

SECOND REGULAR SESSION

SENATE BILL NO. 689

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3182S.01I

AN ACT

To repeal section 337.050, RSMo, and to enact in lieu thereof two new sections relating to continuing education for professional licensees.

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

Section A. Section 337.050, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 324.035 and 337.050, to read as
3 follows:

**324.035. No board, commission, or committee within the division
2 of professional registration shall utilize occupational fees, or any other
3 fees associated with licensing requirements, or contract or partner with
4 any outside vendor or agency for the purpose of offering continuing
5 education classes.**

337.050. 1. There is hereby created and established a "State Committee
2 of Psychologists", which shall consist of seven licensed psychologists and one
3 public member. The state committee of psychologists existing on August 28,
4 1989, is abolished. Nothing in this section shall be construed to prevent the
5 appointment of any current member of the state committee of psychologists to the
6 new state committee of psychologists created on August 28, 1989.

7 2. Appointments to the committee shall be made by the governor upon the
8 recommendations of the director of the division, upon the advice and consent of
9 the senate. The division, prior to submitting nominations, shall solicit nominees
10 from professional psychological associations and licensed psychologists in the
11 state. The term of office for committee members shall be five years, and
12 committee members shall not serve more than ten years. No person who has
13 previously served on the committee for ten years shall be eligible for
14 appointment. In making initial appointments to the committee, the governor

15 shall stagger the terms of the appointees so that two members serve initial terms
16 of two years, two members serve initial terms of three years, and two members
17 serve initial terms of four years.

18 3. Each committee member shall be a resident of the state of Missouri for
19 one year, shall be a United States citizen, and shall, other than the public
20 member, have been licensed as a psychologist in this state for at least three
21 years. Committee members shall reflect a diversity of practice specialties. To
22 ensure adequate representation of the diverse fields of psychology, the committee
23 shall consist of at least two psychologists who are engaged full time in the
24 doctoral teaching and training of psychologists, and at least two psychologists
25 who are engaged full time in the professional practice of psychology. In addition,
26 the first appointment to the committee shall include at least one psychologist who
27 shall be licensed on the basis of a master's degree who shall serve a full term of
28 five years. Nothing in sections 337.010 to 337.090 shall be construed to prohibit
29 full membership rights on the committee for psychologists licensed on the basis
30 of a master's degree. If a member of the committee shall, during the member's
31 term as a committee member, remove the member's domicile from the state of
32 Missouri, then the committee shall immediately notify the director of the division,
33 and the seat of that committee member shall be declared vacant. All such
34 vacancies shall be filled by appointment of the governor with the advice and
35 consent of the senate, and the member so appointed shall serve for the unexpired
36 term of the member whose seat has been declared vacant.

37 4. The public member shall be at the time of the public member's
38 appointment a citizen of the United States; a resident of this state for a period
39 of one year and a registered voter; a person who is not and never was a member
40 of any profession licensed or regulated pursuant to sections 337.010 to 337.093
41 or the spouse of such person; and a person who does not have and never has had
42 a material, financial interest in either the providing of the professional services
43 regulated by sections 337.010 to 337.093, or an activity or organization directly
44 related to any profession licensed or regulated pursuant to sections 337.010 to
45 337.093. The duties of the public member shall not include the determination of
46 the technical requirements to be met for licensure or whether any person meets
47 such technical requirements or of the technical competence or technical judgment
48 of a licensee or a candidate for licensure.

49 5. The committee shall hold a regular annual meeting at which it shall
50 select from among its members a chairperson and a secretary. A quorum of the

51 committee shall consist of a majority of its members. In the absence of the
52 chairperson, the secretary shall conduct the office of the chairperson.

53 6. Each member of the committee shall receive, as compensation, an
54 amount set by the division not to exceed fifty dollars for each day devoted to the
55 affairs of the committee and shall be entitled to reimbursement for necessary and
56 actual expenses incurred in the performance of the member's official duties.

57 7. Staff for the committee shall be provided by the director of the division
58 of professional registration.

59 8. The governor may remove any member of the committee for misconduct,
60 inefficiency, incompetency, or neglect of office.

61 9. In addition to the powers set forth elsewhere in sections 337.010 to
62 337.090, the division may adopt rules and regulations, not otherwise inconsistent
63 with sections 337.010 to 337.090, to carry out the provisions of sections 337.010
64 to 337.090. The committee may promulgate, by rule, "Ethical Rules of Conduct"
65 governing the practices of psychology which rules shall be based upon the ethical
66 principles promulgated and published by the American Psychological Association.

67 10. Any rule or portion of a rule, as that term is defined in section
68 536.010, that is promulgated to administer and enforce sections 337.010 to
69 337.090, shall become effective only if the agency has fully complied with all of
70 the requirements of chapter 536 including but not limited to section 536.028 if
71 applicable, after August 28, 1998. All rulemaking authority delegated prior to
72 August 28, 1998, is of no force and effect and repealed as of August 28, 1998,
73 however nothing in this act shall be interpreted to repeal or affect the validity of
74 any rule adopted and promulgated prior to August 28, 1998. If the provisions of
75 section 536.028 apply, the provisions of this section are nonseverable and if any
76 of the powers vested with the general assembly pursuant to section 536.028 to
77 review, to delay the effective date, or to disapprove and annul a rule or portion
78 of a rule are held unconstitutional or invalid, the purported grant of rulemaking
79 authority and any rule so proposed and contained in the order of rulemaking
80 shall be invalid and void, except that nothing in this act shall affect the validity
81 of any rule adopted and promulgated prior to August 28, 1998.

82 11. The committee may sue and be sued in its official name, and shall
83 have a seal which shall be affixed to all certified copies or records and papers on
84 file, and to such other instruments as the committee may direct. All courts shall
85 take judicial notice of such seal. Copies of records and proceedings of the
86 committee, and of all papers on file with the division on behalf of the committee

87 certified under the seal shall be received as evidence in all courts of record.

88 12. When applying for a renewal of a license pursuant to section 337.030,
89 each licensed psychologist shall submit proof of the completion of at least forty
90 hours of continuing education credit within the two-year period immediately
91 preceding the date of the application for renewal of the license, **with a**
92 **minimum of three of the forty hours of continuing education dedicated**
93 **to professional ethics.** The type of continuing education to be considered shall
94 include, but not be limited to:

95 (1) Attending recognized educational seminars, the content of which are
96 primarily psychological, as defined by rule;

97 (2) Attending a graduate level course at a recognized educational
98 institution where the contents of which are primarily psychological, as defined by
99 rule;

100 (3) Presenting a recognized educational seminar, the contents of which are
101 primarily psychological, as defined by rule;

102 (4) Presenting a graduate level course at a recognized educational
103 institution where the contents of which are primarily psychological, as defined by
104 rule; and

105 (5) Independent course of studies, the contents of which are primarily
106 psychological, which have been approved by the committee and defined by rule.
107 The committee shall determine by administrative rule the amount of training,
108 instruction, self-instruction or teaching that shall be counted as an hour of
109 continuing education credit.

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