

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 866**  
95TH GENERAL ASSEMBLY

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Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 15, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

2025L.03C

TERRY L. SPIELER, Secretary.

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**AN ACT**

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

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Section A. Sections 334.098 and 337.649, RSMo, are repealed and two new  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

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

13 2. Upon written request of the physician subject to a complaint, prior to  
14 August 28, 1999, by an individual incarcerated or under the care and control of  
15 the department of corrections **or prior to August 28, 2009, by an individual**  
16 **who has been ordered to be taken into custody, detained, or held under**  
17 **sections 632.480 to 632.513, RSMo,** that did not result in the board filing an

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 action pursuant to subsection 2 of section 334.100, the board and the division of  
19 professional registration, shall in a timely fashion:

20 (1) Destroy all documentation regarding the complaint;

21 (2) Notify any other licensing board in another state or any national  
22 registry regarding the board's actions if they have been previously notified of the  
23 complaint; and

24 (3) Send a letter to the licensee that clearly states that the board found  
25 the complaint to be unsubstantiated, that the board has taken the requested  
26 action, and notify the licensee of the provisions of subsection 3 of this section.

27 3. Any person who has been the subject of an unsubstantiated complaint  
28 as provided in subsection 1 or 2 of this section shall not be required to disclose  
29 the existence of such complaint in subsequent applications or representations  
30 relating to their medical practice.

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

16 2. Upon written request of the social worker subject to a complaint, prior  
17 to August 28, 2007, by an individual incarcerated or under the care and control  
18 of the department of corrections **or prior to August 28, 2009, by an**  
19 **individual who has been ordered to be taken into custody, detained, or**  
20 **held under sections 632.480 to 632.513, RSMo**, that did not result in the  
21 [board] **committee** filing an action under and pursuant to subsection 2 of section  
22 337.630 [or subsection 2 of section 337.680], the [board] **committee** and the  
23 division of professional registration shall in a timely fashion:

- 24           (1) Destroy all documentation regarding the complaint;
- 25           (2) Notify any other licensing board in another state or any national  
26 registry regarding the board's actions if they have been previously notified of the  
27 complaint; and
- 28           (3) Send a letter to the licensee that clearly states that the [board]  
29 **committee** found the complaint to be unsubstantiated, that the [board]  
30 **committee** has taken the requested action, and notify the licensee of the  
31 provisions of subsection 3 of this section.
- 32           3. Any person who has been the subject of an unsubstantiated complaint  
33 as provided in subsection 1 or 2 of this section shall not be required to disclose  
34 the existence of such complaint in subsequent applications or representations  
35 relating to their social work professions.

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