

FIRST REGULAR SESSION

SENATE BILL NO. 535

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR YECKEL.

Read 1st time February 19, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1706S.011

AN ACT

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

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Section A. Sections 337.500 and 337.510, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 337.500 and 337.510, to read as follows: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) **"Assessment", selecting, administering, scoring, and interpreting instruments designed to assess an individual's attitudes, abilities, achievements, interests, personal characteristics, disabilities, and mental, emotional, and behavioral disorders and the use of methods and techniques for understanding human behavior in relation to coping with, adapting to, or changing life situations;**

(2) **"Committee", the committee for professional counselors;**

(3) **"Consulting", the application of scientific principles and procedures in counseling and human development to provide assistance and understanding and solving current or potential problems that the client or patient may have in relation to a third party, whether an individual, group, or organization;**

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

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

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

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

[(5)] (7) "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)] (8) "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 achieving more effective intrapersonal or interpersonal, marital, decisional, social, educational, vocational, developmental, or rehabilitative adjustments] **the application of mental health, behavior, or human development principles in order to:**

- (a) **Facilitates human development and adjustment throughout the life span;**
- (b) **Prevent, diagnose, and treat mental, emotional, or behavioral disorders and associated distresses which interfere with mental health;**
- (c) **Conduct assessments and diagnoses for the purpose of establishing treatment goals and objectives; and**

(d) **Plan, implement, and evaluate treatment plans using counseling treatment interventions. "Counseling treatment interventions" means the application of cognitive, affective, behavioral, and systemic counseling strategies which include principles of development, wellness, and pathology that reflect a pluralistic society. Such interventions are specifically implemented in the context of a professional counseling relationship;**

[(7)] (9) "Professional counseling", includes, but is not limited to:

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

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

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

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

(e) Designing, conducting, and interpreting research;

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

(g) The use of informational and community resources for career, personal, or social development;

(h) Consultation on any item in paragraphs (a) through (g) above; and

(i)] **Individual, group, and marriage and family counseling and psychotherapy;**

(b) Assessment;

(c) Crisis intervention;

(d) Diagnosis and treatment of persons with mental and emotional disorders;

(e) Guidance and consulting to facilities normal growth and development, including educational and career development;

(f) Utilization of functional assessment and counseling for persons requesting assistance in adjustment to a disability or handicapping condition;

(g) Consulting;

(h) Research; and

(i) Referral.

The use of specific methods, techniques, or modalities within the practice of professional counseling is restricted to professional counselors appropriately trained in the use of such methods, techniques, or modalities, and licensed as a professional counselor or under supervision for licensure as a professional counselor. No provision of sections 337.500 to 337.540, or of chapter 354 or 375, RSMo, shall be construed to mandate benefits or third-party reimbursement for services of professional counselors in the policies or contracts of any insurance company, health services corporation or other third-party payer;

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

(11) "Referral", evaluating and identifying needs of a client or patient to determine the advisability of referral to other specialists, informing the client or patient of such judgment, and communicating as requested or deemed appropriate to such referral sources;

(12) "Research", a systemic effort to collect, analyze, and interpret quantitative and qualitative data that describes how social characteristics, behavior, emotion, cognitions, disabilities, mental disorders, and interpersonal transactions among individuals and organizations interact.

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

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

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

(b) The applicant has received a specialist's degree with a major in counseling, or its equivalent, from an acceptable educational institution, as defined by division rules, and has completed at least one year of acceptable supervised counseling experience subsequent to receipt of the specialist's degree; or

(c) The applicant has received at least a master's degree with a major in counseling, or its equivalent, from an acceptable educational institution as defined by division rules, and has completed two years of acceptable supervised counseling experience subsequent to receipt of the master's degree. An applicant may substitute thirty semester hours of post-master's graduate study, or their equivalent, for one of the two required years of acceptable supervised counseling experience, if such hours are clearly related to the field of professional counseling and are earned from an acceptable educational institution[.];

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

(3) For all applicants applying for initial licensure on or after August 28, 2005, the applicant has completed a minimum of three graduate-level semester hours in the diagnosis of persons with mental and emotional disorders for graduate credit as defined by rule of the division; or

(4) For all professional counselors licensed prior to August 28, 2005, who wish to engage or continue to engage in the diagnosis of persons with mental and emotional disorders pursuant to paragraphs (b) and (c) of subdivision (8) of section 337.500 after August 28, 2006, the current licensee has, prior to August 28, 2006, completed a minimum of three graduate-level semester hours in the diagnosis of persons with mental and emotional disorders for graduate credit as defined by rule, or has obtained through training or experience, as determined by rule of the division, the equivalent of such graduate-level hours in the diagnosis of persons with mental and emotional disorders. The state committee of psychologists and the committee for professional counselors shall establish by joint rules the criteria for the one thousand hours required in the diagnosis of persons with mental and emotional disorders for those persons holding a current professional counselors license on the effective date of this section. Any professional counselor licensed prior to August 28, 2005, who does

not wish to engage in the diagnosis of persons with mental and emotional disorders pursuant to paragraphs (b) and (c) of subdivision (8) of section 337.500 shall not be required to complete the educational requirements of this subsection.

(5) The license of any professional counselor who completes the educational requirements for the diagnosis of persons with mental and emotional disorders pursuant to subdivision (3) or (4) of this subsection shall include an endorsement by the committee and a designation on such license that the licensee is authorized to engage in the diagnosis of persons with mental and emotional disorders. The license of any professional counselor who does not complete the educational requirements of subdivision (3) or (4) of this subsection shall not include such endorsement by the committee or designation on his or her license and shall be prohibited from engaging in such diagnosis.

2. Any person holding a valid unrevoked, unsuspended and unexpired license as a professional counselor issued by a state having substantially the same licensing requirements as this state shall 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 337.507.

3. Any person who previously held a valid unrevoked, unsuspended license as a professional counselor in this state and who held a valid license in another state at the time of application to the committee shall be granted a license to engage in professional counseling in this state upon application to the committee accompanied by the appropriate fee as established by the committee pursuant to section 337.507.

4. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.500 to 337.540 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) [and (2)] **to (4)** of subsection 1 of this section or with the provisions of subsection 2 or 3 of this section. The division shall issue a provisional professional counselor license to any applicant who meets all requirements of subdivisions (1) and (2) of subsection 1 of this section, but who has not completed the required one or two years of acceptable supervised counseling experience required by paragraphs (a) to (c) of subdivision (1) of subsection 1 of this section, and such applicant may reapply for licensure as a professional counselor upon completion of such acceptable supervised counseling experience.

5. The committee may establish continuing education requirements necessary for professional counselors to maintain or renew their licenses.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536,

RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

T

Unofficial

Bill

Copy