

STATE OF MISSOURI
COMMITTEE
FOR
PROFESSIONAL COUNSELORS



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The Honorable
Michael L. Parson
Governor

Chlora Lindley-Myers
Director
Department of Commerce and Insurance

MISSOURI STATUTES

337.500-337.540 RSMo PROFESSIONAL COUNSELOR PRACTICE ACT CHAPTER 337
Chapter 210 Child Protection and Reformation - Section 210.115
Chapter 324 Occupations and Professions General Provisions - Section 324. 010

20 CSR 2095-1.005 –2095-3.015 CODE OF STATE REGULATIONS

All attempts have been made to verify the accuracy of this information. If you desire an official publication of Chapter 337 or the state regulations, you can access the information on counselor's website pr.mo.gov/counselors. At the counselor website click on the **Statutes** icon for Chapter 337 or click on the **Regulations** icon to access the state regulations for professional counselors.

**LICENSED
PROFESSIONAL
COUNSELOR
LAW
&
RELATED LAWS**

REVISED PROFESSIONAL COUNSELOR PRACTICE ACT CHAPTER 337

Definitions.

337.505. As used in sections 337.500 to 337.540, unless the context clearly requires otherwise, the following words and phrases mean:

- (1) "**Committee or board**", the committee for professional counselors;
- (2) "**Department**", the Missouri department of insurance, financial institutions and professional registration
- (3) "**Director**", the director of the division of professional registration;
- (4) "**Division**", the division of professional registration;
- (5) "**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) "**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;
- (7) "**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) 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) "**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.

Discrimination in promulgation of regulations prohibited.

337.503. No official, employee, board, commission, county, municipality, school district, agency of the state, or any other political subdivision thereof shall discriminate between persons licensed under sections 337.500 to 337.540 when promulgating regulations or when requiring or recommending services that legally may be performed by persons licensed under sections 337.500 to 337.540.

License required -- exempted professions and occupations.

337.505. No person shall use the title of "professional counselor", "counselor" or "provisional licensed professional counselor" or engage in the practice of professional counseling in this state unless the person is licensed as required by the provisions of sections 337.500 to 337.540. Sections 337.500 to 337.540 do not apply to:

- (1) Any person registered, certificated or licensed by this state, another state, or any recognized national certification agent, acceptable to the committee, to practice any other occupation or profession while rendering counseling service in the performance of the occupation or profession for which the person is registered, certificated, or licensed, including but not limited to physicians, psychologists and attorneys;

- (2) School counselors, school administration personnel, or classroom teachers, so long as they are performing their assigned duties within the scope of their employment by a board of education or private school;
- (3) Counselors in postsecondary educational institutions so long as they are practicing within the scope of their employment;
- (4) Student interns or trainees in counseling procedures pursuing a course of study in counseling in an institution of higher education or training institution if such activities and services constitute a part of their course of study and provided that such persons are designated as "counselor interns";
- (5) Professionals employed by postsecondary educational institutions as counselor educators so long as they are practicing counseling within the scope of their employment;
- (6) Duly ordained ministers or clergy or religious workers while functioning in their ministerial capacity;
- (7) Alcoholism counselors so long as they serve only individuals with alcohol related concerns;
- (8) Any nonresident temporarily employed in this state to render counseling services for not more than thirty days in any year, if in the opinion of the committee the person would qualify for a license pursuant to the provisions of sections 337.500 to 337.540, and if the person holds a license required for counselors in the person's home state or country;
- (9) Duly accredited Christian Science practitioners, so long as they are practicing within the scope of Christian Science principles;
- (10) Counselors employed by the Missouri state department of elementary and secondary education or the Missouri state bureau for the blind while rendering counseling services in the performance of their state assigned duties;
- (11) Professionals employed by vocational and medical rehabilitation facilities accredited by the commission on the accreditation of rehabilitation facilities, the joint committee on accreditation of hospitals or other agents acceptable to the committee while rendering counseling services in the performance of their assigned duties, and so long as they do not use the title of "counselor";
- (12) Employees or volunteers of sheltered workshops who are providing meaningful employment services for handicapped workers, so long as they do not use the "counselor" title;
- (13) Marital therapists or family therapists or both, certified by the American Association of Marriage and Family Therapists or an agent acceptable to the committee, and their supervisees, so long as they serve only individuals with marital or family systems concerns, and, so long as they do not use the titles of "counselor" or "counseling";
- (14) Staff counselors employed by religious institutions in a religious counseling ministries program;
- (15) Drug abuse counselors certified by the department of mental health as meeting standards in rules promulgated pursuant to section 630.655, RSMo, certified by the Missouri substance abuse counselors certification board, or by an agent acceptable to the committee, so long as such counselors are practicing consistent with such standards, and they are serving only individuals with drug-related concerns;
- (16) Social workers, certified by the National Association of Social Workers, Inc., or by an agent acceptable to the committee, or workers under their supervision so long as they are doing work consistent with their training and with a code of ethics of the social work profession, and so long as they do not use the title of "professional counselor";
- (17) Professionals in the employ of a governmental agency while rendering services in the performance of their duties;
- (18) Any person performing counseling, as defined in sections 337.500 to 337.540, without receiving compensation, monetary or otherwise, and so long as they do not use the title of "professional counselor";
- (19) Employment counselors and interviewers, personnel officers, personnel analysts and consultants and related workers who in the normal course of their duties and responsibilities as employees of this state may engage in the screening, examination, assessment, referral or selection of individuals for employment or for consideration for employment;
- (20) Counselors and employees of employee assistance programs which are members of the Association of Labor-Management Administrators and Consultants on Alcoholism, Inc., a Wisconsin corporation, or its successors or such other accrediting body for EAP Programs acceptable to the committee who provide evaluation, assessment, information, and referral services so long as they are performing their assigned duties within the scope of their employment; provided, however, that this exemption shall not apply to individuals employed by employee assistance programs who provide direct long-term therapy and counseling services, as may be defined by regulation, so long as they do not use the title of counselor or counseling;
- (21) Individuals who are duly certified by the employee assistance certification commission as administered by the Association of Labor-Management Administrators and Consultants on Alcoholism, Inc., a Wisconsin corporation, or its successor; so long as the individual is an employee of a generally recognized employee

assistance program and so long as such individual is performing services within the scope of such individual's employment and education;

(22) Weight loss or weight control consultants or advisors in recognized, legitimate programs or business environments so long as they serve only individuals or groups who have weight related concerns and discuss only weight improvement issues and do not use the titles of "counselor" or "counseling" without using an adjective which describes to the ordinary person that the counseling is limited to weight loss or weight control;

(23) Activity therapists as certified or licensed by their respective professional organizations including, but not limited to art, music, dance, recreation, and occupation, and who have received certification or licensure by their respective professional organizations by January 1, 1994, so long as they do not use the titles of "counselor" or "counseling";

(24) Professionals certified by the American Board of Medical Psychotherapists and who have received certification from the American Board of Medical Psychotherapists by January 1, 1994, so long as they do not use the titles of "counselor" or "counseling"; and

(25) Transactional analysts certified by the International Transactional Analysis Association and who have received certification from the International Transactional Analysis Association as a level one transactional analyst, specializing in clinical application by January 1, 1994, so long as they do not use the titles of "counselor" or "counseling"; or

(26) Any person with a doctoral degree in anthropology received on or prior to December 31, 1989, and which was from an educational institution accredited by one of the regional accrediting associations approved by the council on postsecondary accreditation; provided further that said individual has completed at least twenty-four months of supervised clinical experience in psychotherapy under the supervision of a physician.

Applications, content, fees -- failure to renew, effect -- replacement of certificates, when -- fund established -- examination, when, notice.

337.507. 1. Applications for examination and licensure as a professional counselor shall be in writing, submitted to the division on forms prescribed by the division and furnished to the applicant. The application shall contain the applicant's statements showing his education, experience and such other information as the division may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the committee.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the registration renewal date. Failure to provide the division with the information required for registration, or to pay the registration fee after such notice shall effect a revocation of the license after a period of sixty days from the registration renewal date. The license shall be restored if, within two years of the registration date, the applicant provides written application and the payment of the registration fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a fee.

4. The committee shall set the amount of the fees which sections 337.500 to 337.540 authorize and require by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.500 to 337.540. All fees provided for in sections 337.500 to 337.540 shall be collected by the director who shall deposit the same with the state treasurer in a fund to be known as the "Committee of Professional Counselors Fund".

5. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the committee's fund for the preceding fiscal year or, if the committee requires by rule renewal less frequently than yearly then three times the appropriation from the committee's fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the committee's fund for the preceding fiscal year.

6. The committee shall hold public examinations at least two times per year, at such times and places as may be fixed by the committee, notice of such examinations to be given to each applicant at least ten days prior thereto.

Requirements for licensure -- reciprocity -- provisional professional counselor license issued, when, requirements -- renewal license fee.

337.510. 1. Each applicant for licensure as a professional counselor shall furnish evidence to the committee that the applicant is at least eighteen years of age, is of good moral character, is a United States citizen or is legally present in the United States; and

- (1) The applicant has completed a course of study as defined by the board rule leading to a master's, specialist's, or doctoral degree with a major in counseling, except any applicant who has held a license as a professional counselor in this state or currently holds a license as a professional counselor in another state shall not be required to have completed any courses related to career development; and
- (2) The applicant has completed acceptable supervised counseling as defined by board rule. If the applicant has a master's degree with a major in counseling as defined by board rule, the applicant shall complete at least two years of acceptable supervised counseling experience subsequent to the receipt of the master's degree. The composition and number of hours comprising the acceptable supervised counseling experience shall be defined by board rule. An applicant may substitute thirty semester hours of post master's graduate study for one of the two required years of acceptable supervised counseling experience if such hours are clearly related to counseling;
- (3) After August 28, 2007, each applicant shall have completed a minimum of three hours of graduate level coursework in diagnostic systems either in the curriculum leading to a degree or as post master's graduate level course work;

(4) 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.

2. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States to practice as a professional counselor who does not meet the requirements in section 324.009 and who is at least eighteen years of age, is of good moral character, and is a United States citizen or is legally present in the United States may be granted a license without examination to engage in the practice of professional counseling in this state upon the application to the board, payment of the required fee as established by the board, and satisfying one of the following requirements:

- (1) Approval by the American Association of State Counseling Boards (AASCB) or its successor organization according to the eligibility criteria established by AASCB. The successor organization shall be defined by board rule; or
- (2) In good standing and currently certified by the National Board for Certified Counselors or its successor organization and has completed acceptable supervised counseling experience as defined by board rule. The successor organization shall be defined by board rule.

3. The committee shall issue a license to each person who files an application and fee and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of this act and has taken and passed a written, open-book examination on Missouri laws and regulations governing the practice of professional counseling as defined in section 337.500. The division shall issue a provisional professional counselor license to any applicant who meets all requirements of this section, but who has not completed the required acceptable supervised counseling experience and such applicant may reapply for licensure as a professional counselor upon completion of such acceptable supervised counseling experience.

4. All persons licensed to practice professional counseling in this state shall pay on or before the license renewal date a renewal license fee and shall furnish to the committee satisfactory evidence of the completion of the requisite number of hours of continuing education as required by rule, which shall be no more than forty hours biennially. The continuing education requirements may be waived by the committee upon presentation to the committee of satisfactory evidence of the illness of the licensee or for other good cause.

License expiration, renewal, fees.

337.515. Each license issued pursuant to the provisions of sections 337.500 to 337.540 shall expire on the renewal date. The division shall renew any license upon application for renewal and upon payment of the fee established by the committee pursuant to the provisions of section 337.507.

Rules and regulations, procedure

337.520. 1. The division shall promulgate rules and regulations pertaining to:

- (1) The form and content of license applications required by the provisions of sections 337.500 to 337.540 and section 324.009 the procedures for filing an application for an initial or renewal license in this state;
- (2) Fees required by the provisions of sections 337.500 to 337.540 and section 324.009;
- (3) The content, conduct and administration of the licensing examination required by section 337.510;
- (4) The characteristics of "acceptable supervised counseling experience" as that term is used in section 337.510;

- (5) The equivalent of the basic educational requirements set forth in section 337.510;
 - (6) The standards and methods to be used in assessing competency as a professional counselor;
 - (7) Establishment and promulgation of procedures for investigating, hearing and determining grievances and violations occurring under the provisions of sections 337.500 to 337.540;
 - (8) Development of an appeal procedure for the review of decisions and rules of administrative agencies existing under the constitution or laws of this state;
 - (9) Establishment of a policy and procedure for reciprocity with states which do not have counselor licensing laws and states whose licensing laws are not substantially similar to those of this state;
 - (10) The characteristics of "an acceptable educational institution" as that term is used in section 337.510;
 - (11) The characteristics of an acceptable agent for the certification of an exempted occupation as listed in subdivisions (11) and (13) of section 337.505; and
 - (12) The form and content of "ethical standards for counselors" as that term is used in subdivision (15) of subsection 2 of section 337.525.
2. No rule or portion of a rule promulgated under the authority of sections 337.500 to 337.540 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

Grounds for refusal, revocation or suspension of license -- civil immunity, when -- procedure upon filing complaint.

- 337.525. 1. The committee may refuse to issue or renew any license required by the provisions of sections 337.500 to 337.540 for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.
2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 337.500 to 337.540 or any person who has failed to renew or has surrendered his license for any one or any combination of the following causes:
- (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to engage in the occupation of professional counselor;
 - (2) The person has 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 or of the United States, for any offense reasonably related to the qualifications, functions or duties of a professional counselor; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;
 - (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 337.500 to 337.540 or in obtaining permission to take any examination given or required pursuant to the provisions of sections 337.500 to 337.540;
 - (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
 - (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a professional counselor;
 - (6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.500 to 337.540, or of any lawful rule or regulation adopted pursuant to sections 337.500 to 337.540;
 - (7) Impersonation of any person holding a license or allowing any person to use his or her license or diploma from any school;
 - (8) Revocation or suspension of a license or other right to practice counseling granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;
 - (9) A person is finally adjudged incapacitated by a court of competent jurisdiction;
 - (10) Assisting or enabling any person to practice or offer to practice professional counseling who is not licensed and currently eligible to practice under the provisions of sections 337.500 to 337.540;
 - (11) Issuance of a license based upon a material mistake of fact;
 - (12) Failure to display a valid license if so required by sections 337.500 to 337.540 or any rule promulgated hereunder;
 - (13) Violation of any professional trust or confidence;
 - (14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;
 - (15) Being guilty of unethical conduct as defined in the ethical standards for counselors adopted by the division and filed with the secretary of state.

3. Any person, organization, association or corporation who reports or provides information to the committee pursuant to the provisions of this chapter and who does so in good faith shall not be subject to an action for civil damages as a result thereof.
4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may censure or place the person named in the complaint on probation on such terms and conditions as the committee deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.

Confidentiality of complaint documentation, when--destruction of information permitted, when.

- 337.528. 1. If the committee finds merit to a complaint by an individual incarcerated or under the care and control of the department of corrections and takes further investigative action, no documentation may appear on file or disciplinary action may be taken in regards to the licensee's license unless the provisions of subsection 2 of section 337.525 have been violated. Any case file documentation that does not result in the committee filing an action under subsection 2 of section 337.525 shall be destroyed within three months after the final case disposition by the board. No notification to any other licensing board in another state or any national registry regarding any investigative action shall be made unless the provisions of subsection 2 of section 337.525 have been violated.
2. Upon written request of the licensed professional counselor subject to a complaint, prior to August 28, 2007, by an individual incarcerated or under the care and control of the department of corrections that did not result in the committee filing an action under subsection 2 of section 337.525, the committee and the division of professional registration shall in a timely fashion:
- (1) Destroy all documentation regarding the complaint;
 - (2) Notify any other licensing board in another state or any national registry regarding the committee's actions if they have been previously notified of the complaint; and
 - (3) Send a letter to the licensee that clearly states that the committee found the complaint to be unsubstantiated, that the committee has taken the requested action, and notify the licensee of the provisions of subsection 3 of this section.
3. Any person who has been the subject of an unsubstantiated complaint as provided in subsection 1 or 2 of this section shall not be required to disclose the existence of such complaint in subsequent applications or representations relating to their counseling professions.

Violations, penalty -- refund of fees for services -- duties of department -- Injunctions, grounds for -- venue. --

- 337.530. 1. Violation of any provision of sections 337.500 to 337.540 shall be a class B misdemeanor.
2. All fees or other compensation received for services rendered in violation of sections 337.500 to 337.540 shall be refunded.
3. The department may sue in its own name in any court in this state. The department shall inquire diligently as to any violation of sections 337.500 to 337.540, shall institute actions for penalties herein prescribed, and shall enforce generally the provisions of sections 337.500 to 337.540.
4. Upon application by the committee, the attorney general may on behalf of the committee request that a court of competent jurisdiction grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:
- (1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed, offered to be performed without a certificate of registration or authority, permit or license; or
 - (2) Engaging in any practice or business authorized by a certificate of registration or authority, permitting or license issued pursuant to this chapter upon a showing that the holder presents a substantial probability of serious harm to the health, safety or welfare of any resident of this state or client or patient of the licensee.
5. Any action brought pursuant to the provisions of this section shall be commenced either in the county which such conduct occurred or in the county in which the defendant resides.
6. Any action brought under this section may be in addition to or in lieu of any penalty provided by this chapter and may be brought concurrently with other actions to enforce this chapter.

Committee established -- qualifications of members, terms -- compensation -- meetings, quorum -- removal of members.

337.535. 1. There is hereby established the "Committee for Professional Counselors" which shall guide, advise, and make recommendations to the division and fulfill other responsibilities designated by this chapter. The committee shall approve the examination required by section 337.510 and shall assist the division in carrying out the provisions of sections 337.500 to 337.540.

2. The committee shall consist of six members, including one public member, appointed by the governor with the advice and consent of the senate. Each member of the committee shall be a citizen of the United States and a resident of this state and, except as provided hereinafter, shall be licensed as a professional counselor by this state. Beginning with the appointments made after August 28, 1992, two members shall be appointed for four years, two members shall be appointed for three years and two members shall be appointed for two years. Thereafter, all members shall be appointed to serve four-year terms. No person shall be eligible for reappointment who has served as a member of the committee for a total of eight years. The membership of the committee shall reflect the differences in levels of education and work experience with consideration being given to race, gender and ethnic origins. Not more than two counselor educators shall be members of the committee at the same time. The president of the American Counseling Association of Missouri in office at the time shall, at least ninety days prior to the expiration of the term of the committee member, other than the public member, or as soon as feasible after the vacancy on the committee otherwise occurs, submit to the director of the division of professional registration a list of five professional counselors qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the American Counseling Association of Missouri shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

3. A vacancy in the office of a member shall be filled by appointment by the governor for the remainder of the unexpired term.

4. Each member of the committee shall receive as compensation, an amount set by the committee not to exceed fifty dollars for each day devoted to the affairs of the committee, and shall be reimbursed for necessary and actual expenses incurred in the performance of his or her official duties. All staff for the committee shall be provided by the division.

5. The committee shall hold an annual meeting at which it shall elect from its membership a chairperson and secretary. The committee may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting must be given to each member at least three days prior to the date of the meeting. A quorum of the committee shall consist of a majority of its members.

6. The governor may remove a committee member for misconduct, incompetency or neglect of his or her official duties after giving the committee member written notice of the charges against the committee member and an opportunity to be heard thereon.

7. The public member shall be at the time of his or her appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to sections 337.500 to 337.540 or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by sections 337.500 to 337.540, or an activity or organization directly related to any profession licensed or regulated pursuant to sections 337.500 to 337.540. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

Privileged communications, when.

337.540. Any communication made by any person to a licensed professional counselor in the course of professional services rendered by the licensed professional counselor shall be deemed a privileged communication and the licensed professional counselor shall not be examined or be made to testify to any privileged communication without the prior consent of the person who received his professional services, except in violation of the criminal law.

324.009. Licensure reciprocity – definitions – requirements. – 1. For purposes of this section, the following terms mean:

(1) "**License**", a license, certificate, registration, permit, or accreditation that enables a person to legally practice an occupation or profession in a particular jurisdiction; except that "license" shall not include a certificate of license to teach in public schools under section 168.021;

(2) "**Oversight body**", any board, department, agency, or office of a jurisdiction that issues licenses; except, for the purposes of this section, oversight body shall not include the state board of registration for the healing arts, the state board of nursing, the board of pharmacy, the state committee of psychologists, the Missouri dental board, the Missouri board for architects, professional engineers, professional land surveyors and professional landscape architects, the state board of optometry, or the Missouri veterinary medical board.

2. Any resident of Missouri who holds a valid current license issued by another state, territory of the United States, or the District of Columbia may submit an application for a license in Missouri in the same occupation or profession for which he or she holds the current license, along with proof of current licensure in the other jurisdiction, to the relevant oversight body in this state.

3. The oversight body in this state shall, within six months of receiving an application described in subsection 2 of this section, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that the licensing requirements in the jurisdiction that issued the applicant's license are substantially similar to or more stringent than the license requirements in Missouri for the same occupation or profession.

4. The oversight body shall not waive any examination, educational, or experience requirements for any applicant who is currently under disciplinary action with an oversight body outside the state or who does not hold a valid current license in the other jurisdiction on the date the oversight body receives his or her application under this section.

5. The oversight body shall not waive any examination, educational, or experience requirements for any applicant if it determines that waiving the requirements for the applicant may endanger the public health, safety, or welfare.

6. Nothing in this section shall prohibit the oversight body from denying a license to an applicant under this section for any reason described in any section associated with the occupation or profession for which the applicant seeks a license.

7. This section shall not be construed to waive any requirement for an applicant to pay any fees, post any bonds or surety bonds, or submit proof of insurance associated with the license the applicant seeks.

8. This section shall not apply to business, professional, or occupational licenses issued or required by political subdivisions.

9. The provisions of this section shall not be construed to alter the authority granted by, or any requirements promulgated pursuant to, any interjurisdictional or interstate compacts adopted by Missouri statute or any reciprocity agreements with other states in effect on August 28, 2018, and whenever possible this section shall be interpreted so as to imply no conflict between it and any compact, or any reciprocity agreements with other states in effect on August 28, 2018.

(L. 2018 S.B. 840)

324.015. Fees, waiver of, when — definitions — procedure — rulemaking authority. — 1. For purposes of this section, the following terms mean:

(1) **"Licensing authority"**, any agency, examining board, credentialing board, or other office with the authority to impose occupational fees or licensing requirements on any occupation or profession;

(2) **"Licensing requirement"**, any required training, education, or fee to work in a specific occupation or profession;

(3) **"Low-income individual"**, any individual:

(a) Whose household adjusted gross income is below one hundred thirty percent of the federal poverty line or a higher threshold to be set by the department of insurance, financial institutions and professional registration by rule; or

(b) Who is enrolled in a state or federal public assistance program including, but not limited to, Temporary Assistance for Needy Families, the MO HealthNet program, or the Supplemental Nutrition Assistance Program;

(4) **"Military families"**, any active duty service members and their spouses and honorably discharged veterans and their spouses. The term "military families" includes surviving spouses of deceased service members who have not remarried;

(5) **"Occupational fee"**, a fee or tax on professionals or businesses that is charged for the privilege of providing goods or services within a certain jurisdiction;

(6) **"Political subdivision"**, any city, town, village, or county.

2. All state and political subdivision licensing authorities shall waive all occupational fees and any other fees associated with licensing requirements for military families and low-income individuals for a period of two years beginning on the date an application is approved under subsection 3 of this section. Military families and low-income individuals whose applications are approved shall not be required to pay any occupational fees that become due during the two-year period.

3. Any individual seeking a waiver described under subsection 2 of this section shall apply to the appropriate licensing authority in a format prescribed by the licensing authority. The licensing authority shall approve or deny the application within thirty days of receipt.

4. An individual shall be eligible to receive only one waiver under this section from each licensing authority.

5. The waiver described under subsection 2 of this section shall not apply to fees required to obtain business licenses.

6. State licensing authorities and the department of insurance, financial institutions and professional registration shall promulgate rules to implement the provisions of this section. 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, 2018, shall be invalid and void.

(L. 2018 S.B. 843)

Chapter 324
Occupations and Professions General Provisions
Section 324.010

No delinquent taxes, condition for renewal of certain professional licenses--324.010. All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to sections 209.319 to 209.339, RSMo, sections 214.270 to 214.516, RSMo, sections 256.010 to 256.453, RSMo, section 375.014, RSMo, sections 436.005 to 436.071, RSMo, and chapter 317, RSMo, and chapters 324 to 346, RSMo, shall provide the director of revenue with the name and Social Security number of each applicant for licensure with or licensee of such entities within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be suspended within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. The director of revenue shall, within ten business days of notification to the governmental entity issuing the professional license that the delinquency has been remedied or arrangements have been made to remedy such delinquency, send written notification to the licensee that the delinquency has been remedied. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section.

(L. 2003 H.B. 600 § 2, A.L. 2004 H.B. 978)

(2006) Section authorizing revocation of a professional license for failure to pay state taxes or file state tax returns does not violate equal protection, is not unconstitutionally vague, and was not unconstitutionally applied retroactively. *Crum v. Missouri Director of Revenue*, 455 F.Supp.2d 978 (W.D.Mo.).

Chapter 210
Child Protection and Reformation
Section 210.115

Reports of abuse, neglect, and under age eighteen deaths--persons required to report--deaths required to be reported to the division or child fatality review panel, when--report made to another state, when--

- 210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400, RSMo, peace officer or law enforcement official, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report or cause a report to be made to the division in accordance with the provisions of sections 210.109 to 210.183. As used in this section, the term "abuse" is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.
2. Whenever such person is required to report pursuant to sections 210.109 to 210.183 in an official capacity as a staff member of a medical institution, school facility, or other agency, whether public or private, the person in charge or a designated agent shall be notified immediately. The person in charge or a designated agent shall then become responsible for immediately making or causing such report to be made to the division. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect.
3. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.
4. In addition to those persons and officials required to report actual or suspected abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.
5. Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and medical information, the medical examiner or coroner determines that the child died of natural causes while under medical care for an established natural disease, the coroner, medical examiner or physician shall notify the division of the child's death and that the child's attending physician shall be signing the death certificate. In all other cases, the medical examiner or coroner shall accept the report for investigation, shall immediately notify the division of the child's death as required in section 58.452, RSMo, and shall report the findings to the child fatality review panel established pursuant to section 210.192.
6. Any person or individual required to report may also report the suspicion of abuse or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place of reporting or causing a report to be made to the division.
7. If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri division of family services, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the Missouri division of family services.

(L. 1975 H.B. 578 § 2, A.L. 1980 S.B. 574, A.L. 1982 H.B. 1171, et al., A.L. 1991 H.B. 185, A.L. 1993 S.B. 253 merged with S.B. 394, A.L. 1994 S.B. 595, A.L. 1998 H.B. 1556, A.L. 2000 S.B. 757 & 602, A.L. 2002 S.B. 923, et al., A.L. 2003 H.B. 445)

CROSS REFERENCE:

Child abuse, ministers duty to report, RSMo 352.400

(1986) It has been held that a violation of this section does not give rise to a private cause of action. Doe "A" v. Special School District of St. Louis County, 637 F.Supp. 1138 (E.D. Mo.).

(2004) Section criminalizing failure to report child abuse is not unconstitutional under void for vagueness doctrine. State v. Brown, 140 S.W.3d 51 (Mo.banc).

Chapter 191 - Health and Welfare

191.227 Medical records to be released to patient, when, exception--fee permitted, amount--liability of provider limited--annual handling fee adjustment.

191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient's health care records to the patient, the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

- (1) Copying, in an amount not more than seventeen dollars and five cents plus forty cents per page for the cost of supplies and labor;
- (2) Postage, to include packaging and delivery cost; and
- (3) Notary fee, not to exceed two dollars, if requested.

3. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

4. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequence or damages which resulted or may result from disclosure of the patient's record as required by this section.

5. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department's Internet web site by February first of each year.

(L. 1988 H.B. 925 § 1, A.L. 1994 H.B. 1427, A.L. 2002 S.B. 923, et al., A.L. 2005 H.B. 232)

CROSS REFERENCE: Child's medical records to be released to parents, attorney's fees and costs assessed, when, RSMo 452.375

**LICENSED
PROFESSIONAL
COUNSELOR**

**REGULATIONS
20 CSR 2095**

**Title 20—DEPARTMENT OF
INSURANCE, FINANCIAL
INSTITUTIONS AND
PROFESSIONAL
REGISTRATION
Division 2095—Committee for
Professional Counselors
Chapter 1—General Rules**

**20 CSR 2095-1.005 Committee for
Professional Counselors—General
Organization**

PURPOSE: This rule describes the organization and general methods of administration and communication concerning the division.

(1) The purpose of the Committee for Professional Counselors is to guide and advise the Division of Professional Registration relating to the regulation of professional counseling concerning the health, safety and welfare of the inhabitants of this state; to protect the inhabitants of this state from harm caused by dangerous, dishonest, incompetent, or unlawful practice of counseling and to implement and sustain a system for the examination and regulation of licensed professional counselors, provisional licensed professional counselors and counselors-in-training.

(2) The committee shall meet at least once a year to elect a chairperson and secretary by a majority of committee member votes. In the absence of the chairperson, the secretary shall preside. Additional meetings may be held as division and committee business requires and all meeting notices shall be posted in compliance with Chapter 610, RSMo or any other applicable law or rules.

(3) Unless otherwise provided by the statutes or regulations, all meetings of the committee may be conducted according to *Robert's Rules of Order*.

(4) Members of the public may obtain information or make a submission to the Division of Professional Registration or the Committee for

Professional Counselors by writing PO Box 1335, Jefferson City, MO 65102-1335, by faxing a request to (573) 751-0735 or by e-mail at profcounselor@pr.mo.gov. The telephone number for the committee office is (573) 751-0018 and the TDD number is (800) 735-2966.

AUTHORITY: sections 337.500, 337.520 and 337.535, RSMo 2000. This rule originally filed as 4 CSR 95-1.005. Original rule filed Dec. 1, 2004, effective June 30, 2005. Moved to 20 CSR 2095-1.005, effective Aug. 28, 2006.*

**Original authority: 337.500, RSMo 1985, amended 1989, 1996; and 337.520, RSMo 1985, amended 1989, 1993, 1995; and 337.535, RSMo 1985, amended 1989, 1992, 1999.*

20 CSR 2095-1.020 Fees

PURPOSE: This rule establishes the fees for the Committee for Professional Counselors.

(1) The following fees are established by the Committee for Professional Counselors and are payable in the form of a cashier's check, personal check, or money order:

- | | |
|-------------------------------------------------------------------------------|----------|
| (A) Application Fee | \$100.00 |
| (B) Registration of Supervision (includes educational evaluation) | \$ 75.00 |
| (C) Change of Supervision | \$ 25.00 |
| (D) Biennial Renewal | |
| 1. Effective April 1, 2017 to June 30, 2019 | \$50.00 |
| 2. Renewal received 1–60 days late | \$ 50.00 |
| 3. Renewal received 61 days–2 years late | \$100.00 |
| (E) Insufficient Funds Check Charge | \$25.00 |
| (F) Fingerprint Fee Amount determined by the Missouri State Highway Patrol | |
| (G) Educational Review | \$25.00 |

(2) Effective as of the date the division has its on-line renewal system in place and fully operating, the committee will accept payment by credit card or

electronic check, as defined by section 407.432(4), RSMo, for the purpose of renewing licenses via the Internet. Payment of license renewal fees by credit card shall be restricted to renewal submitted via the Internet only.

AUTHORITY: sections 337.507, RSMo Supp. 2004 and 337.520.1(2), RSMo 2000. This rule originally filed as 4 CSR 95-1.020. Original rule filed Oct. 16, 1986, effective Jan. 30, 1987.*

Amended: Filed May 2, 1989, effective July 27, 1989. Amended: Filed July 3, 1990, effective Dec. 31, 1990.

Emergency amendment filed Aug. 14, 1991, effective Nov. 1, 1991, expired Feb. 29, 1992. Amended: Filed Aug. 5, 1991, effective Dec. 9, 1991.

Amended: Filed Feb. 4, 1992, effective June 25, 1992. Rescinded and readopted: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed June 23, 2005, effective Dec. 30, 2005. Moved to 20 CSR 2095-1.020, effective Aug. 28, 2006.

**Original authority: 337.507, RSMo 1985, amended 1989, 2004 and 337.520, RSMo 1985, amended 1989, 1993, 1995.*

**20 CSR 2095-1.050 Public
Complaint Handling and Disposition
Procedure**

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints pursuant to the mandate of section 620.010.16(6), RSMo.

(1) The Committee for Professional Counselors will receive and process each complaint made against any licensed professional counselor, counselor-in-training, registered supervisor, provisional licensed professional counselor or unlicensed individual or entity, in which a complaint alleges acts or practices constitute one (1) or more violations of the provisions of sections 337.500–337.545, RSMo or regulations governing the counseling profession.

No member of the Committee for Professional Counselors may file a complaint with the committee while serving as a member unless that member is excused from further committee deliberation or activity concerning the matters alleged within that complaint. The division, division's designated representative, or any division staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints shall be mailed or delivered to the following address: Missouri Committee for Professional Counselors, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102. Complaints may be based upon personal knowledge, information and belief, or reciting information received from other sources. Individuals with special needs addressed by the Americans with Disabilities Act should contact the committee office at (573) 751-0018. The TDD toll free number is (800) 735-2966.

(3) All complaints shall be made in writing and shall fully identify the person making the complaint by name and address. Verbal or telephone communications will not be considered or processed as complaints. A person making a verbal or telephone complaint shall be asked to supplement those communications with a signed complaint form or written, signed statement. A complaint submitted anonymously shall be reviewed by the committee to determine if further inquiry is required.

(4) Each complaint received under this rule shall be logged and shall include the name and address of the person initiating the complaint, name and address of the subject(s) of the complaint, date the complaint was received by the committee, brief description concerning the allegation, and the final disposition of the complaint. This log shall be a closed record.

(5) Each complaint received pursuant to this rule shall be acknowledged in writing and the complainant and licensee shall be notified of the disposition of the complaint.

(6) This rule shall not be deemed to limit the division's or committee's authority to file a complaint with the Administrative Hearing Commission charging a licensee or registrant of the committee with any actionable conduct or violation, whether or not such a complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the committee, and whether or not any public complaint has been filed with the committee.

(7) This rule is interpreted to exist for the benefit of those members of the public who submit complaints to the division or committee. This rule is not deemed to protect, or benefit licensees, registrants, or other persons against whom the committee has instituted or may institute administrative or judicial proceedings concerning possible violations of or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 337.500–337.545, RSMo.

*AUTHORITY: sections 337.520, RSMo 2000 and 620.010, RSMo Supp. 2004. * This rule originally filed as 4 CSR 95-1.050. Original rule filed Dec. 1, 2004, effective June 30, 2005. Moved to 20 CSR 2095-1.050, effective Aug. 28, 2006.*

**Original authority: 337.520, RSMo 1989, amended 1989, 1993, 1995 and 620.010, RSMo 1973, amended 1981, 1983, 1986, 1989, 1990, 1993, 1994, 1995, 1999, 2001.*

20 CSR 2095-1.060 Changes to License

PURPOSE: This rule provides the procedure for notifying the committee of name and address changes.

(1) A licensed professional counselor, counselor in- training, or provisional licensed professional counselor shall inform the committee in writing within thirty (30) days of a name and/or address change. If a name is changed by marriage or court order, a copy of the documentation authorizing the name change shall be submitted to the committee. No other name changes shall be accepted.

*AUTHORITY: section 337.507, RSMo Supp. 2008. * This rule originally filed as 4 CSR 95- 1.060. Original rule filed Dec. 1, 2004, effective June 30, 2005. Moved to 20 CSR 2095-1.060, effective Aug. 28, 2006. Rescinded and readopted: Filed Nov. 21, 2008, effective May 30, 2009.*

**Original authority: 337.507, RSMo 1985, amended 1989, 2004.*

20 CSR 2095-1.062 License Renewal and Reinstatement of Lapsed License

PURPOSE: This rule provides information and the requirements regarding the annual renewal of a license and reinstating the license upon expiration.

(1) A license shall be renewed on or before the expiration of the license by submitting the renewal notice and fee pursuant to 20 CSR 2095-1.040(1)(D). Renewals shall be postmarked no later than the expiration date of the license to avoid the late fee as defined in 20 CSR 2095-1.020(1)(D)1. and 2.

(2) Failure to receive a renewal notice shall not excuse the licensee from the requirement to renew a license as outlined in sections 337.507.2 and 337.515, RSMo

(3) Failure to provide information for a renewal and/or failure to pay the

required renewal fee by the expiration date of the license shall result in the license becoming lapsed and expired. The licensee shall be prohibited from practicing professional counseling until applying for reinstatement to the committee and paying the applicable fee(s).

(4) Any licensed professional counselor failing to renew a license on or before the license expiration date may apply to the committee for reinstatement of the license within two (2) years subsequent to the date the license expired. To apply, the licensee shall—

(A) Pay the required fee as defined in 20 CSR 2095-1.020(1)(D)2.;

(B) Provide proof of completing the required continuing education requirements as defined in 20 CSR 2095-1.064; and

(C) Provide proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor(s) for both a Missouri State Highway Patrol and Federal Bureau of Investigation background check if the licensee has not previously submitted fingerprints for a background check for licensure purposes.

1. Proof shall consist of any documentation acceptable to the committee.

2. Any fees due for the background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s).

(5) If a license is not current for more than two (2) years subsequent to the license renewal date, the former licensee shall submit a new application for licensure, comply with current licensure requirements as defined by law and regulations, and pay the required fee as defined in 20 CSR 2095-1.020(1)(A).

(6) A professional counselor previously licensed in Missouri and currently licensed as a counselor in another state may apply for reactivation/reinstatement of an

expired license upon submission of the following:

(A) Application for reactivation/reinstatement;

(B) Reactivation/Reinstatement fee as defined in 20 CSR 2095-1.020(1)(D);

(C) Proof that the applicant is licensed to practice professional counseling in another state;

(D) Completion of forty (40) hours of continuing education as defined within this regulation or documentation of completion of the continuing education hours required by the state in which the applicant is licensed; and

(E) Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor(s) for a Missouri State Highway Patrol and Federal Bureau of Investigation background check.

1. Proof shall consist of any documentation acceptable to the committee.

2. Any fees due for the background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s).

AUTHORITY: section 337.507, RSMo Supp. 2008 and sections 337.515 and 337.520.1(1), RSMo 2000. Material in this rule originally filed as 4 CSR 95-1.060 and 20 CSR 2095-1.060. Original rule filed Nov. 21, 2008, effective May 30, 2009.*

**Original authority: 337.507, RSMo 1985, amended 1989, 2004; 337.515, RSMo 1985, amended 1989; and 337.520, RSMo 1985, amended 1989, 1993, 1995.*

20 CSR 2095-1.064 Continuing Education Requirements

PURPOSE: This rule must establish the requirements for continuing education.

(1) Pursuant to section 337.510.5, RSMo, all licensed professional counselors shall complete at least forty (40) hours of continuing education (CE) prior to the expiration date of the

license. Such hours shall be relevant to the practice of professional counseling as defined in sections 337.500(5), (6), and (7), RSMo.

(2) For the purpose of the regulation an hour of continuing education shall be defined as fifty (50) minutes of instruction or study.

(3) For the license renewal due on June 30, 2007, and each renewal cycle thereafter, the licensee shall certify completion of the required continuing education hours on the renewal form.

(4) A licensee shall obtain forty (40) hours of continuing education prior to the expiration date of a license, and such hours shall consist of at least twenty (20) hours of formal continuing education hours and not more than twenty (20) hours of self study.

(5) Formal continuing education is defined as follows:

(A) Post-graduate course work offered by an acceptable education institution as defined in 20 CSR 2095-2.010(4)(A)–(J). Such course work shall be relevant to professional counseling as defined in section 337.500(5), (6), and (7), RSMo, and shall not be part of the graduate course work required for licensure. One (1) semester hour of graduate credit constitutes fifteen (15) hours of continuing education;

(B) Presenting research at a formal professional meeting. A presentation shall include a paper presented in a professional journal, book, or original chapter in an edited book. Credit will be given at the rate of four (4) hours for each paper or presentation. No credit shall be granted for any subsequent presentation on the same subject matter during the same renewal period;

(C) Attending relevant professional meetings when such meetings include verification of attendance. Such meetings can be international, national, regional, state, or local and must be related to the profession. The licensee shall receive three (3) hours of

continuing education credit for a full day of meeting attendance;

(D) Attending workshops, seminars, or continuing education courses relevant to counseling as defined in section 337.500(5), (6), and (7), RSMo. The licensee shall provide verification of attendance such as a certificate or letter of attendance indicating the date, time, and number of hours of continuing education from the workshop, seminar, or course provider;

(E) Written contributions to relevant professional books, journals, or periodicals. A licensee is eligible to receive three (3) hours of continuing education for publication in a non-referee journal, six (6) hours of continuing education for publication in a referee journal, eight (8) continuing education hours for each chapter in a book, ten (10) continuing education hours for editing a book, and fifteen (15) continuing education hours for the publication of a book;

(F) Presenting at relevant professional meetings such as international, national, regional, state, or local professional associations. A licensee shall be eligible for a maximum of three (3) hours per presentation. No credit shall be granted for any subsequent presentation on the same subject matter during the same renewal period;

(G) Licensees who are faculty members at an approved educational institution as defined in 20 CSR 2095-2.010(4)(A) may receive up to a maximum of twenty (20) hours per year of continuing education credit for teaching at the educational institution. The areas of study shall be in compliance with 20 CSR 2095-2.010(4)(A)–(J). For the purpose of this regulation, the licensee must teach for a minimum of four (4) clock hours as defined in 20 CSR 2095-1.064(2); and

(H) A licensee who teaches formal continuing education hours may receive up to a maximum of four (4) hours per biennial cycle of continuing education credit for teaching courses relating to core areas as defined in 20

CSR 2095-2.010(4)(A)–(J). For the purpose of this regulation the licensee must teach for a minimum of four (4) clock hours as defined in 20 CSR 2095-1.064(2).

(6) A licensee may obtain no more than twenty (20) hours of self study continuing education.

(A) Self study of professional material includes relevant books, journals, periodicals, tapes, and other materials and preparation for relevant lectures and talks to public groups.

(B) Preparation credit may not be claimed pursuant to this regulation for presentations that are credited under 20 CSR 2095-1.064(5)(B) and (F).

(7) Personal counseling, psychotherapy, workshops on personal growth, supervision of applicants for licensure, or services provided to professional associations or organizations shall not meet the requirements for continuing education.

(8) Acceptable providers of continuing education programs include:

(A) American Counseling Association (ACA) and any chapter or division of the American Counseling Association;

(B) National Board for Certified Counselors (NBCC);

(C) Local, state, regional, or national psychological associations;

(D) Local, state, regional, or national social worker associations;

(E) Local, state, regional, or national marital and family associations;

(F) State and national school counselor associations;

(G) State and national substance abuse counselor associations;

(H) American Medical Association; and

(I) Professional organizations or groups recognized by continuing education providers listed in this regulation.

AUTHORITY: sections 337.507 and 337.510, RSMo Supp. 2008 and sections 337.515 and 337.520(1),

*RSMo 2000. * Original rule filed Nov. 21, 2008, effective May 30, 2009.*

**Original authority: 337.507, RSMo 1985, amended 1989,2004; 337.510, RSMo 1985, amended 1989, 1996, 2001,2004, 2005, 2006, 2007; 337.515, RSMo 1985, amended 1989; and 337.520, RSMo 1985, amended 1989, 1993, 1995.*

20 CSR 2095-1.068 Continuing Education Records

PURPOSE: This rule establishes the criteria for maintaining continuing education course records.

(1) A licensed professional counselor shall maintain full and complete documentation of all continuing education credits earned for the two (2) previous renewal cycles in addition to the current reporting period. The committee may conduct an audit of licensees to verify compliance with the continuing education requirement.

(2) Documentation shall include the name of the continuing education course, continuing education provider name, content, date, location, hours earned, and any certificate of attendance or transcript issued by the continuing education provider.

(3) Licensees shall assist the committee in its audit by providing timely and complete responses to the committee's inquiries. A response is considered timely if received in the committee office within thirty (30) days of a written request by the committee for such information.

*AUTHORITY: section 337.618, RSMo Supp. 2008. * Original rule filed Nov. 21, 2008, effective May 30, 2009.*

**Original authority: 337.618, RSMo 1989, amended 1997, 2001, 2005, 2007.*

20 CSR 2095-1.070 Continuing Education Exemption

PURPOSE: This rule sets forth the exemptions from continuing education requirements in certain circumstances.

(1) A licensee unable to complete the requisite number of continuing education hours because of personal illness or other circumstances beyond the licensee’s control may apply for an extension of time to complete the continuing education requirements. Any extension of time to complete the continuing education requirements shall be granted solely at the discretion of the committee.

(A) The licensee shall submit a written request for any extension of time prior to the deadline for completion of the continuing education requirement.

(B) The written request shall include documentation of the grounds supporting the reason(s) for which an extension is sought.

(2) A Missouri professional counselor licensed prior to July 1 of an even year shall be exempt from the continuing education requirements for that renewal year.

(3) A Missouri licensed professional counselor shall be exempt from the continuing education requirements if currently licensed in another state and in compliance with that state’s continuing education requirements.

(4) Pursuant to section 41.946, RSMo, a person who is called to full-time active duty in the service of United States under competent orders shall, during the period of full-time active duty, be exempted from any such requirement for continuing education or training without his/her status, license, certification, or right to practice his/her trade or profession being affected and shall not be required, upon returning from full-time active-duty, to make up or retake any training or education for which he/she was exempt under the provisions of this section.

AUTHORITY: section 337.618, RSMo Supp. 2008. Original rule filed Nov. 21, 2008, effective May 30, 2009.*

**Original authority: 337.618, RSMo 1989, amended 1997, 2001, 2005, 2007.*

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 2—Licensure Requirements**

20 CSR 2095-2.005 Provisional License

PURPOSE: This rule defines the requirements for provisional licensure.

(1) A provisional license issued to an individual with a master’s degree in compliance with 20 CSR 2095-2.010 shall be valid for at least two (2) years from the date of issuance and shall be deemed void upon its expiration date or upon termination of supervision, whichever occurs first.

(2) A provisional license issued to an individual with thirty (30) semester hours of post-degree counseling course work, specialist, or doctoral degree in compliance with 20 CSR 2095-2.010 shall be valid for at least one (1) year from the date of issuance and shall be deemed void upon its expiration date or termination of supervision, whichever occurs first.

(3) Upon request, the committee may extend a provisional license for good cause at the discretion of the committee. An application for an extension of a provisional license shall be submitted to the committee prior to the expiration of the provisional license.

AUTHORITY: section 337.507, RSMo Supp. 2008 and sections 337.515 and 337.520.1(1), RSMo 2000. Original*

rule filed Nov. 21, 2008, effective May 30, 2009.

**Original authority: 337.507, RSMo 1985, amended 1989, 2004; 337.515, RSMo 1985, amended 1989; and 337.520, RSMo 1985, amended 1989, 1993, 1995.*

20 CSR 2095-2.010 Educational Requirements

PURPOSE: This rule defines the educational requirements for professional counselors.

(1) In order to qualify for supervision, provisional licensure, or licensure as a professional counselor, an applicant shall have received a graduate degree at the master’s, specialist, or doctoral level that consisted of a course of study with a major in counseling from an acceptable educational institution.

(A) An acceptable educational institution shall mean a regionally accredited institution approved by the United States Department of Elementary and Secondary Education.

(B) A master’s degree with a major in counseling shall consist of at least forty-eight (48) semester hours or seventy-two (72) quarter hours.

(C) Any course offered primarily via correspondence course, Internet (such as a chat room or discussion group), electronic mail (email), or other delivery method or system, or whether by audio or video tape, or any other form of communication that does not allow the participants to interact verbally and visually, shall not be acceptable for course work pursuant to 20 CSR 2095-2.010(4)(A)–(K) even if credit is awarded by the educational institution and the offering appears on the transcript.

1. For the purpose of this rule, non-interactive communication shall be defined as those courses in which the student has no means of simultaneously interacting with the course instructor visually and verbally during the transmission of course information.

(D) Continuing education or work experience shall not be considered as a

form of graduate course work, even if credit is awarded by the educational institution and the offering appears on the transcript.

(2) Pursuant to sections 337.510.1(1) and 337.520(1)5, RSMo, a course of study with a major in counseling shall teach counseling principles, theories, techniques, and counseling interventions and shall be defined as one (1) of the following:

(A) A graduate degree accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP), or its successor organization, or the Counseling on Rehabilitation Education, Incorporated (CORE), or its successor organization;

(B) A graduate degree in counseling or guidance and counseling; or

(C) A graduate degree in counseling psychology, clinical psychology, or school psychology that includes a three (3)-semester hour graduate course in each core area as defined in 20 CSR 2095-2.010(4)(A) through (J).

(3) An applicant with a master's degree that is less than forty-eight (48) semester hours or seventy-two (72) quarter hours may submit a written request to the committee to conduct an educational review to determine compliance with 20 CSR 2095-2.010(2)(B) or (C). To be licensed, the applicant shall submit a written plan to the committee to obtain the required graduate course work to meet the forty-eight (48) semester-hour or seventy-two (72) quarter-hour and core course work requirements.

(4) The applicant shall have the burden of demonstrating that the degree consisted of a course of study with a major in counseling. If the applicant's transcript does not clearly delineate that the degree consisted of a course of study with a major in counseling, the applicant may be required to obtain a letter from the chair of the department of counseling education, or other appropriate school official, stating that the applicant has a master's, specialist, or doctoral degree consisting of a

course of study with a major in counseling. The letter shall be on official letterhead of the college or university. The applicant may also be required to provide evidence that the degree program included no less than one (1) three (3) semester-hour or one (1) five (5) quarter-hour graduate course in each of the following core areas:

(A) Counseling Theory—Courses acceptable for this area shall cover the various major theories and techniques of counseling; and

(B) Human Growth and Development—
Courses acceptable for this area shall cover various stages of the human growth cycle and include information about theories of development or various aspects of development; and

(C) Social and Cultural Diversity—
Courses acceptable for this area cover various cultural and social class issues in areas such as race, sexual orientation, aging, disability, socioeconomic, ethnic, gender related, or other issues of diversity that emerge in a pluralistic society; and

(D) Helping Relationship—Courses acceptable for this area cover theoretical foundations pertaining to professional skill training that enable the counselor to understand the client's problems more fully and accurately and to interview effectively; and

(E) Group Counseling—Courses acceptable for this area cover the theories, principles, and techniques of providing counseling or psychotherapy with groups of people; and

(F) Career Development—Courses acceptable for this area cover concepts about how career development unfolds, the lifelong processes, and the influences upon clients or patients that lead to work values, occupational choice, creation of a career pattern, decision-making style, integration of roles, issues concerning identity, and patterns of work adjustment; and

(G) Appraisal—Courses acceptable for this area cover structured and unstructured assessment of the mental health functions and psychopathology of a person; and

(H) Research Methods—Courses acceptable for this area cover principles, methods, techniques, and tools used in performing research in counseling; and

(I) Professional Orientation—
Courses acceptable for this area cover such areas as professionalism, legal issues and responsibilities, ethics, fields of training, and practice specialization; and

(J) Diagnosis—Courses acceptable for this area provide an understanding and a working knowledge of psychodiagnostics using classification systems with an emphasis on the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM). Course content regarding the DSM must include understanding the organizational structure, professional terminology used in the manual, and competence in its application as it is used in the assessment process and subsequent treatment planning; and

(K) At least six (6) semester hours or nine (9) quarter hours of graduate level supervised practicum, internship, or field experience in the practice of counseling.

1. Any practicum, internship, or field experience shall be clearly delineated on the transcript with graduate level credit and a passing grade.

(5) In determining whether a degree program included no less than one (1) three (3) semester-hour or a five (5) quarter-hour graduate course in a core area, the following shall apply:

(A) It shall be the applicant's responsibility to document that the course was an in-depth study of a particular core area through course descriptions from official school catalogues, course syllabi, bulletins, or with written documentation from an appropriate school official;

(B) A seminar course shall be acceptable if the applicant is awarded a passing grade and graduate credit is clearly delineated on the transcript;

(C) Reading courses or independent study shall be submitted to the committee for review;

(D) Undergraduate course work shall not be in compliance with core requirements unless graduate credit is clearly delineated on the transcript;

(E) When evaluating transcripts based upon a quarter-hour system, the committee shall consider a quarter hour of graduate credit as two-thirds (2/3) of a semester hour. A semester hour of graduate credit shall be defined as fifteen (15) clock hours of regularly scheduled classroom study; and

F) No more than six (6) semester hours or nine (9) quarter hours in seminar course work or independent study shall be applicable to the total number of hours of graduate study comprising a course of study with a major in counseling.

(6) Upon receipt of official educational transcripts from the college or university and/or information relating to the program, and upon payment of the fee for an educational review as defined in 20 CSR 2095-1.040(1), the committee will review education credentials or a proposed plan for obtaining the appropriate education in compliance with these rules. All information shall be submitted to the committee no later than thirty (30) days prior to the next regularly scheduled committee meeting. Information received fewer than thirty (30) days before a committee meeting may be reviewed at the committee's discretion.

(7) Graduate course work consisting of a course of study with a major in counseling and from a school, college, university, or other institution of higher learning outside of the United States, may be considered in compliance with these rules if, at the time the school, college, university, or other institution of higher learning where the applicant was enrolled or graduated, maintained a standard of training substantially equivalent to the standards of training of those institutions accredited by one of the regional accredited commissions recognized by the United States

Department of Elementary and Secondary Education. The committee shall determine if the standard of training was substantially the same as those institutions accredited by one (1) of the regional accrediting commissions recognized by the United States Department of Elementary and Secondary Education.

(A) It shall be the applicant's responsibility to document that the course work consisted of a course of study with a major in counseling, is substantially the same as those institutions accredited by one (1) of the regional accrediting commissions recognized by the United States Department of Elementary and Secondary Education through course descriptions from official school catalogues, course syllabi, bulletins, or with written documentation from an appropriate school official explaining how the course was an in-depth study of a particular core area as defined in subsections (4)(A)–(K).

*AUTHORITY: section 337.510, RSMo Supp. 2008 and section 337.520, RSMo 2000. *This rule originally filed as 4 CSR 95-2.010. Original rule filed Oct. 16, 1986, effective Jan. 30, 1987. Amended: Filed May 2, 1989, effective July 27, 1989. Amended: Filed July 3, 1990, effective Dec. 31, 1990. Amended: Filed Aug. 5, 1991, effective Dec. 9, 1991. Rescinded and readopted: Filed Dec. 1, 2004, effective June 30, 2005. Moved to 20 CSR 2095-2.010, effective Aug. 28, 2006. Rescinded and readopted: Filed Nov. 21, 2008, effective May 30, 2009.*

**Original authority: 337.510, RSMo 1985, amended 1989, 1996, 2001, 2004, 2005, 2006, 2007 and 337.520, RSMo 1985, amended 1989, 1993, 1995.*

20 CSR 2095-2.020 Supervised Counseling Experience

PURPOSE: This rule defines the requirements for supervised counseling experience.

(1) As applied to periods of supervision beginning on or after January 1, 1989, the phrase "acceptable supervised counseling experience," as used in section 337.510(1), RSMo, shall mean training in counseling as defined in section 337.500(6) and (7), RSMo, registered with and approved by the committee and beginning after the graduate degree consisting of a course of study with a major in counseling has been conferred. All educational requirements as defined in sections (1) and (3) shall have been met before any supervised counseling experience commences.

(A) For the purpose of provisional licensure or licensure as a professional counselor, supervision shall be obtained from a licensed professional counselor, licensed psychologist, or psychiatrist. For the purpose of this regulation an inactive, provisional, expired, temporary, retired, probated, or suspended license shall not meet this requirement. The registered supervisor shall not be a relative of the applicant or have engaged in the activities described in 20 CSR 2095-3.010(12)(A)–(F) during the supervised counseling experience.

(B) For the purpose of this rule, a relative of the applicant for supervision shall include but not be limited to a spouse, parent, child, sibling, of the whole or half-blood, adopted sibling, grandparent, aunt, uncle, or cousin, or one who is or has been related in the first degree by marriage.

(2) The applicant shall obtain the appropriate form for filing the application for registration of supervision by writing to the Committee for Professional Counselors, PO Box 1335, Jefferson City, MO 65102-1335, calling (573) 751-0018, sending a fax to (573) 751-0735, or sending an email to profcounselors@pr.mo.gov. The TDD number is (800) 735-2996. The applicant shall submit to a background check and pay all applicable fees pursuant to 20 CSR 2095-1.040.

(A) For the purpose of conducting a background check, the applicant shall provide proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor(s) for both a Missouri State Highway Patrol and Federal Bureau of Investigation background check. Proof shall consist of any documentation acceptable to the committee. Any fees due for the background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s).

(B) All proposed supervision arrangements beginning on or after July 1, 1989, shall be approved by the committee. An application for supervision or change of supervision shall not be considered as officially filed with the committee unless it is typewritten or printed in black ink, signed, accompanied by all documents required by the committee and the applicant pays the required application fee. The effective or starting date of supervision shall be the date the application is received in the committee's office and contingent upon the committee's approval. Following the review of the application for supervision by the committee, the applicant shall be informed in writing of the committee's decision.

(C) The completed application for supervision or change of supervision including all supporting material required by the committee shall be received at least thirty (30) days before the meeting of the committee. Applications received less than thirty (30) days before the next regularly scheduled committee meeting may be reviewed at the committee's discretion.

(3) To begin supervised counseling experience, the applicant shall have a master's, specialist, or doctoral degree in counseling or another mental health discipline as defined in 20 CSR 2095-2.010(2) and have received graduate credit for at least three (3) semester hours or five (5) quarter hours in counseling theory as defined in 20

CSR 2095-2.010(4)(A) and at least two (2) semester hours or four (4) quarter hours in supervised practicum as defined in 20 CSR 2095-2.010(3)(B)1. The committee may approve the applicant for supervision while the applicant completes core course deficiencies. All core course deficiencies shall be completed prior to being eligible for provisional licensure or licensure as a professional counselor.

(4) An applicant approved for supervision or provisional licensure based upon a master's degree pursuant to section 337.510.1(c), RSMo, shall obtain, in no more than sixty (60) calendar months:

(A) A minimum of three thousand (3,000) total hours of supervised counseling experience. Hours may be obtained on a part-time or full-time basis and the counselor-in-training or provisional licensed professional counselor may receive reimbursement from the employer or supervisor or provide therapeutic services on a voluntary basis; and

(B) A minimum of twenty-four (24) calendar months of continuous supervised counseling experience. The counselor-in-training or provisional licensed professional counselor shall obtain an average of at least fifteen (15) hours of supervised counseling experience per week in order for the experience to be considered by the committee. If a counselor-in-training or provisional licensed professional counselor is unable to obtain at least an average of fifteen (15) hours per week, he/she must advise the committee in writing regarding the reason that such hours cannot be obtained. The committee shall determine if such hours can be acceptable for licensure.

(C) A minimum of twelve hundred (1,200) hours of the three thousand (3,000) hours of supervised counseling experience shall be direct client contact.

1. For the purpose of these regulations, direct client contact shall be defined as face-to-face interaction

between the client/patient or group and the counselor-in-training or provisional licensed professional counselor in the same room.

(5) An applicant approved for supervised counseling experience based upon a specialist or doctoral degree in counseling or other mental health discipline as defined in 20 CSR 2095-2.010(2) or based upon thirty (30) hours of post master's course work in counseling or other mental health discipline as defined in 20 CSR 2095-2.010(2) shall obtain, in no more than thirty-six (36) calendar months:

(A) A minimum of fifteen hundred (1,500) hours of supervised counseling experience. Hours may be obtained on a part-time or fulltime basis and the counselor-in-training or provisional licensed professional counselor may receive reimbursement from the employer or supervisor or provide therapeutic services on a voluntary basis; and

(B) A minimum of twelve (12) calendar months of supervised counseling experience. The counselor-in-training or provisional licensed professional counselor must obtain an average of at least fifteen (15) hours of supervised counseling experience per week in order for the experience to be considered by the committee. If a counselor-in-training or provisional licensed professional counselor is unable to obtain at least fifteen (15) hours per week, s/he must advise the committee in writing regarding the reason that such hours cannot be obtained. The committee shall determine if such hours can be acceptable for licensure.

(C) A minimum of six hundred (600) hours of supervised counseling experience shall be direct client contact.

(6) The counselor-in-training, provisional licensed professional counselor, and registered supervisor shall either be employed at the same counseling setting or affiliated to the setting by contract. A counselor-in-training or provisional licensed

professional counselor shall not operate a private practice. An applicant may register multiple counseling settings and register more than one (1) supervisor in compliance with 20 CSR 2095-2.020 by submitting an application for registering or changing supervision and paying the applicable fee as defined in 20 CSR 2095-1.020.

(A) A counselor-in-training or provisional licensed professional counselor may be employed at a licensee's private practice. The counselor-in-training or provisional licensed professional counselor shall solicit therapeutic services according to the full order, control, oversight, and guidance of the registered supervisor.

(B) Payment for counseling services provided by a counselor-in-training or provisional licensed professional counselor shall be made to the supervisor registered and approved by the committee or organization employing or affiliated with the counselor-in-training or provisional licensed professional counselor.

(7) A counselor-in-training or provisional licensed professional counselor shall receive at least one (1) hour of face-to-face supervision per week from the registered supervisor. All face-to-face supervision shall be included in the total number of supervised experience hours required in this rule.

(A) A minimum of two (2) weeks of each month shall consist of one (1) hour of face-to-face per week supervision by the registered supervisor with the counselor-in-training or provisional licensed professional counselor; and

(B) A maximum of two (2) weeks each month may consist of one (1) hour per week of group face-to-face supervision facilitated by the registered supervisor and counselors-in-training or provisional licensed professional counselors.

1. No more than three (3) counselors-in-training or provisional licensed professional counselors may

participate in a group supervision session.

2. When there are more than three (3) counselors-in-training, provisional licensed professional counselors, or other professionals present the hour shall count toward the three thousand (3,000) hours of supervision and shall not qualify for one (1) hour face-to-face individual or group supervision.

(C) The use of electronic communication, to include a cellular telephone or Internet, is not acceptable for meeting the supervisory requirement of this rule unless the communication is contemporaneously or simultaneously visually and verbally interactive between the registered supervisor and counselor-in-training or provisional licensed professional counselor.

(8) The supervised counseling experience shall encompass those activities as defined within the scope of practice as defined in section 337.500(6) and (7), RSMo.

(A) The counselor-in-training or provisional licensed professional counselor shall provide services subject to the registered supervisor's order, control, oversight, guidance, and full professional responsibility.

(B) The counselor-in-training or provisional licensed professional counselor shall continue to receive supervision until licensed as a professional counselor.

(9) A counselor-in-training or provisional licensed professional counselor shall not engage in marketing or advertising without including the name and license number of the registered supervisor approved by the committee.

(10) A counselor-in-training or provisional licensed professional counselor shall document all treatment records or reports by listing the name of the counselor-in-training or provisional licensed professional counselor and the applicable credentials; the name of the registered

supervisor and the license number of the registered supervisor.

(A) A counselor-in-training may use the acronym CIT for counselor-in-training and a provisional licensed professional counselor may use PLPC. No other acronyms shall be acceptable for the counselor-in-training or provisional licensed professional counselor.

(B) An example format to be used in documenting treatment records and plans is as follows, *Counselor Name, CIT, PLPC, under the supervision of Supervisor Name, license number 000000*.

(C) If the registered supervisor is unable to sign the treatment records or reports, it shall be acceptable to provide a brief, written memorandum or note to the file that is signed by the registered supervisor indicating the information regarding the client has been discussed with the counselor-in-training or the provisional licensed professional counselor.

(11) A counselor-in-training or provisional licensed professional counselor shall comply with all laws and rules relating to the practice of counseling and shall apply for licensure within thirty (30) days of completing the supervised counseling experience. Any counselor-in-training or provisional licensed professional counselor who fails to apply within the thirty (30)-day time period is prohibited from practicing counseling. If additional time is required to submit an application, the applicant shall send a letter to the committee regarding the reason for additional time and the committee shall advise the counselor-in-training or provisional licensed professional counselor whether additional time is approved.

(A) A counselor-in-training or provisional licensed professional counselor may submit an application for licensure up to thirty (30) days in advance of completing the required hours and months of supervision. Applications received more than sixty (60) days in advance of completion of the required hours and months of

supervision shall be rejected by the committee as untimely.

(12) A counselor-in-training or provisional licensed professional counselor shall request and return a change of supervision form within fifteen (15) working days of changing a counseling setting or registered supervisor previously approved by the committee. The change of supervision form shall be accompanied by the required fee as outlined in 20 CSR 2095-1.020(1)(C) and shall be considered effective upon receipt of the application in the committee office and contingent upon approval by the committee. If the application for a change in supervision is denied, the applicant shall be informed, in writing, of the reason(s) for the denial.

(13) An applicant may submit supervised experience obtained out of state from a licensed professional counselor, licensed psychologist, or psychiatrist for review by the committee. For the purpose of this regulation, an inactive, provisional, expired, temporary, retired, probated, or suspended license shall not meet this requirement.

(14) An applicant may submit supervised experience obtained in a state that does not have a counselor licensing law or from a state whose licensing laws are not substantially the same as those of this state for review by the committee.

AUTHORITY: section 337.510, RSMo Supp. 2008 and section 337.520, RSMo 2000. This rule originally filed as 4 CSR 95-2.020. Original rule filed Oct. 16, 1986, effective Jan. 30, 1987. Amended: Filed May 2, 1989, effective July 27, 1989. Amended: Filed July 3, 1990, effective Dec. 31, 1990. Amended: Filed Feb. 4, 1992, effective June 25, 1992. Rescinded and readopted: Filed Dec. 1, 2004, effective June 30, 2005. Moved to 20 CSR 2095-2.020, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2008, effective May 30, 2009.*

**Original authority: 337.510, RSMo 1985, amended 1989, 1996, 2001, 2004, 2005, 2006, 2007 and 337.520, RSMo 1985, amended 1989, 1993, 1995.*

20 CSR 2095-2.021 Supervisors and Supervisory Responsibilities

PURPOSE: This rule provides guidelines to licensed practitioners concerning supervising a counselor-in-training or a provisional licensed professional counselor.

(1) For the purpose of these rules, a registered supervisor for a counselor-in-training or provisional licensed professional counselor in Missouri shall be currently licensed either as a professional counselor, psychologist, or psychiatrist. An inactive, provisional, expired, temporary, retired, probated, or suspended license shall not meet this requirement.

(A) An applicant for licensure or supervision may submit postgraduate supervised experience from another state for consideration by the committee. The supervisor must have been licensed during the time of supervision in the state where supervised experience occurred as a professional counselor, psychologist, or psychiatrist. An inactive, provisional, expired, temporary, retired, probated, or suspended license shall not meet this requirement. Credit will not be given if postgraduate supervised experience fails to comply with 20 CSR 2095-2.020.

(2) In order to provide supervision for a counselor-in-training or a provisional licensed professional counselor, a registered supervisor shall document the following:

(A) Licensure as a professional counselor, psychologist, or psychiatrist. For the purpose of this regulation, an inactive, provisional, expired, temporary, retired, probated, or suspended license shall not meet this requirement;

(B) A minimum of two (2) years experience as a licensed professional

counselor, licensed psychologist, or psychiatrist in providing counseling pursuant to section 337.500(6) and (7), RSMo; and

(C) Training and experience in counseling and in supervisory activities involving counseling with a resume or vitae detailing course work, workshops, supervision training, and experience as a supervisor of professional counselors or other mental health disciplines.

(3) The registered supervisor shall evaluate and provide feedback to the counselor-in-training or provisional licensed professional counselor relating to 20 CSR 2095-2.020.

(A) The supervisor shall be able to provide counseling services in the event the counselor-in-training or provisional licensed professional counselor is unable, for any reason including lack of competence, to do so. If, for any reason, a counselor-in-training or provisional licensed professional counselor is unable to provide counseling services, including incompetence, the supervisor shall be able to provide counseling services or assist in maintaining such services for the client.

(4) A registered supervisor may employ a counselor-in-training or provisional licensed professional counselor at the registered supervisor's private practice and shall receive payment for therapeutic services provided by the counselor-in-training or provisional licensed professional counselor.

(5) The registered supervisor shall review and cosign all reports of the counselor-in-training or provisional licensed professional counselor including the registered supervisor's license number with the signature. If the registered supervisor is unable to cosign the reports of the counselor-in-training or provisional licensed professional counselor, it shall be acceptable to provide a brief written memorandum or note to the file, signed by the registered supervisor

documenting that the registered supervisor has reviewed the information.

(6) The registered supervisor shall certify that the counselor-in-training or provisional licensed professional counselor has complied with the requirements of supervised counseling experience on a form provided by the committee.

(7) A licensee providing supervision to a counselor-in-training or provisional licensed professional counselor shall not supervise more than three (3) counselors-in-training or provisional licensed professional counselors at one (1) time. Supervisors desiring to provide supervision for more than three (3) counselors-in-training or provisional licensed professional counselors at one (1) time shall provide a written request to the committee explaining the reason for providing supervision to more than three (3) counselors-in-training or provisional licensed professional counselors.

(8) A supervisor shall avoid conditions and multiple relationships with a counselor-in-training or provisional licensed professional counselor that impair the professional objectivity or increase the risk of exploitation.

(A) The supervisor of a counselor-in-training or provisional licensed professional counselor shall not engage in sexual intimacies with the counselor-in-training or provisional licensed professional counselor during the time of supervision for licensure.

*AUTHORITY: section 337.510, RSMo Supp. 2008 and section 337.520, RSMo 2000. * This rule originally filed as 4 CSR 95-2.021. Original rule filed Dec. 1, 2004, effective June 30, 2005. Moved to 20 CSR 2095-2.021, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2008, effective May 30, 2009.*

**Original authority: 337.510, RSMo 1985, amended 1989, 1996, 2001, 2004, 2005, 2006, 2007 and 337.520,*

RSMo 1985, amended 1989, 1993, 1995.

20 CSR 2095-2.030 Examinations

PURPOSE: This rule outlines the requirements and procedures for obtaining a professional counselor license by examination.

(1) An applicant for provisional licensure or licensure as a professional counselor shall pass the National Counselor Examination (NCE) or its successor examination as administered by the National Board for Certified Counselors (NBCC) or its successor organization. The committee adopts the minimum criterion score established by the NBCC as the passing score. The candidate shall submit the examination fee and required documentation to the NBCC.

(2) An applicant for provisional licensure or licensure as a professional counselor shall comply with NBCC test administration rules and requirements related to applicant conduct during the administration of the NCE.

(3) The committee shall maintain the applicant's examination answer sheet for one (1) year from the date the examination results were reported to the committee. After one (1) year, the answer sheet will be destroyed.

*AUTHORITY: section 337.507, RSMo Supp. 2008 and section 337.520, RSMo 2000. * This rule originally filed as 4 CSR 95-2.030. Original rule filed Oct. 16, 1986, effective Jan. 30, 1987. Amended: Filed May 2, 1989, effective July 27, 1989. Amended: Filed Aug. 5, 1991, effective Dec. 9, 1991. Rescinded and readopted: Filed Dec. 1, 2004, effective June 30, 2005. Moved to 20 CSR 2095-2.030, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2008, effective May 30, 2009.*

**Original authority: 337.507, RSMo 1985, amended 1989, 2004 and 337.520, RSMo 1985, amended 1989, 1993, 1995.*

20 CSR 2095-2.065 Application for Licensure

PURPOSE: This rule outlines the procedure for application for licensure as a professional counselor.

(1) An application for licensure shall be made on a form(s) provided by the Committee for Professional Counselors, PO Box 1335, Jefferson City, MO 65102-1335, and may be obtained by calling (573) 751-0018, sending a fax to (573) 751-0735, or sending an email to profcounselors@pr.mo.gov. The TDD number is (800) 735-2996.

(2) An application shall not be considered as officially filed with the committee unless it is typewritten or printed in black ink, signed, notarized, accompanied by all documents required by the committee to include a background check, and all applicable fees pursuant to 20 CSR 2095-1.040(1)(A) and (F). The fee shall be in the form of a cashier's check, personal check, or money order.

(A) For the purpose of conducting a background check, the applicant shall provide proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor(s) for both a Missouri State Highway Patrol and Federal Bureau of Investigation background check. Proof shall consist of any documentation acceptable to the committee. Any fees due for the background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s).

(B) A counselor-in-training or provisional licensed professional counselor may submit an application for licensure up to thirty (30) days in advance of completing the required hours and months of supervision. Applications received more than sixty (60) days in advance of completion of the required hours and months of supervision shall be rejected by the committee as untimely.

(3) The completed application, including all supporting material required by the committee shall be received at least thirty (30) days before the next regularly scheduled meeting of the committee. Applications received less than thirty (30) days before the next regularly scheduled committee meeting may be reviewed at the committee's discretion.

(4) The applicant shall be informed in writing of the committee's decision regarding the application for licensure.

AUTHORITY: section 337.507, RSMo Supp. 2008 and section 337.520, RSMo 2000. This rule originally filed as 4 CSR 95-2.065. Original rule filed Dec. 1, 2004, effective June 30, 2005. Moved to 20 CSR 2095-2.065, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2008, effective May 30, 2009.*

**Original authority: 337.507, RSMo 1985, amended 1989, 2004 and 337.520, RSMo 1985, amended 1989, 1993, 1995.*

**Title 20—DEPARTMENT OF
INSURANCE, FINANCIAL
INSTITUTIONS AND
PROFESSIONAL
REGISTRATION
Division 2095—Committee for
Professional Counselors
Chapter 3—Professional
Responsibility**

**20 CSR 2095-3.010 Scope of
Coverage**

PURPOSE: This rule describes the scope of coverage and organization of the ethical standards for counselors, authorized in section 337.520(12), RSMo.

(1) The ethical standards for counselors (hereinafter standards) shall apply to a licensed professional counselor, registered supervisor that is a licensed professional counselor, provisional licensed professional counselor, counselor-in-training, and an applicant for licensure and/or supervision (hereinafter referred to as

counselor or counselors). A violation of these standards constitutes unprofessional conduct and is sufficient reason for disciplinary action pursuant to section 337.525, RSMo.

(2) A counselor shall practice within the boundaries of his/her competence, based upon education, training, and experience.

(3) A counselor shall not accept any form of remuneration that exploits the therapeutic relationship and a counselor shall not allow the pursuit of financial gain or other personal benefit to interfere with the exercise of sound, professional judgment and skills.

(4) A counselor shall not misrepresent his/her licensure status or educational credentials.

(5) A counselor shall display his/her license or provisional license in a conspicuous place that is readily accessible to a client or patient.

(6) When administering, scoring, or interpreting any tests or appraisal instruments, a counselor shall be adequately educated and trained. For the purpose of this rule, adequate training shall be defined as formal, graduate course work that involves the administration and interpretation of the instrument or advance training, such as seminars sponsored by the test publisher. A licensed professional counselor shall have training in diagnostic and assessment tools commonly used in the assessment process.

(7) A client or patient (hereinafter referred to as client) is an individual for whom professional counseling, as defined in section 337.500(7), RSMo, is provided. A corporate entity or other organization can be a client when the therapeutic relationship is between the counselor and individuals within the entity or organization.

(A) When a corporation or other organization is the client, rules of

confidentiality apply to information pertaining to the organization; include personal information about an individual when obtained in the proper course of a contract. The information about an individual subject to confidential control of the organization, not of the individual, can be made available to the organization, unless specifically stated in the contract to that individual that there is a reasonable expectation by that individual that the information was obtained in a separate therapeutic relationship with the individual and is subject to therapist/ client confidentiality.

(8) For the purpose of the ethical standards for counselors, a therapeutic relationship shall encompass any of the following:

(A) A mutual understanding of the counseling process as evidenced by a signed informed consent agreement as defined in 20 CSR 2095-3.015(1)(A)–(H);

(B) Utilization of professional counseling skills as defined in section 337.500(7), RSMo;

(C) Utilization of the therapeutic relationship to assist the client in learning to relate to themselves and others;

(D) A relationship between a counselor and client seeking professional counseling service as defined in 337.500(7), RSMo; and

(E) Within the limitations of the law, a relationship in which the counselor shall not interfere with the client's right to make life decisions.

(9) For the purpose of these ethical standards for counselors, an exploitive relationship shall be defined as any relationship between the registered supervisor and counselor-in-training or provisional licensed professional counselor, or counselor and client that may exploit or cause harm to the counselor-in-training, provisional licensed professional counselor or client.

(A) For the purpose of these standards, to exploit means to take unfair advantage of the client, counselor-in-training, or provisional licensed professional counselor.

(10) The counselor shall not undertake or continue a therapeutic relationship with a client when the objectivity or competency of the counselor is or is reasonably expected to be impaired because of emotional, mental, psychological, or substance abuse disorder. If a counselor's objectivity or competency becomes impaired due to an emotional, mental, psychological or substance abuse disorder after a therapeutic relationship has been initiated, the counselor shall terminate the therapeutic relationship by notifying the client in writing of the termination and provide written documentation that the client was informed concerning the termination of the therapeutic relationship.

(A) Documentation shall be in writing and include information that a referral(s) was made.

(11) A counselor shall not delegate therapeutic or supervisory responsibilities to a person that is not qualified or does not possess the appropriate credentials for the therapy or services to be provided.

(12) While providing psychotherapy or professional counseling or within the twenty-four (24) months following completion or termination of psychotherapy or professional counseling a counselor shall not engage in the following:

(A) Sexual intercourse, defined as any genital contact with the client including, but not limited to, vaginal intercourse, sodomy, oral and/or anal copulation, or any penetration of the anal or vaginal opening by any body part or object;

(B) Kissing with the mouth, lips, or tongue;

(C) Touching or caressing of the client's breasts, genitals, or buttocks;

(D) Touching or caressing the other body parts of a client in an exploitive manner;

(E) Exposing one's breast, genitals or buttocks in an exploitive manner or encouraging another to expose him/herself for the purpose of the counselor's sexual gratification; and

(F) Deliberate or repeated comments or gestures of an exploitive nature.

*AUTHORITY: sections 337.520 and 337.525, RSMo 2000. * This rule originally filed as 4 CSR 95-3.010. Original rule filed Oct. 16, 1986, effective Jan. 30, 1987. Rescinded and readopted: Filed July 3, 1990, effective Dec. 31, 1990. Rescinded and readopted: Filed Dec. 1, 2004, effective June 30, 2005. Moved to 20 CSR 2095-3.010, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2008, effective May 30, 2009.*

**Original authority: 337.520, RSMo 1985, amended 1989, 1993, 1995 and 337.525, RSMo 1985, amended 1989.*

20 CSR 2095-3.015 Client Welfare

PURPOSE: This rule provides the ethical principles governing the practice of counseling a client and supervision.

(1) Before beginning a therapeutic relationship, a counselor shall explain and document the following elements of informed consent:

(A) Goals of the therapeutic relationship;

(B) Services the counselor will provide;

(C) Behavior expected of the client;

(D) Risks and benefits of therapeutic procedures;

(E) Qualifications and credentials;

(F) Financial considerations and arrangements;

(G) Limits to confidentiality regarding individual, couple, family, and group therapy; and

(H) If utilized, taping or recording of sessions, and how the tapes will be used and stored.

(2) The counselor shall inform clients of the voluntary or mandatory nature of the therapy, assessment, treatment, research, education or training procedure. When the therapy, assessment, treatment, research, education or training procedure is voluntary, the counselor shall inform the client, student, research participant, counselor-in-training, or provisional licensed professional counselor of the freedom of choice and any alternatives to participation.

(3) If an individual, other than the counselor, is able to obtain access to confidential information, the counselor shall disclose this possibility. The counselor shall explain how records are stored to insure confidentiality of the client, counselor-in-training, provisional licensed professional counselor, or research participant. This information shall be part of the informed consent.

(A) The counselor shall safeguard the confidential information obtained in the course of practice, research, supervision, or other duties relating to a therapeutic relationship.

1. A counselor shall maintain confidentiality in creating, storing, accessing, transferring, and disposing the records of a client or counselor-in-training which are under the counselor's control regardless of whether the records are written, automated, or in any other medium.

(B) Information obtained within the context of the therapeutic relationship or during supervised counseling shall be considered confidential after the therapeutic relationship or supervised experience has ended.

(4) A counselor shall not allow the pursuit of financial gain or other personal benefit to interfere with the exercise of sound professional judgment and skills.

(A) In determining whether to offer therapeutic services to a person already receiving similar services elsewhere, the counselor shall consider the treatment issues and the welfare of the client. The counselor shall discuss

these issues with the client to minimize the probable risks of confusion and conflict.

(5) Within the limits of the law, a counselor shall report to the committee all knowledge pertaining to known or suspected violations of the laws and regulations governing the practice of counseling as defined in section 337.500(6) and (7), RSMo and any other applicable laws or rules.

(6) Within the limits of the law, and after receiving any necessary written client consent, a counselor shall respond to all requests for information and correspondence from the committee.

(7) A counselor providing therapeutic services to a client shall maintain records that include the following:

(A) Informed consent as defined in subsections (1)(A)–(1)(H);

(B) The reason(s) for seeking therapeutic services, clinical impression(s), treatment plan and documentation of termination;

(C) Date, fee, and therapeutic service provided by the counselor;

(D) Assessment results or the evaluative results relevant to the therapeutic relationship; and

(E) Evidence of receiving the client's consent concerning the counselor's consultation with others.

(8) To meet the requirements of these ethical standards for counselors, but not necessarily for other legal purposes, the counselor shall assure that all data entries to treatment records are maintained for a period of five (5) years after the last date of service. The counselor shall comply with all other applicable state and federal laws and rules regarding record retention.

(9) A counselor planning or conducting research shall comply with federal, state, and local laws or rules and applicable standards of ethical procedures regarding research with human subjects.

(10) When conducting research, the counselor shall clearly communicate to research participants, in writing or verbally, the following:

(A) The experience the participant is likely to have during and after the research;

(B) The voluntary, mandatory, and/or remunerative nature of the research;

(C) The research participant's right to decline participation or withdraw from the research at any time without penalty;

(D) The obligations and responsibilities of the research participant and counselor;

(E) The procedures for how the data derived from the research will be used;

(F) The procedures for post research follow-up; and

(G) The procedures for obtaining information regarding general results and conclusions of the research.

AUTHORITY: sections 337.520 and 337.525, RSMo 2000. This rule originally filed as 4 CSR 95-3.015. Original rule filed Dec. 1, 2004, effective June 30, 2005. Moved to 20 CSR 2095-3.015, effective Aug. 28, 2006.*

**Original authority: 337.520, RSMo 1985, amended 1989, 1993, 1995 and 337.525, RSMo 1985, amended 1989.*