

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 326
95TH GENERAL ASSEMBLY

Reported from the Committee on Progress and Development, April 15, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1254S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 337.600, 337.604, and 376.811, RSMo, and to enact in lieu thereof three new sections relating to licensed mental health professionals.

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

Section A. Sections 337.600, 337.604, and 376.811, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 337.600,
3 337.604, and 376.811, to read as follows:

337.600. As used in sections 337.600 to 337.689, the following terms
2 mean:

3 (1) "Advanced macro social worker", the applications of social work theory,
4 knowledge, methods, principles, values, and ethics; and the professional use of
5 self to community and organizational systems, systemic and macrocosm issues,
6 and other indirect nonclinical services; specialized knowledge and advanced
7 practice skills in case management, information and referral, nonclinical
8 assessments, counseling, outcome evaluation, mediation, nonclinical supervision,
9 nonclinical consultation, expert testimony, education, outcome evaluation,
10 research, advocacy, social planning and policy development, community
11 organization, and the development, implementation and administration of
12 policies, programs, and activities. A licensed advanced macro social worker may
13 not treat mental or emotional disorders or provide psychotherapy without the
14 direct supervision of a licensed clinical social worker, or diagnose a mental
15 disorder;

16 (2) "Clinical social work", the application of social work theory, knowledge,
17 values, methods, principles, and techniques of case work, group work,

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

18 client-centered advocacy, **community organization**, administration, **planning**,
19 **evaluation**, consultation, research, psychotherapy and counseling methods and
20 techniques to persons, families and groups in assessment, diagnosis, treatment,
21 prevention and amelioration of mental and emotional conditions;

22 (3) "Committee", the state committee for social workers established in
23 section 337.622;

24 (4) "Department", the Missouri department of insurance, financial
25 institutions and professional registration;

26 (5) "Director", the director of the division of professional registration;

27 (6) "Division", the division of professional registration;

28 (7) "Independent practice", any practice of social workers outside of an
29 organized setting such as a social, medical, or governmental agency in which a
30 social worker assumes responsibility and accountability for services required;

31 (8) "Licensed advanced macro social worker", any person who offers to
32 render services to individuals, groups, families, couples, organizations,
33 institutions, communities, government agencies, corporations, or the general
34 public for a fee, monetary or otherwise, implying that the person is trained,
35 experienced, and licensed as an advanced macro social worker, and who holds a
36 current valid license to practice as an advanced macro social worker;

37 (9) "Licensed baccalaureate social worker", any person who offers to
38 render services to individuals, groups, organizations, institutions, corporations,
39 government agencies, or the general public for a fee, monetary or otherwise,
40 implying that the person is trained, experienced, and licensed as a baccalaureate
41 social worker, and who holds a current valid license to practice as a baccalaureate
42 social worker;

43 (10) "Licensed clinical social worker", any person who offers to render
44 services to individuals, groups, organizations, institutions, corporations,
45 government agencies, or the general public for a fee, monetary or otherwise,
46 implying that the person is trained, experienced, and licensed as a clinical social
47 worker, and who holds a current, valid license to practice as a clinical social
48 worker;

49 (11) "Licensed master social worker", any person who offers to render
50 services to individuals, groups, families, couples, organizations, institutions,
51 communities, government agencies, corporations, or the general public for a fee,
52 monetary or otherwise, implying that the person is trained, experienced, and
53 licensed as a master social worker, and who holds a current valid license to

54 practice as a master social worker. A licensed master social worker may not treat
55 mental or emotional disorders, provide psychotherapy without the direct
56 supervision of a licensed clinical social worker, or diagnose a mental disorder;

57 (12) "Master social work", the application of social work theory,
58 knowledge, methods, and ethics and the professional use of self to restore or
59 enhance social, psychosocial, or biopsychosocial functioning of individuals,
60 couples, families, groups, organizations, communities, institutions, government
61 agencies, or corporations. The practice includes the applications of specialized
62 knowledge and advanced practice skills in the areas of assessment, treatment
63 planning, implementation and evaluation, case management, mediation,
64 information and referral, counseling, client education, supervision, consultation,
65 education, research, advocacy, community organization and development,
66 planning, evaluation, implementation and administration of policies, programs,
67 and activities. Under supervision as provided in this section, the practice of
68 master social work may include the practices reserved to clinical social workers
69 or advanced macro social workers;

70 (13) "Practice of advanced macro social work", rendering, offering to
71 render, or supervising those who render to individuals, couples, families, groups,
72 organizations, institutions, corporations, government agencies, communities, or
73 the general public any service involving the application of methods, principles,
74 and techniques of advanced practice macro social work;

75 (14) "Practice of baccalaureate social work", rendering, offering to render,
76 or supervising those who render to individuals, families, groups, organizations,
77 institutions, corporations, or the general public any service involving the
78 application of methods, principles, and techniques of baccalaureate social work;

79 (15) "Practice of clinical social work", rendering, offering to render, or
80 supervising those who render to individuals, couples, groups, organizations,
81 institutions, corporations, or the general public any service involving the
82 application of methods, principles, and techniques of clinical social work;

83 (16) "Practice of master social work", rendering, offering to render, or
84 supervising those who render to individuals, couples, families, groups,
85 organizations, institutions, corporations, government agencies, communities, or
86 the general public any service involving the application of methods, principles,
87 and techniques of master social work;

88 (17) "Provisional licensed clinical social worker", any person who is a
89 graduate of an accredited school of social work and meets all requirements of a

90 licensed clinical social worker, other than the supervised clinical social work
91 experience prescribed by subdivision (2) of subsection 1 of section 337.615, and
92 who is supervised by a person who is qualified to practice clinical social work, as
93 defined by rule;

94 (18) "Qualified advanced macro supervisor", any licensed social worker
95 who meets the qualifications of a qualified clinical supervisor or a licensed
96 advanced macro social worker who has:

97 (a) Practiced in the field for which he or she is supervising the applicant
98 for a minimum uninterrupted period of five years;

99 (b) Successfully completed a minimum of sixteen hours of supervisory
100 training from the Association of Social Work Boards, the National Association of
101 Social Workers, an accredited university, or a program approved by the state
102 committee for social workers. All organizations providing the supervisory
103 training shall adhere to the basic content and quality standards outlined by the
104 state committee on social work; and

105 (c) Met all the requirements of sections 337.600 to 337.689, and as defined
106 by rule by the state committee for social workers;

107 (19) "Qualified baccalaureate supervisor", any licensed social worker who
108 meets the qualifications of a qualified clinical supervisor, qualified master
109 supervisor, qualified advanced macro supervisor, or a licensed baccalaureate
110 social worker who has:

111 (a) Practiced in the field for which he or she is supervising the applicant
112 for a minimum uninterrupted period of five years;

113 (b) Successfully completed a minimum of sixteen hours of supervisory
114 training from the Association of Social Work Boards, the National Association of
115 Social Workers, an accredited university, or a program approved by the state
116 committee for social workers. All organizations providing the supervisory
117 training shall adhere to the basic content and quality standards outlined by the
118 state committee on social workers; and

119 (c) Met all the requirements of sections 337.600 to 337.689, and as defined
120 by rule by the state committee for social workers;

121 (20) "Qualified clinical supervisor", any licensed clinical social worker who
122 has:

123 (a) Practiced in the field for which he or she is supervising the applicant
124 uninterrupted since August 28, 2004, or a minimum of five years;

125 (b) Successfully completed a minimum of sixteen hours of supervisory

126 training from the Association of Social Work Boards, the National Association of
127 Social Workers, an accredited university, or a program approved by the state
128 committee for social workers. All organizations providing the supervisory
129 training shall adhere to the basic content and quality standards outlined by the
130 state committee on social work; and

131 (c) Met all the requirements of sections 337.600 to 337.689, and as defined
132 by rule by the state committee for social workers;

133 (21) "Social worker", any individual that has:

134 (a) Received a baccalaureate or master's degree in social work from an
135 accredited social work program approved by the council on social work education;

136 (b) Received a doctorate or Ph.D. in social work; or

137 (c) A current social worker license as set forth in sections 337.600 to
138 337.689.

337.604. 1. No person shall hold himself or herself out to be a social
2 worker unless such person has:

3 (1) Received a baccalaureate or master's degree in social work from an
4 accredited social work program approved by the council on social work education;

5 (2) Received a doctorate or Ph.D. in social work; or

6 (3) A current social worker license as set forth in sections 337.600 to
7 337.689.

8 2. No government entities, public or private agencies or organizations in
9 the state shall use the title "social worker" or any form of the title, **including**
10 **but not limited to the abbreviations "SW", "BSW", "MSW", "DSW", "LBSW",**
11 **"LBSW-IP", "LMSW", "PLCSW", "LCSW", "CSW", "LAMSW", and "AMSW",** for
12 volunteer or employment positions or within contracts for services, documents,
13 manuals, or reference material effective January 1, 2004, unless the volunteers
14 or employees in those positions meet the criteria set forth in [subdivision (17) of
15 section 337.600 or subsection 1 of this section] **this chapter.**

376.811. 1. Every insurance company and health services corporation
2 doing business in this state shall offer in all health insurance policies benefits or
3 coverage for chemical dependency meeting the following minimum standards:

4 (1) Coverage for outpatient treatment through a nonresidential treatment
5 program, or through partial- or full-day program services, of not less than
6 twenty-six days per policy benefit period;

7 (2) Coverage for residential treatment program of not less than
8 twenty-one days per policy benefit period;

9 (3) Coverage for medical or social setting detoxification of not less than
10 six days per policy benefit period;

11 (4) The coverages set forth in this subsection may be subject to a separate
12 lifetime frequency cap of not less than ten episodes of treatment, except that such
13 separate lifetime frequency cap shall not apply to medical detoxification in a
14 life-threatening situation as determined by the treating physician and
15 subsequently documented within forty-eight hours of treatment to the reasonable
16 satisfaction of the insurance company or health services corporation; and

17 (5) The coverages set forth in this subsection:

18 (a) Shall be subject to the same coinsurance, co-payment and deductible
19 factors as apply to physical illness;

20 (b) May be administered pursuant to a managed care program established
21 by the insurance company or health services corporation; and

22 (c) May deliver covered services through a system of contractual
23 arrangements with one or more providers, hospitals, nonresidential or residential
24 treatment programs, or other mental health service delivery entities certified by
25 the department of mental health, or accredited by a nationally recognized
26 organization, or licensed by the state of Missouri.

27 2. In addition to the coverages set forth in subsection 1 of this section,
28 every insurance company, health services corporation and health maintenance
29 organization doing business in this state shall offer in all health insurance
30 policies, benefits or coverages for recognized mental illness, excluding chemical
31 dependency, meeting the following minimum standards:

32 (1) Coverage for outpatient treatment, including treatment through
33 partial- or full-day program services, for mental health services for a recognized
34 mental illness rendered by a licensed professional to the same extent as any other
35 illness;

36 (2) Coverage for residential treatment programs for the therapeutic care
37 and treatment of a recognized mental illness when prescribed by a licensed
38 professional and rendered in a psychiatric residential treatment center licensed
39 by the department of mental health or accredited by the Joint Commission on
40 Accreditation of Hospitals to the same extent as any other illness;

41 (3) Coverage for inpatient hospital treatment for a recognized mental
42 illness to the same extent as for any other illness, not to exceed ninety days per
43 year;

44 (4) The coverages set forth in this subsection shall be subject to the same

45 coinsurance, co-payment, deductible, annual maximum and lifetime maximum
46 factors as apply to physical illness; and

47 (5) The coverages set forth in this subsection may be administered
48 pursuant to a managed care program established by the insurance company,
49 health services corporation or health maintenance organization, and covered
50 services may be delivered through a system of contractual arrangements with one
51 or more providers, community mental health centers, hospitals, nonresidential or
52 residential treatment programs, or other mental health service delivery entities
53 certified by the department of mental health, or accredited by a nationally
54 recognized organization, or licensed by the state of Missouri.

55 3. The offer required by sections 376.810 to 376.814 may be accepted or
56 rejected by the group or individual policyholder or contract holder and, if
57 accepted, shall fully and completely satisfy and substitute for the coverage under
58 section 376.779. Nothing in sections 376.810 to 376.814 shall prohibit an
59 insurance company, health services corporation or health maintenance
60 organization from including all or part of the coverages set forth in sections
61 376.810 to 376.814 as standard coverage in their policies or contracts issued in
62 this state.

63 4. Every insurance company, health services corporation and health
64 maintenance organization doing business in this state shall offer in all health
65 insurance policies mental health benefits or coverage as part of the policy or as
66 a supplement to the policy. Such mental health benefits or coverage shall include
67 at least two sessions per year to a licensed psychiatrist, licensed psychologist,
68 licensed professional counselor, [or] licensed clinical social worker, **or, subject**
69 **to contractual provisions, a licensed marital and family therapist**, acting
70 within the scope of such license and under the following minimum standards:

71 (1) Coverage and benefits in this subsection shall be for the purpose of
72 diagnosis or assessment, but not dependent upon findings; and

73 (2) Coverage and benefits in this subsection shall not be subject to any
74 conditions of preapproval, and shall be deemed reimbursable as long as the
75 provisions of this subsection are satisfied; and

76 (3) Coverage and benefits in this subsection shall be subject to the same
77 coinsurance, co-payment and deductible factors as apply to regular office visits
78 under coverages and benefits for physical illness.

79 5. If the group or individual policyholder or contract holder rejects the
80 offer required by this section, then the coverage shall be governed by the mental

81 health and chemical dependency insurance act as provided in sections 376.825 to
82 376.836.

83 6. This section shall not apply to a supplemental insurance policy,
84 including a life care contract, accident-only policy, specified disease policy,
85 hospital policy providing a fixed daily benefit only, Medicare supplement policy,
86 long-term care policy, hospitalization-surgical care policy, short-term major
87 medical policy of six months or less duration, or any other supplemental policy
88 as determined by the director of the department of insurance, financial
89 institutions and professional registration.

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Bill

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