

FIRST REGULAR SESSION

# HOUSE BILL NO. 388

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES COOPER (Sponsor), SCHAAF,  
BURNETT AND YAEGER (Co-sponsors).

1231L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 337.500 and 337.510, RSMo, and to enact in lieu thereof two new sections relating to professional counselors.

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

Section A. Sections 337.500 and 337.510, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 337.500 and 337.510, to read as follows:

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

- (1) "Committee or board", the committee for professional counselors;
- (2) "Department", the Missouri department of insurance, financial institutions and professional registration;
- (3) "Director", the director of the division of professional registration;
- (4) "Division", the division of professional registration;
- (5) "Licensed professional counselor", any person who offers to render professional counseling services to individuals, groups, organizations, institutions, corporations, government agencies or the general public for a fee, monetary or otherwise, implying that the person is trained, experienced, and licensed in counseling, and who holds a current, valid license to practice counseling;
- (6) "Practice of professional counseling", rendering, offering to render, or supervising those who render to individuals, couples, groups, organizations, institutions, corporations, schools, government agencies, or the general public any counseling service involving the application of counseling procedures, and the principles and methods thereof, to assist in

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 achieving more effective intrapersonal or interpersonal, marital, decisional, social, educational,  
18 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, emotional, and**  
27 **behavioral disorders;**

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

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

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

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

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

37 [(h)] (i) Consultation on any item in paragraphs (a) through [(g)] (h) above; and

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

42 (8) "Provisional licensed professional counselor", any person who is a graduate of an  
43 acceptable educational institution, as defined by division rules, with at least a master's degree  
44 with a major in counseling, or its equivalent, and meets all requirements of a licensed  
45 professional counselor, other than the supervised counseling experience prescribed by  
46 subdivision [(1) of] **(2) of subsection 1 of** section 337.510, and who is supervised by a person  
47 who is qualified for the practice of professional counseling.

337.510. 1. Each applicant for licensure as a professional counselor shall furnish  
2 evidence to the committee that the applicant is at least eighteen years of age, is of good moral  
3 character, is a United States citizen or is legally present in the United States; and

4 (1) The applicant has completed a course of study as defined by the board rule leading  
5 to a master's, specialist's, or doctoral degree with a major in counseling; and

6 (2) The applicant has completed acceptable supervised counseling as defined by board  
7 rule. If the applicant has a master's degree with a major in counseling as defined by board rule,  
8 the applicant shall complete at least two years of acceptable supervised counseling experience  
9 subsequent to the receipt of the master's degree. The composition and number of hours  
10 comprising the acceptable supervised counseling experience shall be defined by board rule. An  
11 applicant may substitute thirty semester hours of post master's graduate study for one of the two  
12 required years of acceptable supervised counseling experience if such hours are clearly related  
13 to counseling;

14 (3) After August 28, 2007, each applicant shall have completed a minimum of three  
15 hours of graduate level coursework in diagnostic systems either in the curriculum leading to a  
16 degree or as post master's graduate level course work;

17 (4) Upon examination, the applicant is possessed of requisite knowledge of the  
18 profession, including techniques and applications, research and its interpretation, and  
19 professional affairs and ethics;

20 (5) (a) **Any person rendering a diagnosis shall have acceptable education or**  
21 **training in the diagnosis of persons with mental and emotional disorders. The composition**  
22 **of acceptable education or training shall be defined by committee rule from among the**  
23 **following areas:**

24 a. **Successful completion of a national clinical mental health examination or similar**  
25 **statistically valid examination;**

26 b. **Continuing education;**

27 c. **Evidence of equivalent training and experience attested to by a licensee,**  
28 **supervisor, or person trained in assessment and diagnosis;**

29 d. **Graduate course work; and**

30 e. **Other education and training deemed sufficient by the committee.**

31 (b) **A person under supervision for licensure or the person providing such**  
32 **supervision shall provide documentation to the committee attesting to supervision of**  
33 **diagnosis. The committee shall have the authority to review the documentation to**  
34 **determine compliance with this subdivision.**

35 (c) **A licensed professional counselor rendering a diagnosis shall, upon request of**  
36 **the committee, provide proof of acceptable education or training. Rendering a diagnosis**  
37 **after the committee has notified the licensee that the licensee lacks sufficient education or**  
38 **training to render a diagnosis shall raise a rebuttable presumption of lack of competence**  
39 **in a disciplinary proceeding.**

40 2. Any person who previously held a valid unrevoked, unsuspended license as a  
41 professional counselor in this state and who held a valid license as a professional counselor in

42 another state at the time of application to the committee shall be granted a license to engage in  
43 professional counseling in this state upon application to the committee accompanied by the  
44 appropriate fee as established by the committee pursuant to section 337.507.

45 3. Any person holding a current license, certificate of registration, or permit from another  
46 state or territory of the United States to practice as a professional counselor who is at least  
47 eighteen years of age, is of good moral character, and is a United States citizen or is legally  
48 present in the United States may be granted a license without examination to engage in the  
49 practice of professional counseling in this state upon the application to the board, payment of the  
50 required fee as established by the board, and satisfying one of the following requirements:

51 (1) Approval by the American Association of State Counseling Boards (AASCB) or its  
52 successor organization according to the eligibility criteria established by AASCB. The successor  
53 organization shall be defined by board rule; or

54 (2) In good standing and currently certified by the National Board for Certified  
55 Counselors or its successor organization and has completed acceptable supervised counseling  
56 experience as defined by board rule. The successor organization shall be defined by board rule;  
57 or

58 (3) Determination by the board that the requirements of the other state or territory are  
59 substantially the same as Missouri and certified by the applicant's current licensing entity that  
60 the applicant has a current license. The applicant shall also consent to examination of any  
61 disciplinary history.

62 4. The committee shall issue a license to each person who files an application and fee  
63 and who furnishes evidence satisfactory to the committee that the applicant has complied with  
64 the provisions of this act and has taken and passed a written, open-book examination on Missouri  
65 laws and regulations governing the practice of professional counseling as defined in section  
66 337.500. The division shall issue a provisional professional counselor license to any applicant  
67 who meets all requirements of this section, but who has not completed the required acceptable  
68 supervised counseling experience and such applicant may reapply for licensure as a professional  
69 counselor upon completion of such acceptable supervised counseling experience.

70 5. All persons licensed to practice professional counseling in this state shall pay on or  
71 before the license renewal date a renewal license fee and shall furnish to the committee  
72 satisfactory evidence of the completion of the requisite number of hours of continuing education  
73 as required by rule, which shall be no more than forty hours biennially. The continuing  
74 education requirements may be waived by the committee upon presentation to the committee of  
75 satisfactory evidence of the illness of the licensee or for other good cause.

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