

FIRST REGULAR SESSION

HOUSE BILL NO. 866

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WELLS (Sponsor), TILLEY, DUGGER, FISCHER (107),
LeVOTA, JONES (117), COX, POLLOCK, SANDER AND McGHEE (Co-sponsors).

2025L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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

Section A. Sections 334.098 and 337.649, RSMo, are repealed and two new sections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

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

11 2. Upon written request of the physician subject to a complaint, prior to August 28, 1999,
12 by an individual incarcerated or under the care and control of the department of corrections **or**
13 **prior to August 28, 2009, by an individual who has been ordered to be taken into custody,**
14 **detained, or held under sections 632.480 to 632.513** that did not result in the board filing an
15 action pursuant to subsection 2 of section 334.100, the board and the division of professional
16 registration, shall in a timely fashion:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 17 (1) Destroy all documentation regarding the complaint;
- 18 (2) Notify any other licensing board in another state or any national registry regarding
19 the board's actions if they have been previously notified of the complaint; and
- 20 (3) Send a letter to the licensee that clearly states that the board found the complaint to
21 be unsubstantiated, that the board has taken the requested action, and notify the licensee of the
22 provisions of subsection 3 of this section.
- 23 3. Any person who has been the subject of an unsubstantiated complaint as provided in
24 subsection 1 or 2 of this section shall not be required to disclose the existence of such complaint
25 in subsequent applications or representations relating to their medical practice.

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

12 2. Upon written request of the social worker subject to a complaint, prior to August 28,
13 2007, by an individual incarcerated or under the care and control of the department of
14 corrections, **or prior to August 28, 2009, by an individual who has been ordered to be taken**
15 **into custody, detained, or held under sections 632.480 to 632.513** that did not result in the
16 board filing an action under and pursuant to subsection 2 of section 337.630 or subsection 2 of
17 section 337.680, the board and the division of professional registration shall in a timely fashion:

- 18 (1) Destroy all documentation regarding the complaint;
- 19 (2) Notify any other licensing board in another state or any national registry regarding
20 the board's actions if they have been previously notified of the complaint; and
- 21 (3) Send a letter to the licensee that clearly states that the board found the complaint to
22 be unsubstantiated, that the board has taken the requested action, and notify the licensee of the
23 provisions of subsection 3 of this section.

24 3. Any person who has been the subject of an unsubstantiated complaint as provided in
25 subsection 1 or 2 of this section shall not be required to disclose the existence of such complaint
26 in subsequent applications or representations relating to their social work professions.

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