

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 318
95TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 11, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1680S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 334.098 and 337.649, RSMo, and to enact in lieu thereof two new sections relating to complaints against certain licensed professionals.

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

Section A. Sections 334.098 and 337.649, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 334.098 and 337.649, to
3 read as follows:

334.098. 1. If the board finds merit to a complaint by an individual
2 incarcerated or under the care and control of the department of corrections **or by**
3 **an individual who has been ordered to be taken into custody, detained,**
4 **or held under sections 632.480 to 632.513, RSMo,** and takes further
5 investigative action, no documentation may appear on file or disciplinary action
6 may be taken in regards to the licensee's license unless the provisions of
7 subsection 2 of section 334.100 have been violated. Any case file documentation
8 that does not result in the board filing an action pursuant to subsection 2 of
9 section 334.100 shall be destroyed within three months after the final case
10 disposition by the board. No notification to any other licensing board in another
11 state or any national registry regarding any investigative action shall be made
12 unless the provisions of subsection 2 of section 334.100 have been violated.

13 2. Upon written request of the physician subject to a complaint, prior to
14 August 28, 1999, by an individual incarcerated or under the care and control of
15 the department of corrections **or prior to August 28, 2009, by an individual**
16 **who has been ordered to be taken into custody, detained, or held under**
17 **sections 632.480 to 632.513, RSMo,** that did not result in the board filing an

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

18 action pursuant to subsection 2 of section 334.100, the board and the division of
19 professional registration, shall in a timely fashion:

20 (1) Destroy all documentation regarding the complaint;

21 (2) Notify any other licensing board in another state or any national
22 registry regarding the board's actions if they have been previously notified of the
23 complaint; and

24 (3) Send a letter to the licensee that clearly states that the board found
25 the complaint to be unsubstantiated, that the board has taken the requested
26 action, and notify the licensee of the provisions of subsection 3 of this section.

27 3. Any person who has been the subject of an unsubstantiated complaint
28 as provided in subsection 1 or 2 of this section shall not be required to disclose
29 the existence of such complaint in subsequent applications or representations
30 relating to their medical practice.

337.649. 1. If the [board] **committee** finds merit to a complaint by an
2 individual incarcerated or under the care and control of the department of
3 corrections **or by an individual who has been ordered to be taken into**
4 **custody, detained, or held under sections 632.480 to 632.513, RSMo,** and
5 takes further investigative action, no documentation may appear on file or
6 disciplinary action may be taken in regards to the licensee's license unless the
7 provisions of subsection 2 of section 337.630 [or subsection 2 of section 337.680]
8 have been violated. Any case file documentation that does not result in the
9 [board] **committee** filing an action under and pursuant to subsection 2 of section
10 337.630 [or subsection 2 of section 337.680] shall be destroyed within three
11 months after the final case disposition by the [board] **committee**. No
12 notification to any other licensing board in another state or any national registry
13 regarding any investigative action shall be made unless the provisions of
14 subsection 2 of section 337.630 [or subsection 2 of section 337.680] have been
15 violated.

16 2. Upon written request of the social worker subject to a complaint, prior
17 to August 28, 2007, by an individual incarcerated or under the care and control
18 of the department of corrections **or prior to August 28, 2009, by an**
19 **individual who has been ordered to be taken into custody, detained, or**
20 **held under sections 632.480 to 632.513, RSMo,** that did not result in the
21 [board] **committee** filing an action under and pursuant to subsection 2 of section
22 337.630 [or subsection 2 of section 337.680], the [board] **committee** and the
23 division of professional registration shall in a timely fashion:

- 24 (1) Destroy all documentation regarding the complaint;
- 25 (2) Notify any other licensing board in another state or any national
- 26 registry regarding the board's actions if they have been previously notified of the
- 27 complaint; and
- 28 (3) Send a letter to the licensee that clearly states that the [board]
- 29 **committee** found the complaint to be unsubstantiated, that the [board]
- 30 **committee** has taken the requested action, and notify the licensee of the
- 31 provisions of subsection 3 of this section.
- 32 3. Any person who has been the subject of an unsubstantiated complaint
- 33 as provided in subsection 1 or 2 of this section shall not be required to disclose
- 34 the existence of such complaint in subsequent applications or representations
- 35 relating to their social work professions.

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Bill

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