

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 834

AN ACT

To repeal sections 210.221, 333.041, 333.042, 337.600, 337.604, 337.615, 337.627, 337.644, 337.645, and 345.050, RSMo, and to enact in lieu thereof thirteen new sections relating to licenses regulated by state agencies.

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

Section A. Sections 210.221, 333.041, 333.042, 337.600, 337.604, 337.615, 337.627, 337.644, 337.645, and 345.050, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 210.221, 324.263, 331.084, 333.041, 333.042, 337.600, 337.604, 337.615, 337.627, 337.628, 337.644, 337.645, and 345.050, to read as follows:

210.221. 1. The department of elementary and secondary education shall have the following powers and duties:

(1) After inspection, to grant licenses to persons to operate child-care facilities if satisfied as to the good character and intent of the applicant and that such applicant is qualified and equipped to render care or service conducive to the welfare of children. Each license shall specify the effective date and whether the license is temporary, the kind of child-care services the licensee is authorized to perform, the number of children that can be received or maintained, and their ages;

(2) To inspect the conditions of the homes and other places in which the applicant operates a child-care facility, inspect their books and records, premises and children being served, examine their officers and agents, deny, suspend, place on probation or revoke the license of

such persons as fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the department of elementary and secondary education. The commissioner also may revoke or suspend a license when the licensee surrenders the license;

(3) To promulgate and issue rules and regulations the department deems necessary or proper in order to establish standards of service and care to be rendered by such licensees to children. No rule or regulation promulgated by the department shall in any manner restrict or interfere with any religious instruction, philosophies or ministries provided by the facility and shall not apply to facilities operated by religious organizations which are not required to be licensed;

(4) To approve training concerning the safe sleep recommendations of the American Academy of Pediatrics in accordance with section 210.223; and

(5) To determine what records shall be kept by such persons and the form thereof, and the methods to be used in keeping such records, and to require reports to be made to the department at regular intervals.

2. (1) In addition to the powers and duties under subsection 1 of this section, the department of elementary and secondary education has the power and duty to grant a temporary child care license. The temporary child care license shall be granted to a child care provider who:

(a) Is not on probation or has not been on probation within the last twelve months;

(b) Is not in the process of having a license revoked or has not had a license revoked within the last twelve months; or

(c) Does not have a current letter of censure, upon submittal of a complete license application to the

department of elementary and secondary education by the child care provider, to expand an existing site or to add a new location.

(2) The child care provider shall complete all of the following in order to obtain a temporary child care license to expand an existing site or add a new location:

(a) State and local fire inspections as provided under section 210.252;

(b) State and local sanitation inspections as provided under section 210.252;

(c) City inspections;

(d) Staff background checks and health screenings; and

(e) Required staff training and any ongoing required training.

(3) Prior to obtaining a temporary child care license under this subsection for another facility, the child care provider shall have operated a child care facility for at least thirteen months. The new facility shall be subject to an inspection, without notification of the inspection, by the office of childhood within sixty days of the opening of the new facility.

(4) Temporary child care licenses shall be valid for a duration of no longer than twelve months from the date of issuance or until the department makes a final determination on full licensure.

(5) If the child care facility is an existing child care facility but there is a change in ownership of the facility, such facility shall be subject to an inspection, without notification of the inspection, by the office of childhood within sixty days of the change in ownership.

3. Any child-care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the

department of elementary and secondary education and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of elementary and secondary education. Local inspectors may grant a variance, subject to approval by the department of elementary and secondary education.

[3.] 4. The department shall deny, suspend, place on probation or revoke a license if it receives official written notice that the local governing body has found that license is prohibited by any local law related to the health and safety of children. The department may deny an application for a license if the department determines that a home or other place in which an applicant would operate a child-care facility is located within one thousand feet of any location where a person required to register under sections 589.400 to 589.425 either resides, as that term is defined in subsection 3 of section 566.147, or regularly receives treatment or services, excluding any treatment or services delivered in a hospital, as that term is defined in section 197.020, or in facilities owned or operated by a hospital system. The department may, after inspection, find the licensure, denial of licensure, suspension or revocation to be in the best interest of the state.

[4.] 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 210.201 to 210.245 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed.

Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 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, 1999, shall be invalid and void.

324.263. 1. The board may apply to the administrative hearing commission for an emergency suspension or restriction of a license issued under sections 324.240 to 324.275 if:

(1) The holder of the license is the subject of a pending criminal indictment, criminal information, or other criminal charge related to the duties and responsibilities of the licensed occupation; and

(2) There is reasonable cause for the board to believe that the public health, safety, or welfare is at imminent risk of harm from the holder of the license.

2. The board shall submit to the administrative hearing commission supporting affidavits and certified court records, together with a complaint alleging the facts in support of the board's request for an emergency suspension or restriction of a license, and shall supply the administrative hearing commission with the last home or business addresses on file with the board for the licensee. Within one business day of the filing of the complaint, the administrative hearing commission shall return a service packet to the board. The service packet shall include the board's complaint and any affidavits or records the board intends to rely on that have been filed with the

administrative hearing commission. The service packet may contain other information in the discretion of the administrative hearing commission. Within twenty-four hours of receiving the packet, the board shall either personally serve the licensee the service packet or leave a copy of the service packet at all of the licensee's current addresses on file with the board.

3. Within five days of the board's filing of the complaint, the administrative hearing commission shall review the information submitted by the board and shall issue its findings of fact and conclusions of law. If the administrative hearing commission finds that there is reasonable cause for the board to believe that the public health, safety, or welfare is at imminent risk of harm from the holder of the license, the administrative hearing commission shall enter the order requested by the board. The order shall be effective upon personal service or by leaving a copy at all of the licensee's current addresses on file with the board.

4. (1) The administrative hearing commission shall hold an evidentiary hearing on the record within forty-five days of the board's filing of the complaint, or upon final adjudication of any criminal charges filed against the licensee, as appropriate, to determine if cause for discipline exists under the provisions of sections 324.240 to 324.275 and to determine whether the initial order entered by the commission shall continue in effect. Prior to the hearing, the licensee may file affidavits and certified court records for consideration by the administrative hearing commission. The administrative hearing commission may grant a request for a continuance but shall in any event hold the hearing within one hundred twenty days of the board's initial filing. The board shall

be granted leave to amend its complaint if it is more than thirty days prior to the hearing, or within thirty days prior to the hearing upon a showing of good cause.

(2) If no cause for discipline is found following an evidentiary hearing, the administrative hearing commission shall issue findings of fact, conclusions of law, and an order terminating the commission's initial order imposing an emergency suspension or restriction of the license.

(3) If the administrative hearing commission finds cause for discipline following an evidentiary hearing, the commission shall issue findings of fact and conclusions of law and order the emergency suspension or restriction to remain in full force and effect pending a disciplinary hearing before the board. The board shall hold a hearing following the certification of the record by the administrative hearing commission and may impose discipline otherwise authorized by state law.

5. Any action under this section shall be in addition to and not in lieu of any discipline otherwise in the board's power to impose and may be brought concurrently with other actions.

6. If the administrative hearing commission does not grant an initial order imposing an emergency suspension or restriction of the license as described in subsection 3 of this section, the board shall remove all reference to such emergency suspension or restriction from its public records.

331.084. 1. The board may apply to the administrative hearing commission for an emergency suspension or restriction of a license issued under this chapter if:

(1) The holder of the license is the subject of a pending criminal indictment, criminal information, or other criminal charge related to the duties and responsibilities of the licensed occupation; and

(2) There is reasonable cause for the board to believe that the public health, safety, or welfare is at imminent risk of harm from the holder of the license.

2. The board shall submit to the administrative hearing commission supporting affidavits and certified court records, together with a complaint alleging the facts in support of the board's request for an emergency suspension or restriction of a license, and shall supply the administrative hearing commission with the last home or business addresses on file with the board for the licensee. Within one business day of the filing of the complaint, the administrative hearing commission shall return a service packet to the board. The service packet shall include the board's complaint and any affidavits or records the board intends to rely on that have been filed with the administrative hearing commission. The service packet may contain other information in the discretion of the administrative hearing commission. Within twenty-four hours of receiving the packet, the board shall either personally serve the licensee the service packet or leave a copy of the service packet at all of the licensee's current addresses on file with the board.

3. Within five days of the board's filing of the complaint, the administrative hearing commission shall review the information submitted by the board and shall issue its findings of fact and conclusions of law. If the administrative hearing commission finds that there is reasonable cause for the board to believe that the public health, safety, or welfare is at imminent risk of harm from the holder of the license, the administrative hearing commission shall enter the order requested by the board. The order shall be effective upon personal service or by

leaving a copy at all of the licensee's current addresses on file with the board.

4. (1) The administrative hearing commission shall hold an evidentiary hearing on the record within forty-five days of the board's filing of the complaint, or upon final adjudication of any criminal charges filed against the licensee, as appropriate, to determine if cause for discipline exists under the provisions of this chapter and to determine whether the initial order entered by the commission shall continue in effect. Prior to the hearing, the licensee may file affidavits and certified court records for consideration by the administrative hearing commission. The administrative hearing commission may grant a request for a continuance but shall in any event hold the hearing within one hundred twenty days of the board's initial filing. The board shall be granted leave to amend its complaint if it is more than thirty days prior to the hearing, or within thirty days prior to the hearing upon a showing of good cause.

(2) If no cause for discipline is found following an evidentiary hearing, the administrative hearing commission shall issue findings of fact, conclusions of law, and an order terminating the commission's initial order imposing an emergency suspension or restriction of the license.

(3) If the administrative hearing commission finds cause for discipline following an evidentiary hearing, the commission shall issue findings of fact and conclusions of law and order the emergency suspension or restriction to remain in full force and effect pending a disciplinary hearing before the board. The board shall hold a hearing following the certification of the record by the administrative hearing commission and may impose discipline otherwise authorized by state law.

5. Any action under this section shall be in addition to and not in lieu of any discipline otherwise in the board's power to impose and may be brought concurrently with other actions.

6. If the administrative hearing commission does not grant an initial order imposing an emergency suspension or restriction of the license as described in subsection 3 of this section, the board shall remove all reference to such emergency suspension or restriction from its public records.

333.041. 1. [Each applicant for a license to practice funeral directing shall furnish evidence to establish to the satisfaction of the board that he or she is at least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board.]

2.] Every person desiring to enter the profession of embalming dead human bodies within the state of Missouri and who is enrolled in a program of education accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board shall register with the board as a practicum student upon the form [provided] approved by the board. [After such registration, a student may assist, under the direct supervision of Missouri licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while serving his or her practicum.] The form for registration as a practicum student shall be accompanied by a fee in an amount established by the board. After a student's registration has been approved by the board, a practicum student registrant may assist, under the direct supervision of an embalmer licensed under this chapter, in an establishment licensed under this chapter. Practicum student registrants shall not assist when not under such

supervision. Each practicum student registrant is authorized to work only at the location or locations registered with the board and under only those supervisors registered with the board.

[3. Each applicant for a license to practice embalming shall furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is at least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board;

(2) Has completed a funeral service education program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board. If an applicant does not complete all requirements for licensure within five years from the date of his or her completion of an accredited program, his or her registration as an apprentice embalmer shall be automatically cancelled. The applicant shall be required to file a new application and pay applicable fees. No previous apprenticeship shall be considered for the new application;

(3) Upon due examination administered by the board, is possessed of a knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative art, together with statutes, rules and regulations governing the care, custody, shelter and disposition of dead human bodies and the transportation thereof or has passed the national board examination of the Conference of Funeral Service Examining Boards. If any applicant fails to pass the state examination, he or she may retake the examination at the next regular examination meeting. The applicant shall notify the board office of his

or her desire to retake the examination at least thirty days prior to the date of the examination. Each time the examination is retaken, the applicant shall pay a new examination fee in an amount established by the board;

(4) Has been employed full time in funeral service in a licensed funeral establishment and has personally embalmed at least twenty-five dead human bodies under the personal supervision of an embalmer who holds a current and valid Missouri embalmer's license during an apprenticeship of not less than twelve consecutive months. "Personal supervision" means that the licensed embalmer shall be physically present during the entire embalming process in the first six months of the apprenticeship period and physically present at the beginning of the embalming process and available for consultation and personal inspection within a period of not more than one hour in the remaining six months of the apprenticeship period. All transcripts and other records filed with the board shall become a part of the board files.]

2. Except as otherwise provided in this section, an applicant not entitled to an embalmer's license under section 333.051 or 324.009 shall make application for such license. Each applicant for an initial license to practice embalming shall furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is eighteen years of age or older;

(2) Possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board;

(3) Has completed a funeral service education program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board;

(4) Received passing scores on the National Board Examination-Sciences and the Missouri law examination administered by the International Conference of Funeral Service Examining Boards, any successor organization, or other organization approved by the board; and

(5) Has been employed in a qualifying embalmer's apprentice program as defined by the board for no less than six months and has personally embalmed at least twenty-five dead human bodies under the supervision of an embalmer who is licensed under this chapter. The first twelve of the embalmings shall be conducted under the direct supervision of the licensed embalmer. For purposes of this subdivision, a "qualifying embalmer's apprentice program" is a program in which the apprentice completed the minimum number of hours required by the board and, as attested to by the supervising licensed embalmer, obtained the minimal required skills to practice embalming. For purposes of this subdivision, "direct supervision" shall mean supervision in which the licensed embalmer is physically present with the apprentice embalmer and the dead human body at the beginning of the embalming process and available for consultation within one hour for the remainder of the embalming process. The licensed embalmer shall inspect all bodies embalmed by the apprentice embalmer.

3. Upon written request to the board, any person licensed under this section may, at his or her election, at any time, sit for the National Board Examination-Arts administered by the International Conference of Funeral Service Examining Boards, any successor organization, or other organization approved by the board if such person has not previously passed such examination.

4. If the applicant does not complete the application process within the five years after his or her completion of

an approved program, then he or she must file a new application and no fees paid previously shall apply toward the license fee.

5. [Examinations required by this section and section 333.042 shall be held at least twice a year at times and places fixed by the board. The board shall by rule and regulation prescribe the standard for successful completion of the examinations.]

6. Upon establishment of his or her qualifications as specified by this section or section 333.042, the board shall issue to the applicant a license to practice funeral directing or embalming, as the case may require, and shall register the applicant as a duly licensed funeral director or a duly licensed embalmer.] Any person having the qualifications required by this section and section 333.042 may be granted both a license to practice funeral directing and to practice embalming.

[7. The board shall, upon request, waive any requirement of this chapter and issue a temporary funeral director's license, valid for six months, to the surviving spouse or next of kin or the personal representative of a licensed funeral director, or to the spouse, next of kin, employee or conservator of a licensed funeral director disabled because of sickness, mental incapacity or injury.]

333.042. 1. [Every person desiring to enter the profession of funeral directing in this state shall make application with the state board of embalmers and funeral directors and pay the current application and examination fees. Except as otherwise provided in section 41.950, applicants not entitled to a license pursuant to section 333.051 or 324.009 shall serve an apprenticeship for at least twelve consecutive months in a funeral establishment licensed for the care and preparation for burial and

transportation of the human dead in this state or in another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirements for admission to practice funeral directing in this state. The applicant shall devote at least fifteen hours per week to his or her duties as an apprentice under the supervision of a Missouri licensed funeral director. Such applicant shall submit proof to the board, on forms provided by the board, that the applicant has arranged and conducted ten funeral services during the applicant's apprenticeship under the supervision of a Missouri licensed funeral director. Upon completion of the apprenticeship, the applicant shall appear before the board to be tested on the applicant's legal and practical knowledge of funeral directing, funeral home licensing, preneed funeral contracts and the care, custody, shelter, disposition and transportation of dead human bodies. Upon acceptance of the application and fees by the board, an applicant shall have twenty-four months to successfully complete the requirements for licensure found in this section or the application for licensure shall be cancelled.

2. If a person applies for a limited license to work only in a funeral establishment which is licensed only for cremation, including transportation of dead human bodies to and from the funeral establishment, he or she shall make application, pay the current application and examination fee and successfully complete the Missouri law examination. He or she shall be exempt from the twelve-month apprenticeship required by subsection 1 of this section and the practical examination before the board. If a person has a limited license issued pursuant to this subsection, he or she may obtain a full funeral director's license if he or she

fulfills the apprenticeship and successfully completes the funeral director practical examination.

3. If an individual is a Missouri licensed embalmer or has completed a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board or has successfully completed a course of study in funeral directing offered by an institution accredited by a recognized national, regional or state accrediting body and approved by the state board of embalmers and funeral directors, and desires to enter the profession of funeral directing in this state, the individual shall comply with all the requirements for licensure as a funeral director pursuant to subsection 1 of section 333.041 and subsection 1 of this section; however, the individual is exempt from the twelve-month apprenticeship required by subsection 1 of this section.] Except as otherwise provided in this section, an applicant for a funeral director license not entitled to a license under section 333.051 or 324.009 shall make application for an initial license to practice funeral directing and shall furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is eighteen years of age or older;

(2) Possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board; and

(3) Has either:

(a) Completed a funeral service education program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board and received passing scores on the National Board Examination-Arts and the Missouri law examination. The board may accept, in lieu of a passing

score on the National Board Examination-Arts, a passing score on an administration of the Missouri arts examination that occurred before the International Conference of Funeral Service Examining Boards ended all administrations of the Missouri arts examination on January 1, 2023; or

(b) Made application for a funeral director provisional license and successfully either:

a. Within twenty-four months of receipt of the provisional license:

(i) Completed a twelve-month qualifying funeral director apprentice program as determined by the board during which the applicant arranged and conducted ten funeral services. Such program shall be under the personal supervision of a funeral director licensed under this chapter and in a Missouri funeral establishment licensed for the care and preparation for burial and transportation of the human dead in this state; and

(ii) Received passing scores on the National Board Examination-Arts and the Missouri law examination. The board may accept, in lieu of a passing score on the National Board Examination-Arts, a passing score on an administration of the Missouri arts examination that occurred before the International Conference of Funeral Service Examining Boards ended all administrations of the Missouri arts examination on January 1, 2023; or

b. Within thirty-six months of receipt of the provisional license:

(i) Completed an eighteen-month qualifying funeral director apprentice program as determined by the board during which the applicant arranged and conducted twenty-five funeral services. Such program shall be under the personal supervision of a funeral director licensed under this chapter and in a Missouri funeral establishment

licensed for the care and preparation for burial and transportation of the human dead in this state; and

(ii) Received a passing score on the Missouri law examination.

2. Any person holding a provisional license shall be eligible, upon written request to the board, to sit for the National Board Examination-Arts and the Missouri law examination at any time during the period in which his or her provisional license is effective.

3. Any licensed funeral director who has not previously sat for the National Board Examination-Arts may, at his or her election and upon written request to the board, sit for the examination.

4. A person may apply for a limited license to work only in a funeral establishment licensed for cremation. A person holding a limited funeral director license may perform duties related to cremation. To qualify for a limited funeral director license, an applicant shall be eighteen years of age or older and shall make application with the board, pay applicable fees, and successfully complete the Missouri law examination. Completion of a qualifying funeral director apprentice program shall not be required to obtain a limited funeral director license.

5. The board shall, at its discretion and upon written request, waive individual funeral director licensure requirements for up to six months if there is an absence of a funeral director in charge due to the death or disability of the licensed funeral director and there is no other licensed funeral director available to discharge the director's duties. A waiver under this subsection shall allow the spouse, next of kin, personal representative, or conservator of the absent director to conduct business until a licensed funeral director can be obtained or business

arrangements are made to close or sell the establishment.
The waiver shall not allow for any services to be provided
for which formal funeral service education is required.

6. As used in this section, the following terms mean:

(1) "Personal supervision", supervision in which the
licensed funeral director shall be physically present during
any arrangement conferences and present for the first five
funeral services conducted by the apprentice. The
supervising licensed funeral director shall not be required
to be present when the apprentice performs any other
functions relating to the practice of funeral directing but
shall be available within one hour for consultation;

(2) "Qualifying funeral director apprentice program",
a program that meets the minimum hour requirements for
funeral directing tasks as set by the board and in which the
supervising funeral director has attested that the
apprentice has obtained the minimal required skills to
practice funeral directing.

337.600. As used in sections 337.600 to 337.689, the following terms mean:

(1) "Advanced macro social worker", the applications of social work theory, knowledge, methods, principles, values, and ethics; and the professional use of self to community and organizational systems, systemic and macrocosm issues, and other indirect nonclinical services; specialized knowledge and advanced practice skills in case management, information and referral, nonclinical assessments, counseling, outcome evaluation, mediation, nonclinical supervision, nonclinical consultation, expert testimony, education, outcome evaluation, research, advocacy, social planning and policy development, community organization, and the development, implementation and administration of policies, programs, and activities. A licensed advanced

macro social worker may not treat mental or emotional disorders or provide psychotherapy without the direct supervision of a licensed clinical social worker, or diagnose a mental disorder;

(2) "Clinical social work", the application of social work theory, knowledge, values, methods, principles, and techniques of case work, group work, client-centered advocacy, community organization, administration, planning, evaluation, consultation, research, psychotherapy and counseling methods and techniques to persons, families and groups in assessment, diagnosis, treatment, prevention and amelioration of mental and emotional conditions;

(3) "Committee", the state committee for social workers established in section 337.622;

(4) "Department", the Missouri department of commerce and insurance;

(5) "Director", the director of the division of professional registration;

(6) "Division", the division of professional registration;

(7) "Independent practice", any practice of social workers outside of an organized setting such as a social, medical, or governmental agency in which a social worker assumes responsibility and accountability for services required;

(8) "Licensed advanced macro social worker", any person who offers to render services to individuals, groups, families, couples, organizations, institutions, communities, government agencies, corporations, or the general public for a fee, monetary or otherwise, implying that the person is trained, experienced, and licensed as an advanced macro social worker, and who holds a current valid license to practice as an advanced macro social worker;

(9) "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;

(10) "Licensed clinical 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 clinical social worker, and who holds a current, valid license to practice as a clinical social worker;

(11) "Licensed master social worker", any person who offers to render services to individuals, groups, families, couples, organizations, institutions, communities, government agencies, corporations, or the general public for a fee, monetary or otherwise, implying that the person is trained, experienced, and licensed as a master social worker, and who holds a current valid license to practice as a master social worker. A licensed master social worker may not treat mental or emotional disorders, provide psychotherapy without the direct supervision of a licensed clinical social worker, or diagnose a mental disorder;

(12) "Master social work", the application of social work theory, knowledge, methods, and ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, communities, institutions, government agencies, or corporations. The

practice includes the applications of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation and evaluation, case management, mediation, information and referral, counseling, client education, supervision, consultation, education, research, advocacy, community organization and development, planning, evaluation, implementation and administration of policies, programs, and activities. Under supervision as provided in this section, the practice of master social work may include the practices reserved to clinical social workers or advanced macro social workers for no more than forty-eight consecutive calendar months for the purpose of obtaining licensure under section 337.615 or 337.645;

(13) "Practice of advanced macro social work", rendering, offering to render, or supervising those who render to individuals, couples, families, groups, organizations, institutions, corporations, government agencies, communities, or the general public any service involving the application of methods, principles, and techniques of advanced practice macro social work;

(14) "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;

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

(16) "Practice of master social work", rendering, offering to render, or supervising those who render to individuals, couples, families, groups, organizations, institutions, corporations, government agencies, communities, or the general public any service involving the application of methods, principles, and techniques of master social work;

(17) "Qualified advanced macro supervisor", any licensed social worker who meets the qualifications of a qualified clinical supervisor or a licensed advanced macro social worker who has:

(a) Practiced in the field of social work as a licensed social worker for which he or she is supervising the applicant for a minimum of five years;

(b) Successfully completed a minimum of sixteen hours of supervisory training from the Association of Social Work Boards, the National Association of Social Workers, an accredited university, or a program approved by the state committee for social workers. All organizations providing the supervisory training shall adhere to the basic content and quality standards outlined by the state committee on social work; and

(c) Met all the requirements of sections 337.600 to 337.689, and as defined by rule by the state committee for social workers;

(18) "Qualified baccalaureate supervisor", any licensed social worker who meets the qualifications of a qualified clinical supervisor, qualified master supervisor, qualified advanced macro supervisor, or a licensed baccalaureate social worker who has:

(a) Practiced in the field of social work as a licensed social worker for which he or she is supervising the applicant for a minimum of five years;

(b) Successfully completed a minimum of sixteen hours of supervisory training from the Association of Social Work Boards, the National Association of Social Workers, an accredited university, or a program approved by the state committee for social workers. All organizations providing the supervisory training shall adhere to the basic content and quality standards outlined by the state committee on social workers; and

(c) Met all the requirements of sections 337.600 to 337.689, and as defined by rule by the state committee for social workers;

(19) "Qualified clinical supervisor", any licensed clinical social worker who has:

(a) Practiced in the field of social work as a licensed social worker for which he or she is supervising the applicant for a minimum of five years;

(b) Successfully completed a minimum of sixteen hours of supervisory training from the Association of Social Work Boards, the National Association of Social Workers, an accredited university, or a program approved by the state committee for social workers. All organizations providing the supervisory training shall adhere to the basic content and quality standards outlined by the state committee on social work; and

(c) Met all the requirements of sections 337.600 to 337.689, and as defined by rule by the state committee for social workers;

(20) "Social worker", any individual that has:

(a) Received a baccalaureate [or master's] degree in social work from an accredited social work program approved by the [council on social work education] Council on Social Work Education;

(b) Received a master's degree in social work from a social work program:

a. Accredited by the Council on Social Work Education;

or

b. Recognized and approved by the committee in accordance with rules adopted by the committee under section 337.627 and in accordance with the procedure set forth in section 337.628;

(c) Received a doctorate or Ph.D. in social work; or

~~[(c)]~~ (d) A current social worker license as set forth in sections 337.600 to 337.689.

337.604. 1. No person shall hold himself or herself out to be a social worker unless such person has:

(1) Received a baccalaureate ~~[or master's]~~ degree in social work from an accredited social work program approved by the ~~[council on social work education]~~ Council on Social Work Education;

(2) Received a master's degree in social work from a social work program:

(a) Accredited by the Council on Social Work Education; or

(b) Recognized and approved by the committee in accordance with rules adopted by the committee under section 337.627 and in accordance with the procedure set forth in section 337.628;

(3) Received a doctorate or Ph.D. in social work; or

~~[(3)]~~ (4) A current social worker license as set forth in sections 337.600 to 337.689.

2. No government entities, public or private agencies or organizations in the state shall use the title "social worker" or any form of the title, including but not limited to the abbreviations "SW", "BSW", "MSW", "DSW", "LBSW", "LBSW-IP", "LMSW", "PLCSW", "LCSW", "CSW", "LAMSW", and

"AMSW", for volunteer or employment positions or within contracts for services, documents, manuals, or reference material effective January 1, 2004, unless the volunteers or employees in those positions meet the criteria set forth in this chapter.

337.615. 1. As used in this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(2) "Military", the Armed Forces of the United States, including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. The term "military" also includes the military reserves and militia of any United States territory or state;

(3) "Nonresident military spouse", a nonresident spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

(4) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses;

(5) "Resident military spouse", a spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is

domiciled in the state of Missouri, or who has Missouri as his or her home of record.

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

(1) The applicant has:

(a) A master's degree from a college or university program of social work:

a. Accredited by the [council of social work education] Council on Social Work Education; or

b. Recognized and approved by the committee in accordance with rules adopted by the committee under section 337.627 and in accordance with the procedure set forth in section 337.628; or

(b) A doctorate degree from a school of social work acceptable to the committee;

(2) The applicant has completed at least three thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, in no less than twenty-four months and no more than forty-eight consecutive calendar months. For any applicant who has successfully completed at least four thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, within the same time frame prescribed in this subsection, the applicant shall be eligible for application of licensure at three thousand hours and shall be furnished a certificate by the state committee for social workers acknowledging the completion of said additional hours;

(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; and

(4) The applicant is at least eighteen years of age, is a United States citizen or has status as a legal resident alien, and has not been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence has been imposed.

3. (1) Any person who holds a valid current clinical social work license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit to the committee an application for a clinical social work license in Missouri along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction.

(2) The committee shall:

(a) Within six months of receiving an application described in subdivision (1) of this subsection, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other jurisdiction verifies that the person met those requirements in order to be licensed or certified in that jurisdiction. The committee may require an applicant to take and pass an examination specific to the laws of this state; or

(b) Within thirty days of receiving an application described in subdivision (1) of this subsection from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience

requirements for licensure in this state for the applicant and issue such applicant a license under this subsection if such applicant otherwise meets the requirements of this subsection.

(3) (a) The committee shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in paragraph (b) of this subdivision, with an oversight body outside the state; who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the committee receives his or her application under this subsection [and section].

(b) If another jurisdiction has taken disciplinary action against an applicant, the committee shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the committee may deny a license until the matter is resolved.

(4) Nothing in this subsection shall prohibit the committee from denying a license to an applicant under this subsection for any reason described in section 337.630.

(5) Any person who is licensed under the provisions of this subsection shall be subject to the committee's jurisdiction and all rules and regulations pertaining to the practice as a licensed clinical social worker in this state.

(6) This subsection shall not be construed to waive any requirement for an applicant to pay any fees.

4. 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 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) to (4) of subsection 2 of this section.

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

(1) The form and content of license applications required by the provisions of sections 337.600 to 337.689 and section 324.009 and the procedures for filing an application for an initial or renewal license in this state;

(2) Fees required by the provisions of sections 337.600 to 337.689 and section 324.009;

(3) The characteristics of supervised clinical experience, supervised master experience, supervised advanced macro experience, and supervised baccalaureate experience;

(4) The standards and methods to be used in assessing competency as a licensed clinical social worker, licensed master social worker, licensed advanced macro social worker, and licensed baccalaureate social worker, including the requirement for continuing education hours;

(5) Establishment and promulgation of procedures for investigating, hearing and determining grievances and violations occurring pursuant to the provisions of sections 337.600 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 states which do not have clinical, master, advanced macro, or baccalaureate social worker licensing

laws and states whose licensing laws are not substantially similar to those of this state; [and]

(8) Establishment of a policy and procedure for reviewing social work degree programs offering a master's degree in social work that have achieved candidacy or precandidacy status in the accreditation process established by the Council on Social Work Education to determine whether to recognize and approve such programs for licensure purposes; and

(9) Any other policies or procedures necessary to the fulfillment of the requirements of sections 337.600 to 337.689.

2. Any rule or portion of a rule, as that term is defined in section 536.010, 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 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 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, 2007, shall be invalid and void.

337.628. A social work degree program offering a master's degree in social work that has achieved candidacy or precandidacy status in the accreditation process established by the Council on Social Work Education shall not receive automatic recognition and approval by the committee due to that status under the rules adopted under section 337.627. Only such programs may apply to the committee for recognition and approval, and the committee shall review each application on an individualized basis to

determine whether the program qualifies for recognition and approval.

337.644. 1. As used in this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(2) "Military", the Armed Forces of the United States, including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. The term "military" also includes the military reserves and militia of any United States territory or state;

(3) "Nonresident military spouse", a nonresident spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

(4) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses;

(5) "Resident military spouse", a spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Each applicant for licensure as a master social worker shall furnish evidence to the committee that:

(1) The applicant has:

(a) A master's degree in social work from a social work degree program:

a. Accredited by the Council on Social Work Education;

or

b. Recognized and approved by the committee in accordance with rules adopted by the committee under section 337.627 and in accordance with the procedure set forth in section 337.628; or

(b) A doctorate degree in social work from an accredited social work degree program approved by the [council of social work education] Council on 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 workers;

(3) The applicant is at least eighteen years of age, is a United States citizen or has status as a legal resident alien, and has not been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

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

(5) The applicant has submitted the required licensing fee, as determined by the committee.

3. Any applicant who answers in the affirmative to any question on the application that relates to possible grounds for denial of licensure under section 337.630 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and copies of appropriate documents related to such answer.

4. 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 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subsection 2 of this section. The license shall refer to the individual as a licensed master social worker and shall recognize that individual's right to practice licensed master social work as defined in section 337.600.

5. (1) Any person who holds a valid current master social work license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit to the committee an application for a master social work license in Missouri along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction.

(2) The committee shall:

(a) Within six months of receiving an application described in subdivision (1) of this subsection, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other jurisdiction verifies that the person met those requirements in order to be licensed or certified in that jurisdiction. The committee

may require an applicant to take and pass an examination specific to the laws of this state; or

(b) Within thirty days of receiving an application described in subdivision (1) of this subsection from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this subsection if such applicant otherwise meets the requirements of this subsection.

(3) (a) The committee shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in paragraph (b) of this subdivision, with an oversight body outside the state; who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the committee receives his or her application under this **[section]** subsection.

(b) If another jurisdiction has taken disciplinary action against an applicant, the committee shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the committee may deny a license until the matter is resolved.

(4) Nothing in this subsection shall prohibit the committee from denying a license to an applicant under this subsection for any reason described in section 337.630.

(5) Any person who is licensed under the provisions of this subsection shall be subject to the committee's jurisdiction and all rules and regulations pertaining to the practice as a licensed master social worker in this state.

(6) This subsection shall not be construed to waive any requirement for an applicant to pay any fees.

337.645. 1. Each applicant for licensure as an advanced macro social worker shall furnish evidence to the committee that:

(1) The applicant has:

(a) A master's degree from a college or university program of social work:

a. Accredited by the [council of social work education] Council on Social Work Education; or

b. Recognized and approved by the committee in accordance with rules adopted by the committee under section 337.627 and in accordance with the procedure set forth in section 337.628; or

(b) A doctorate degree from a school of social work acceptable to the committee;

(2) The applicant has completed at least three thousand hours of supervised advanced macro experience with a qualified advanced macro supervisor as defined in section 337.600 in no less than twenty-four months and no more than forty-eight consecutive calendar months. For any applicant who has successfully completed at least four thousand hours of supervised advanced macro experience with a qualified advanced macro supervisor, as defined in section 337.600, within the same time frame prescribed in this subsection, the applicant shall be eligible for application of licensure at three thousand hours and shall be furnished a certificate by the state committee for social workers acknowledging the completion of said additional hours;

(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 a United States citizen or has status as a legal resident alien, and has not been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed.

2. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States or the District of Columbia to practice advanced macro social work who has had no disciplinary action taken against the license, certificate of registration, or permit for the preceding five years may be granted a license to practice advanced macro social work in this state if the person meets one of the following criteria:

(1) Has:

(a) Received:

a. A master's degree in social work from a social work program:

(i) Accredited by the Council on Social Work Education; or

(ii) Recognized and approved by the committee in accordance with rules adopted by the committee under section 337.627 and in accordance with the procedure set forth in section 337.628; or

b. A doctoral degree from a college or university program of social work accredited by the [council of social work education] Council on Social Work Education; and [has]

(b) Been licensed to practice advanced macro social work for the preceding five years; or

(2) Is currently licensed or certified as an advanced macro social worker in another state, territory of the United States, or the District of Columbia having substantially the same requirements as this state for advanced macro social workers.

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 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.

345.050. To be eligible for licensure by the board by examination, each applicant shall submit the application fee and shall furnish evidence of such person's current competence and shall:

(1) Hold a master's or a doctoral degree from a program that was awarded "accreditation candidate" status or is accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board in the area in which licensure is sought;

(2) Submit official transcripts from one or more accredited colleges or universities presenting evidence of the completion of course work and clinical practicum requirements equivalent to that required by the Council on Academic Accreditation of the American Speech-Language-

Hearing Association or other accrediting agency approved by the board;

(3) Present written evidence of completion of a clinical fellowship from supervisors. The experience required by this subdivision shall follow the completion of the requirements of subdivisions (1) and (2) of this section. This period of employment shall be under the direct supervision of a [person who is licensed by the state of Missouri in the profession in which the applicant seeks to be] licensed speech-language pathologist in good standing. Persons applying with an audiology clinical doctoral degree are exempt from this provision; and

(4) Pass an examination promulgated or approved by the board. The board shall determine the subject and scope of the examinations.