

FIRST REGULAR SESSION

# SENATE BILL NO. 489

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BENTLEY.

Read 1st time February 14, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1858S.011

## AN ACT

To repeal sections 337.615, 337.618 and 337.622, RSMo 2000, relating to the licensure of baccalaureate social workers, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 337.615, 337.618 and 337.622, RSMo 2000, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 337.615, 337.618, 337.622, 337.650, 337.653, 337.659, 337.662, 337.665, 337.668, 337.671, 337.674, 337.677, 337.680, 337.683, 337.686 and 337.689, to read as follows:

337.615. 1. Each applicant for licensure as a clinical social worker shall furnish evidence to the committee that:

(1) The applicant has a master's degree from a college or university program of social work accredited by the council of social work education or a doctorate degree from a school of social work acceptable to the committee;

(2) The applicant has twenty-four months of supervised clinical experience acceptable to the committee, as defined by rule;

**(3) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be promulgated by rule of the committee;**

**(4)** The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure.

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

2. Any person not a resident of this state holding a valid unrevoked and unexpired license, certificate or registration from another state or territory of the United States having substantially the same requirements as this state for clinical social workers may be granted a license to engage in the person's occupation in this state upon application to the committee accompanied by the appropriate fee as established by the committee pursuant to section 337.612.

3. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.639 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) to [(3)] **(4)** of subsection 1 of this section or with the provisions of subsection 2 of this section. The committee shall issue a provisional clinical social worker license to any applicant who meets all requirements of subdivisions (1) [and], (3) **and (4)** of subsection 1 of this section, but who has not completed the twenty-four months of supervised clinical experience required by subdivision (2) of subsection 1 of this section, and such applicant may reapply for licensure as a clinical social worker upon completion of the twenty-four months of supervised clinical experience.

337.618. Each license issued pursuant to the provisions of sections 337.600 to 337.639 shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months; however, the director may establish a shorter term for the first licenses issued pursuant to [this act] **sections 337.600 to 337.639** in accordance with the provisions of subsection 14 of section 620.010, RSMo. **The committee may require a specified number of continuing education units for renewal of a license issued pursuant to sections 337.600 to 337.639.** The committee shall renew any license upon application for a renewal, **completion of any required continuing education** and upon payment of the fee established by the committee pursuant to the provisions of section 337.612.

337.622. 1. There is hereby established the "State Committee for Social Workers", which shall guide, advise, and make recommendations to the division and fulfill other responsibilities designated by sections 337.600 to 337.649 **and sections 337.650 to 337.689.** The committee shall approve any examination required by sections 337.600 to 337.649 **and sections 337.650 to 337.689** and shall assist the division in carrying out the provisions of sections 337.600 to 337.649 **and sections 337.650 to 337.689.**

2. The committee shall consist of [seven] **nine** members, including a public member appointed by the governor with the advice and consent of the senate. Each member of the committee shall be a citizen of the United States and a resident of this state. The committee shall consist of six licensed clinical social workers, **two licensed baccalaureate social workers** and one voting public member. At least two committee members shall be involved in the private practice of clinical social work. Any person who is a member of any clinical social worker advisory committee appointed by the director of the division of professional registration shall be eligible for appointment to the state committee for social work on August 28, 1997. The governor shall endeavor to appoint

members from different geographic regions of the state and with regard to the pattern of distribution of social workers in the state. The term of office for committee members shall be four years and no committee member shall serve more than ten years. Of the members first appointed, the governor shall appoint ~~[two]~~ **three** members, one of whom shall be the public member, whose terms shall be four years; ~~[two]~~ **three** members whose terms shall be three years; two members whose terms shall be two years; and one member whose term shall be one year. The president of the National Association of Social Workers Missouri Chapter in office at the time shall, at least ninety days prior to the expiration of a term of a member of a **clinical social worker or baccalaureate social worker** committee member[, other than the public member,] or as soon as feasible after a vacancy on the committee otherwise occurs, submit to the director of the division of professional registration a list of five clinical social workers qualified ~~or five baccalaureate social workers~~ and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons **in each category** so listed, and with the list so submitted, the president of the National Association of Social Workers Missouri Chapter shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

3. A vacancy in the office of a member shall be filled by appointment by the governor for the remainder of the unexpired term.

4. Each member of the committee shall **receive a per diem at a rate established by the division not to exceed seventy dollars and shall** be reimbursed for necessary and actual expenses incurred in the performance of the member's official duties. All staff for the committee shall be provided by the division.

5. The committee shall hold an annual meeting at which it shall elect from its membership a chairperson and a secretary. The committee may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting must be given to each member at least three days prior to the date of the meeting. A quorum of the board shall consist of a majority of its members.

6. The governor may remove a committee member for misconduct, incompetency or neglect of the member's official duties after giving the committee member written notice of the charges against such member and an opportunity to be heard thereon.

7. The public member shall be at the time of such member's appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to sections 337.600 to 337.649 **or sections 337.650 to 337.689**, or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by sections 337.600 to 337.649 **or sections 337.650 to 337.689**, or an activity or organization directly related to any profession licensed or regulated pursuant to sections 337.600

to 337.649. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

**337.650. As used in sections 337.650 to 337.689, the following terms mean:**

**(1) "Committee", the state committee for social work established in section 337.622;**

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

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

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

**(5) "Licensed baccalaureate social worker", any person who offers to render 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 as a baccalaureate social worker, and who holds a current valid license to practice as a baccalaureate social worker;**

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

**(7) "Provisional licensed baccalaureate social worker", any person who is a graduate of an accredited school of social work and meets all requirements of a licensed baccalaureate social worker, other than the supervised baccalaureate social work experience prescribed by subdivision (3) of subsection 1 of section 337.665, and who is supervised by a licensed clinical social worker or a licensed baccalaureate social worker, as defined by rule.**

**337.653. 1. No person shall use the title of "licensed baccalaureate social worker", or "provisional licensed baccalaureate social worker" and engage in the practice of baccalaureate social work in this state unless the person is licensed as required by the provisions of sections 337.650 to 337.689.**

**2. A licensed baccalaureate social worker may:**

**(1) Engage in psychosocial assessment and evaluation, excluding the diagnosis and treatment of mental illness and emotional disorders;**

**(2) Conduct basic data gathering of records and social problems of individuals, groups, families and communities, assess such data, and formulate and implement a plan to achieve specific goals;**

**(3) Serve as an advocate for clients, families, groups or communities for the purpose of achieving specific goals;**

- (4) Counsel, excluding psychotherapy;**
- (5) Perform crisis intervention, screening and resolution, excluding the use of psychotherapeutic techniques;**
- (6) Be a community supporter, organizer, planner or administrator for a social service program;**
- (7) Conduct crisis planning ranging from disaster relief planning for communities to helping individuals prepare for the death or disability of family members;**
- (8) Inform and refer clients to other professional services;**
- (9) Perform case management and outreach, including but not limited to planning, managing, directing or coordinating social services; and**
- (10) Engage in the training and education of social work students from an accredited institution and supervise other licensed baccalaureate social workers.**

**3. A licensed baccalaureate social worker shall not engage in the private practice of clinical social work.**

**337.659. No provision of sections 337.650 to 337.689 shall be construed to require any agency, corporation or organization, not otherwise required by law, to employ licensed baccalaureate social workers.**

**337.662. 1. Applications for licensure as a baccalaureate social worker shall be in writing, submitted to the committee on forms prescribed by the committee and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience and such other information as the committee may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the committee.**

**2. The committee shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the committee with the information required for licensure, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days from the licensure renewal date. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.**

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

**4. The committee shall set the amount of the fees which sections 337.650 to**

**337.689 authorize and require by rules and regulations promulgated pursuant to chapter 536, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.650 to 337.689. All fees provided for in sections 337.650 to 337.689 shall be collected by the director who shall deposit the same with the state treasurer in the clinical social workers fund established in section 337.612.**

**337.665. 1. Each applicant for licensure as a baccalaureate social worker shall furnish evidence to the committee that:**

**(1) The applicant has a baccalaureate degree in social work from an accredited social work degree program approved by the council of social work education;**

**(2) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be determined by the state committee for social work;**

**(3) The applicant has completed three thousand hours of supervised baccalaureate experience with a licensed clinical social worker or licensed baccalaureate social worker in no less than twenty-four and no more than forty-eight consecutive calendar months;**

**(4) The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure;**

**(5) The applicant has submitted a written application on forms prescribed by the state board;**

**(6) The applicant has submitted the required licensing fee, as determined by the division.**

**2. Any applicant who answers in the affirmative to any question on the application that relates to possible grounds for denial of licensure pursuant to section 337.680 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and copies of appropriate documents related to such answer.**

**3. Any person not a resident of this state holding a valid unrevoked and unexpired license, certificate or registration from another state or territory of the United States having substantially the same requirements as this state for baccalaureate social workers may be granted a license to engage in the person's occupation in this state upon application to the committee accompanied by the appropriate fee as established by the committee pursuant to section 337.662.**

**4. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.650 to 337.689 and who furnishes**

evidence satisfactory to the committee that the applicant has complied with the provisions of subsection 1 of this section or with the provisions of subsection 2 of this section. The committee shall issue a one-time provisional baccalaureate social worker license to any applicant who meets all requirements of subdivisions (1), (2), (4), (5) and (6) of subsection 1 of this section, but who has not completed the supervised baccalaureate experience required by subdivision (3) of subsection 1 of this section, and such applicant may apply for licensure as a baccalaureate social worker upon completion of the supervised baccalaureate experience.

**337.668.** The term of each license issued pursuant to the provisions of sections 337.650 to 337.689 shall be no less than twenty-four and no more than forty-eight consecutive calendar months. All licensees shall annually complete fifteen hours of continuing education units. The committee shall renew any license, other than a provisional license, upon application for a renewal, submission of documentation of the completion of the required annual hours of continuing education and payment of the fee established by the committee pursuant to the provisions of section 337.662.

**337.671.** The committee may issue temporary permits to practice under extenuating circumstances as determined by the committee and defined by rule.

**337.674.** No part of this section or of chapter 354 or 375, RSMo, shall be construed to mandate benefits or third-party reimbursement for services of social workers in the policies or contracts of any insurance company, health services corporation, or other third-party payer.

**337.677. 1.** The committee shall promulgate rules and regulations pertaining to:

(1) The form and content of license applications required by the provisions of sections 337.650 to 337.689 and the procedures for filing an application for an initial or renewal license in this state;

(2) Fees required by the provisions of sections 337.650 to 337.689;

(3) The characteristics of "supervised baccalaureate experience" as that term is used in section 337.665;

(4) The standards and methods to be used in assessing competency as a licensed baccalaureate social worker, including the requirement for annual continuing education units;

(5) Establishment and promulgation of procedures for investigating, hearing and determining grievances and violations occurring pursuant to the provisions of sections 337.650 to 337.689;

(6) Development of an appeal procedure for the review of decisions and rules of administrative agencies existing pursuant to the constitution or laws of this state;

(7) Establishment of a policy and procedure for reciprocity with other states,

including states which do not have baccalaureate or clinical social worker licensing laws or states whose licensing laws are not substantially the same as those of this state; and

**(8) Any other policies or procedures necessary to the fulfillment of the requirements of sections 337.650 to 337.689.**

**2. No rule or portion of a rule promulgated pursuant to the authority of sections 337.650 to 337.689 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

**337.680. 1. The committee may refuse to issue or renew any license required by the provisions of sections 337.650 to 337.689 for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.**

**2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 337.650 to 337.689 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:**

**(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to engage in the occupation of baccalaureate social work; except that the fact that a person has undergone treatment for past substance or alcohol abuse and/or has participated in a recovery program, shall not by itself be cause for refusal to issue or renew a license;**

**(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a baccalaureate social worker; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;**

**(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 337.650 to 337.689 or in obtaining permission to take any examination given or required pursuant to the provisions of sections 337.650 to 337.689;**

**(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;**

**(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the**



**performance of the functions or duties of a baccalaureate social worker;**

**(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.650 to 337.689, or of any lawful rule or regulation adopted pursuant to sections 337.650 to 337.689;**

**(7) Impersonation of any person holding a license or allowing any person to use the person's license or diploma from any school;**

**(8) Revocation or suspension of a license or other right to practice baccalaureate social work granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;**

**(9) Final adjudication as incapacitated by a court of competent jurisdiction;**

**(10) Assisting or enabling any person to practice or offer to practice baccalaureate social work who is not licensed and currently eligible to practice pursuant to the provisions of sections 337.650 to 337.689;**

**(11) Obtaining a license based upon a material mistake of fact;**

**(12) Failure to display a valid license if so required by sections 337.650 to 337.689 or any rule promulgated hereunder;**

**(13) Violation of any professional trust or confidence;**

**(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;**

**(15) Being guilty of unethical conduct based on the code of ethics of the National Association of Social Workers.**

**3. Any person, organization, association or corporation who reports or provides information to the committee pursuant to the provisions of sections 337.650 to 337.689 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.**

**4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may censure or place the person named in the complaint on probation on such terms and conditions as the committee deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.**

**337.683. 1. Violation of any provision of sections 337.650 to 337.689 shall be a class B misdemeanor.**

**2. All fees or other compensation received for services which are rendered in violation of sections 337.650 to 337.689 shall be refunded.**

**3. The department on behalf of the committee may sue in its own name in any court in this state. The department shall inquire as to any violations of sections 337.650 to 337.689, may institute actions for penalties herein prescribed, and shall enforce generally the provisions of sections 337.650 to 337.689.**

**4. Upon application by the committee, the attorney general may on behalf of the committee request that a court of competent jurisdiction grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:**

**(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or**

**(2) Engaging in any practice of business authorized by a certificate of registration or authority, permit or license issued pursuant to sections 337.650 to 337.689 upon a showing that the holder presents a substantial probability of serious harm to the health, safety or welfare of any resident of this state or client or patient of the licensee.**

**5. Any action brought pursuant to the provisions of this section shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.**

**6. Any action brought pursuant to this section may be in addition to or in lieu of any penalty provided by sections 337.650 to 337.689 and may be brought concurrently with other actions to enforce the provisions of sections 337.650 to 337.689.**

**337.686. Persons licensed pursuant to the provisions of sections 337.650 to 337.689 may not disclose any information acquired from persons consulting them in their professional capacity, or be compelled to disclose such information except:**

**(1) With the written consent of the client, or in the case of the client's death or disability, the client's personal representative or other person authorized to sue, or the beneficiary of an insurance policy on the client's life, health or physical condition;**

**(2) When such information pertains to a criminal act;**

**(3) When the person is a child under the age of eighteen years and the information acquired by the licensee indicated that the child was the victim of a crime;**

**(4) When the person waives the privilege by bringing charges against the licensee;**

**(5) When the licensee is called upon to testify in any court or administrative hearings concerning matters of adoption, adult abuse, child abuse, child neglect, or other matters pertaining to the welfare of clients of the licensee; or**

**(6) When the licensee is collaborating or consulting with professional colleagues**

**or an administrative superior on behalf of the client.**

**337.689. Nothing in sections 337.650 to 337.689 shall be construed to prohibit any person licensed pursuant to the provisions of sections 337.650 to 337.689 from testifying in court hearings concerning matters of adoption, adult abuse, child abuse, child neglect, or other matters pertaining to the welfare of children or any dependent person, or from seeking collaboration or consultation with professional colleagues or administrative supervisors on behalf of the client.**

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