

Approved: 3-24-95
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chair Sandy Praeger at 10:00 a.m. on March 17, 1995 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Emalene Correll, Legislative Research Department
Bill Wolff, Legislative Research Department
Norman Furse, Revisor of Statutes
Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee:

State Senator Marian Reynolds
Tom Bell, Kansas Hospital Association

Others attending: See attached list

Hearing on HB 2306: Method of selection of board members of district hospital

Senator Marian Reynolds addressed the Committee in support of **HB 2306** which relates to the election of a hospital board and provides that when the electors of a hospital district vote to change the method of choosing the hospital board to a vote at a regularly scheduled election, the hospital board may extend the term of a member for up to one year in order to coincide with the date of the regularly scheduled election.

Tom Bell, Kansas Hospital Association, also expressed support for the bill.

Senator Lee made a motion the Committee recommend **HB 2306** favorably for passage and the bill be placed on the consent calendar, seconded by Senator Papay. The motion carried.

Discussion on Sub SB 306 - Professional counselor credentialing changed from registration to licensure

The Committee was briefed on **Sub SB 306**. During Committee discussion staff noted certain items the Committee needs to consider if professional counselors registration is changed to a protected scope of practice. It was pointed out that since their scope of practice is so broad, a number of exemptions needed to be looked at otherwise people would be put out of business basically who are currently lawfully in practice and perform some of these counseling duties and functions. A list of 26 exempted professions and occupations from the Missouri statutes was distributed to the Committee. (Attachment 1) Staff noted that the Committee needs to be careful with language in the bill so that it does not include groups that are currently practicing as registered type practices. The bill in its current form could exclude alcoholism and drug abuse counselors, marriage and family counselors, and school counselors because they are not specifically exempted in the bill even though they are authorized to be registered by another law. Staff pointed out that the current law does exempt psychologists and others as noted in Section 12 of the bill, and that other exemptions need to be enumerated.

The Chair noted **Sub SB 306** needed further study before action can be taken on the bill.

The meeting was adjourned at 10:35 a.m.

The next meeting is scheduled for March 20, 1995.

Historical and Statutory Notes

1989 Legislation

The 1989 amendment substituted "337.540" for "337.545" in the introductory paragraph, modified

definitions of "Committee" and "Practice of professional counseling"; and inserted a definition of "Division".

337.505. License required—exempted professions and occupations

No person shall use the title of "professional counselor" or "counselor" or engage in the practice of professional counseling in this state unless he 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 he 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 under the provisions of sections 337.500 to 337.540, and if the person holds a license required for counselors in his 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 ministerial program;

(15) Drug abuse counselors certified by the department of mental health as meeting standards in rules promulgated under 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 his 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.

(Amended by L.1989, H.B. Nos. 738 & 720, § A.)

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