseling services, as
81 may be defined by regulation, so long as they do not use the title of counselor or counseling;

82 [(21)] Individuals who are duly certified by the employee assistance certification
83 commission as administered by the Association of Labor-Management Administrators and
84 Consultants on Alcoholism, Inc., a Wisconsin corporation, or its successor; so long as the
85 individual is an employee of a generally recognized employee assistance program and so long
86 as such individual is performing services within the scope of such individual's employment and
87 education;

88 [(22)] **(14)** Weight loss or weight control consultants or advisors in recognized, legitimate
89 programs or business environments so long as they serve only individuals or groups who have
90 weight related concerns and discuss only weight improvement issues and do not use the titles of
91 "counselor" or "counseling" without using an adjective which describes to the ordinary person
92 that the counseling is limited to weight loss or weight control;

93 [(23)] **(15)** Activity therapists as certified or licensed by their respective professional
94 organizations including, but not limited to art, music, dance, recreation, and occupation, and who
95 have received certification or licensure by their respective professional organizations by January
96 1, 1994, so long as they do not use the titles of "counselor" or "counseling";

97 [(24)] Professionals certified by the American Board of Medical Psychotherapists and
98 who have received certification from the American Board of Medical Psychotherapists by
99 January 1, 1994, so long as they do not use the titles of "counselor" or "counseling"; and

100 [(25)] Transactional analysts certified by the International Transactional Analysis
101 Association and who have received certification from the International Transactional Analysis
102 Association as a level one transactional analyst, specializing in clinical application by January
103 1, 1994, so long as they do not use the titles of "counselor" or "counseling"; or

104 [(26)] **(16)** Any person with a doctoral degree in anthropology received on or prior to
105 December 31, 1989, and which was from an educational institution accredited by one of the
106 regional accrediting associations approved by the council on postsecondary accreditation;
107 provided further that [said] **such** individual has completed at least twenty-four months of
108 supervised clinical experience in psychotherapy under the supervision of a physician; **and**

109 **(17) Alcoholism counselors so long as they serve only individuals with alcohol-**

110 **related concerns.**

337.507. 1. Applications for examination and licensure as a professional counselor shall
2 be in writing, submitted to the division on forms prescribed by the division and furnished to the
3 applicant. The application shall contain the applicant's statements showing [his] **the applicant's**
4 education, experience and such other information as the division may require. Each application
5 shall contain a statement that it is made under oath or affirmation and that the information
6 contained therein is true and correct to the best knowledge and belief of the applicant, subject
7 to the penalties provided for the making of a false affidavit or declaration. Each application shall
8 be accompanied by the fees required by the committee.

9 2. The division shall mail a renewal notice to the last known address of each licensee
10 prior to the [registration] **license** renewal date. [Failure to provide the division with the
11 information required for registration, or to pay the registration fee after such notice shall effect
12 a revocation of the license after a period of sixty days from the registration renewal date. The
13 license shall be restored if, within two years of the registration date, the applicant provides
14 written application and the payment of the registration fee and a delinquency fee.] **A counselor**
15 **licensed pursuant to sections 337.500 to 337.540 who has not filed a statement with the**
16 **committee that the counselor has retired from the practice of professional counseling in**
17 **this state shall renew his or her license on or before the registration renewal date. Failure**
18 **of the licensee to receive the renewal form shall not relieve the licensee of the duty to renew**
19 **the license and pay the required renewal fee. If a license is not renewed in accordance with**
20 **this subsection, the former licensee shall be prohibited from practicing professional**
21 **counseling, as defined in subsection 1 of section 337.500. Any licensed professional**
22 **counselor who fails to renew a license on or before the license expiration date may apply**
23 **to the committee for reinstatement of the license within two years subsequent to the date**
24 **the license expired and pay the required fee. If a license is not current for more than two**
25 **years subsequent to the license renewal date, the former licensee shall submit a new**
26 **application for licensure, comply with current licensure requirements, as defined by law**
27 **and administrative rule, and pay the required fee.**

28 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued
29 subject to the rules of the committee, upon payment of a fee.

30 4. The committee shall set the amount of the fees which sections 337.500 to 337.540
31 authorize and require by rules and regulations promulgated pursuant to section 536.021, RSMo.
32 The fees shall be set at a level to produce revenue which shall not substantially exceed the cost
33 and expense of administering the provisions of sections 337.500 to 337.540. All fees provided
34 for in sections 337.500 to 337.540 shall be collected by the director who shall deposit the same
35 with the state treasurer in a fund to be known as the "Committee of Professional Counselors

36 Fund".

37 5. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
38 this fund shall not be transferred and placed to the credit of general revenue until the amount in
39 the fund at the end of the biennium exceeds two times the amount of the appropriation from the
40 committee's fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse
41 is that amount in the fund which exceeds the appropriate multiple of the appropriations from the
42 committee's fund for the preceding fiscal year.

43 6. The committee shall hold public examinations at least two times per year, at such
44 times and places as may be fixed by the committee, notice of such examinations to be given to
45 each applicant at least ten days prior thereto.

337.510. 1. Each applicant for licensure as a professional counselor shall furnish
2 evidence to the committee that:

3 (1) The applicant has met any one of the three following education-experience
4 requirements:

5 (a) The applicant has received a doctoral degree with a major in counseling[, or its
6 equivalent,] **or a mental health discipline** from an acceptable educational institution, as defined
7 by division rules, and has completed at least one year of acceptable supervised counseling
8 experience subsequent to receipt of the doctoral degree; or

9 (b) The applicant has received a specialist's degree **from an acceptable educational**
10 **institution, as defined by rule, consisting of at least thirty semester hours or forty-five**
11 **quarter hours** with a major in counseling[, or its equivalent, from an acceptable educational
12 institution, as defined by division rules] **or a mental health discipline**, and has completed at
13 least one year of acceptable supervised counseling experience subsequent to receipt of the
14 specialist's degree; [or]

15 (c) The applicant has received at least a master's degree [with a major] in counseling[,
16 or its equivalent,] **from an acceptable educational institution, as defined by rule, consisting**
17 **of at least forty-five semester hours or sixty quarter hours which includes a minimum of**
18 **six semester hours or nine quarter hours of clinical practicum** from an acceptable
19 educational institution as defined by division rules, and has completed two years of acceptable
20 supervised counseling experience subsequent to receipt of the master's degree. An applicant may
21 substitute thirty semester hours of post-master's graduate study, or their equivalent, for one of
22 the two required years of acceptable supervised counseling experience, if such hours are clearly
23 related to the field of professional counseling and are earned from an acceptable educational
24 institution[.];

25 (d) **The applicant has received at least a master's degree in a mental health**
26 **discipline from an acceptable educational institution, as defined by rule, and consisting of**

27 **at least forty-five semester hours or sixty quarter hours which includes a minimum of six**
28 **semester hours or nine quarter hours of clinical practicum or internship and the basic**
29 **education requirements as defined by rule. The applicant has completed at least two years**
30 **of acceptable supervised counseling experience subsequent to receipt of the master's**
31 **degree; or**

32 **(e) The applicant has received at least a master's degree in counseling or a mental**
33 **health discipline from an acceptable educational institution, as defined by rule, has met the**
34 **basic educational requirements, as defined by rule, is currently certified as a school**
35 **counselor by the department of elementary and secondary education or its predecessor,**
36 **and has completed two years of acceptable supervised counseling experience subsequent**
37 **to receipt of his or her master's degree;**

38 (2) Upon examination, the applicant is possessed of requisite knowledge of the
39 profession, including techniques and applications, research and its interpretation, and
40 professional affairs and ethics.

41 2. As used in sections 337.500 to 337.540, a "mental health discipline" means a
42 school psychology, counseling psychology and clinical psychology.

43 3. The committee shall adopt by rule an examination for licensure as a professional
44 counselor or provisional licensed professional counselor. The examination may be
45 prepared and administered by another organization on a regional or national basis.

46 4. Any person [not a resident of this state] holding a valid unrevoked and unexpired
47 license as a professional counselor issued by a state having substantially the same licensing
48 requirements as this state may be granted a license to engage in the person's occupation in this
49 state upon application to the committee accompanied by the appropriate fee as established by the
50 committee pursuant to section 337.507.

51 [3.] 5. The committee shall issue a license to each person who files an application and
52 fee as required by the provisions of sections 337.500 to 337.540 and who furnishes evidence
53 satisfactory to the committee that the applicant has complied with the provisions of subdivisions
54 (1) and (2) of subsection 1 of this section or with the provisions of subsection 2 of this section.
55 The division shall issue a provisional professional counselor license to any applicant who meets
56 all requirements of subdivisions (1) and (2) of subsection 1 of this section, but who has not
57 completed the required one or two years of acceptable supervised counseling experience required
58 by paragraphs (a) to (c) of subdivision (1) of subsection 1 of this section, and such applicant may
59 reapply for licensure as a professional counselor upon completion of such acceptable supervised
60 counseling experience.