

FIRST REGULAR SESSION

# HOUSE BILL NO. 441

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FITZWATER.

1121H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 337.068, RSMo, and to enact in lieu thereof one new section relating to prisoner complaints against a psychologist's license.

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

Section A. Section 337.068, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 337.068, to read as follows:

337.068. 1. If the board finds merit to a complaint by an individual incarcerated or under the care and control of the department of corrections or who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513 **or who has been ordered to be evaluated under chapter 552** and takes further investigative action, no documentation may appear on file or disciplinary action may be taken in regards to the licensee's license unless the provisions of subsection 2 of section 337.035 have been violated. Any case file documentation that does not result in the board filing an action pursuant to subsection 2 of section 337.035 shall be destroyed within three months after the final case disposition by the board. No notification to any other licensing board in another state or any national registry regarding any investigative action shall be made unless the provisions of subsection 2 of section 337.035 have been violated.

2. Upon written request of the psychologist subject to a complaint, prior to August 28, 1999, by an individual incarcerated or under the care and control of the department of corrections or prior to August 28, 2008, by an individual who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513, **or prior to August 28, 2019, by an individual who has been ordered to be evaluated under chapter 552** that did not result in the board filing an action pursuant to subsection 2 of section 337.035, the board and the division of 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.

- 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 psychology professions.

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