

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

SENATE BILL NO. 1177

94TH GENERAL ASSEMBLY

2008

5008S.01T

AN ACT

To repeal section 632.005, RSMo, and to enact in lieu thereof one new section relating to licensed professional counselors.

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

Section A. Section 632.005, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 632.005, to read as follows:

632.005. As used in chapter 631, RSMo, and this chapter, unless the
2 context clearly requires otherwise, the following terms shall mean:

3 (1) "Comprehensive psychiatric services", any one, or any combination of
4 two or more, of the following services to persons affected by mental disorders
5 other than mental retardation or developmental disabilities: inpatient, outpatient,
6 day program or other partial hospitalization, emergency, diagnostic, treatment,
7 liaison, follow-up, consultation, education, rehabilitation, prevention, screening,
8 transitional living, medical prevention and treatment for alcohol abuse, and
9 medical prevention and treatment for drug abuse;

10 (2) "Council", the Missouri advisory council for comprehensive psychiatric
11 services;

12 (3) "Court", the court which has jurisdiction over the respondent or
13 patient;

14 (4) "Division", the division of comprehensive psychiatric services of the
15 department of mental health;

16 (5) "Division director", director of the division of comprehensive
17 psychiatric services of the department of mental health, or his designee;

18 (6) "Head of mental health facility", superintendent or other chief
19 administrative officer of a mental health facility, or his designee;

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

20 (7) "Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday
21 when the court is open for business, but excluding Saturdays, Sundays and legal
22 holidays;

23 (8) "Licensed physician", a physician licensed pursuant to the provisions
24 of chapter 334, RSMo, or a person authorized to practice medicine in this state
25 pursuant to the provisions of section 334.150, RSMo;

26 (9) **"Licensed professional counselor", a person licensed as a**
27 **professional counselor under chapter 337, RSMo, and with a minimum**
28 **of one year training or experience in providing psychiatric care,**
29 **treatment, or services in a psychiatric setting to individuals suffering**
30 **from a mental disorder;**

31 (10) "Likelihood of serious harm" means any one or more of the following
32 but does not require actual physical injury to have occurred:

33 (a) A substantial risk that serious physical harm will be inflicted by a
34 person upon his own person, as evidenced by recent threats, including verbal
35 threats, or attempts to commit suicide or inflict physical harm on
36 himself. Evidence of substantial risk may also include information about
37 patterns of behavior that historically have resulted in serious harm previously
38 being inflicted by a person upon himself;

39 (b) A substantial risk that serious physical harm to a person will result
40 or is occurring because of an impairment in his capacity to make decisions with
41 respect to his hospitalization and need for treatment as evidenced by his current
42 mental disorder or mental illness which results in an inability to provide for his
43 own basic necessities of food, clothing, shelter, safety or medical care or his
44 inability to provide for his own mental health care which may result in a
45 substantial risk of serious physical harm. Evidence of that substantial risk may
46 also include information about patterns of behavior that historically have resulted
47 in serious harm to the person previously taking place because of a mental
48 disorder or mental illness which resulted in his inability to provide for his basic
49 necessities of food, clothing, shelter, safety or medical or mental health care; or

50 (c) A substantial risk that serious physical harm will be inflicted by a
51 person upon another as evidenced by recent overt acts, behavior or threats,
52 including verbal threats, which have caused such harm or which would place a
53 reasonable person in reasonable fear of sustaining such harm. Evidence of that
54 substantial risk may also include information about patterns of behavior that
55 historically have resulted in physical harm previously being inflicted by a person

56 upon another person;

57 [(10)] (11) "Mental health coordinator", a mental health professional
58 employed by the state of Missouri who has knowledge of the laws relating to
59 hospital admissions and civil commitment and who is appointed by the director
60 of the department, or his designee, to serve a designated geographic area or
61 mental health facility and who has the powers, duties and responsibilities
62 provided in this chapter;

63 [(11)] (12) "Mental health facility", any residential facility, public or
64 private, or any public or private hospital, which can provide evaluation,
65 treatment and, inpatient care to persons suffering from a mental disorder or
66 mental illness and which is recognized as such by the department or any
67 outpatient treatment program certified by the department of mental health. No
68 correctional institution or facility, jail, regional center or mental retardation
69 facility shall be a mental health facility within the meaning of this chapter;

70 [(12)] (13) "Mental health professional", a psychiatrist, resident in
71 psychiatry, psychologist, psychiatric nurse, **licensed professional counselor**,
72 or psychiatric social worker;

73 [(13)] (14) "Mental health program", any public or private residential
74 facility, public or private hospital, public or private specialized service or public
75 or private day program that can provide care, treatment, rehabilitation or
76 services, either through its own staff or through contracted providers, in an
77 inpatient or outpatient setting to persons with a mental disorder or mental illness
78 or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by
79 the department. No correctional institution or facility or jail may be a mental
80 health program within the meaning of this chapter;

81 [(14)] (15) "Ninety-six hours" shall be construed and computed to exclude
82 Saturdays, Sundays and legal holidays which are observed either by the court or
83 by the mental health facility where the respondent is detained;

84 [(15)] (16) "Peace officer", a sheriff, deputy sheriff, county or municipal
85 police officer or highway patrolman;

86 [(16)] (17) "Psychiatric nurse", a registered professional nurse who is
87 licensed under chapter 335, RSMo, and who has had at least two years of
88 experience as a registered professional nurse in providing psychiatric nursing
89 treatment to individuals suffering from mental disorders;

90 [(17)] (18) "Psychiatric social worker", a person with a master's or
91 further advanced degree from an accredited school of social work, practicing

92 pursuant to chapter 337, RSMo, and with a minimum of one year training or
93 experience in providing psychiatric care, treatment or services in a psychiatric
94 setting to individuals suffering from a mental disorder;

95 [(18)] **(19)** "Psychiatrist", a licensed physician who in addition has
96 successfully completed a training program in psychiatry approved by the
97 American Medical Association, the American Osteopathic Association or other
98 training program certified as equivalent by the department;

99 [(19)] **(20)** "Psychologist", a person licensed to practice psychology under
100 chapter 337, RSMo, with a minimum of one year training or experience in
101 providing treatment or services to mentally disordered or mentally ill individuals;

102 [(20)] **(21)** "Resident in psychiatry", a licensed physician who is in a
103 training program in psychiatry approved by the American Medical Association,
104 the American Osteopathic Association or other training program certified as
105 equivalent by the department;

106 [(21)] **(22)** "Respondent", an individual against whom involuntary civil
107 detention proceedings are instituted pursuant to this chapter;

108 [(22)] **(23)** "Treatment", any effort to accomplish a significant change in
109 the mental or emotional conditions or the behavior of the patient consistent with
110 generally recognized principles or standards in the mental health professions.

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