

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING MINUTES
November 13, 2023**

DRAFT MINUTES

- I. Call to Order and Roll Call.** The Board meeting was called to order by Board Chair Mary Jones at 10:00 a.m.

Board Members. Board members in attendance via Zoom were Mary Jones, David Anderson, Jill Flessing, Linda Heitzman-Powell, Donna Hoener-Queal, Jim Kilmartin, Jacqueline Lightcap, Richard Nobles, Andrea Perdomo-Morales, Cynthia Schendel, and David Stevens. Laura Shaughnessy was absent.

Staff. BSRB Staff in attendance via Zoom included David Fye, Leslie Allen, and Cindy D’Ercole. Legal counsel for the Board, Attorney Tim Resner, was present.

Guests. None

- II. Agenda Approval.** Jim Kilmartin moved to approve the agenda. Cynthia Schendel seconded. The motion passed.
- III. Minutes Approval:** Donna Hoener-Queal moved to approve the minutes from the Board meetings on September 11, 2023, and October 23, 2023. David Anderson seconded. The motion passed.
- IV. Executive Director's Report.** David Fye, Executive Director for the BSRB, reported on the following topics:

A. Operations. The BSRB created a YouTube channel in January of 2021 to broadcast Board and Advisory Committee meetings. Currently, 131 meetings have been broadcast or uploaded, which have been viewed with about 5,000 times. The Executive Director and Leslie Allen, Assistant Director and Licensing Manager for the BSRB, have continued speaking to college and university students about the licensing process, disciplinary process, and resources offered by the BSRB. On October 17, 2023, BSRB staff held an informational forum for educational institutions in Kansas that offer programs for the professions licensed by the BSRB. On October 18, 2023, BSRB Staff held an informational forum for mental health employers. At both forums, BSRB staff provided information on BSRB operations, growth in licensees, updates on changes in legislation over the past three session, answered general questions, and received feedback on possible changes the Board could consider in the future. Feedback from educators and employers was shared with the Board at the Board’s out-of-town planning meeting on October 23, 2023. The BSRB was able to replace chairs in the boardroom by utilizing the state contract with the Kansas Correctional Industries.

- B. Expenditure and Revenue.** Through the first four months of the fiscal year, the BSRB's revenue has totaled about \$338,000. Based on projections, revenue was estimated to total about \$1,000,000 by the end of the year. Current expenditures are about \$303,000, with yearly expenditures projected to total a little over \$1,000,000. The balance in the BSRB fee fund is about \$2,000,000.
- C. IT Updates.** Over the past two years, the BSRB has been transitioning staff members to new laptops, and all BSRB staff will have laptops by the end of the fiscal year.
- D. Staffing Updates.** The BSRB is fully staffed at 11.5 full-time equivalent employees. Several staff members are transitioning into new roles. There are plans to delegate new roles to existing staff members. BSRB staff are continuing to work on a project to eliminate paper files. Part of this process involves transferring records suitable to be archived to the State Historical Society. Once this accomplished, the agency plans to seek approval to store other records electronically.
- E. Legislative Updates.** The Executive Director summarized creation of new license types and other modifications to processes due to the passage of 2023 SB 131. The legislation established the fee caps, the BSRB worked to implement temporary regulations to begin issuing these new license types, then the agency followed up with permanent regulations. These permanent regulations will become effective on November 17, 2023. The BSRB has also submitted changes to regulations that are currently in the process of being reviewed by the Attorney General's office. Once these regulations are approved, the BSRB will be able to open a mandatory 60-day public comment time period, then the Board will be able to formally adopt these proposed changes, which will modernize educational requirements for licensure, especially for online programs.
- F. Association Updates.** The Association of Marriage and Family Therapy Regulatory Boards (AMFTRB) held an annual conference in Salt Lake City, Utah, on September 26 and 27, 2023. The Executive Director attended this conference with the Board Chair. One speaker advocated for additional support for universal licensure. Other speakers advocated for other license portability. Federal law changes, supervision requirements, protection of the public, and complaint increases were among other topics discussed. The Association of State and Provincial Psychology Boards (ASPPB) held an annual conference in Cleveland, Ohio, from September 28 to October 1, 2023. The Executive Director attended this conference with Board members Richard Nobles and Linda Heitzman-Powell. Main takeaways from this conference included discussions on advocacy for diversity, equity, and inclusion topics, continuing education modernization, as well as task forces formed to consider other issues. One task force is considering recommendations on standardizing master's level psychology requirements, though the current thoughts by the task force do not align with what Kansas requires. There was also a mock disciplinary hearing and discussion of whether states should adopt a grid for unprofessional conduct penalties. The Association of Social Work Boards (ASWB) also held an annual conference from November 2 to November 4, 2023. The Executive Director attended this conference with Board

member Andrea Perdomo-Morales. Several topics were discussed at this annual meeting, including advocacy on diversity, equity, inclusion, and justice, as well information on the social work licensing examination.

- G. Kansas Fights Addiction Grant Review Board (KFAGRB).** Jason Hess, the BSRB appointee to the KFAGRB, provided a written update on recent and upcoming meetings by letter to the Board.
- H. PSYPACT.** The Executive Director will attend the PSYPACT annual meeting on November 16-17, 2023.
- I. Professional Counseling Compact.** Kansas passed legislation to join this compact during the 2023 Legislative session. At this time, Compact Commission is establishing rules and this Compact is not fully operational. The Commission’s goal is to have the compact operation by the end of this year or sometime early in 2024.
- J. Social Work Multi-State Compact.** Missouri is the first state to have passed the social work multi-state Compact. It was noted that several other states have introduced legislation to consider the Compact as well. It is anticipated that legislation on the Compact will be introduced in Kansas during the 2024 Legislative session.
- V. Staff Reports.** The Executive Director reviewed historical information on licensing trends, which shows that the agency continues to see growth in overall licensees.
- VI. Complaint Review Committee (CRC) Report.** Cindy D’Ercole, Investigator for the BSRB, provided updates on the CRC.
- VII. Professions Reports**
 - A. Licensed Psychology.** The Advisory Committee met on October 10, 2023. During this meeting, there was a presentation by The Psychological Clinical Science Accreditation System (PCSAS). Several universities have joined this accreditation system and it was noted that several states have added PCSAS as a national accrediting body for the purpose of meeting educational requirements for licensure. The next Advisory Committee meeting will be held on December 12, 2023.
 - B. Social Work.** The Advisory Committee met on October 20, 2023. Advisory Committee members considered continuing education and supervision regulation changes. The Advisory Committee wants to send out a survey to Kansas social workers to see if they would have interest in the compact. Other topics discussed included workforce issues and student temporary licenses. The next Advisory Committee meeting will be held on December 5, 2023.
 - C. Professional Counseling.** At the last Advisory Committee meeting, there was discussion of potential supervision changes and unprofessional conduct regulatory changes. The Advisory Committee will meet again in December.

- D. Master's Level Psychology.** The Advisory Committee met on October 20, 2023. The Advisory Committee welcomed David Stevens, new public Board member. There was continued discussion on the possibility of recognizing APA accredited programs as satisfying the educational requirements for licensure. The Advisory Committee also discussed regulations regarding computerized psychological testing and unprofessional conduct. The Advisory Committee began discussing whether applicants should be able to take the EPPP early, if they have already passed at the total needed for a master's level license but would like to attempt to reach the total needed for clinical licensure, prior to completing 3,000 hours of post-graduate experience. The Advisory Committee will meet again on December 11, 2023.
- E. Marriage and Family Therapy.** The Executive Director provided annual training for Advisory Committee members and Board members. Members will discuss potential changes to unprofessional conduct regulations at the next Advisory Committee meeting on December 12, 2023.
- F. Addiction Counseling.** The Advisory Committee met on October 16, 2023. There was continued discussion of unprofessional conduct regulations and new language was proposed. The Advisory Committee also cleaned up language on documentation of continuing education. The Advisory Committee will meet December 14, 2023.
- G. Behavior Analyst.** The Advisory Committee met on October 13, 2023. The Advisory Committee welcomed four new Advisory Committee members and received training for new members. There are future plans for the Advisory Committee to clean up language in regulations regarding continuing education and documentation of continuing education. The next meeting will be on December 8, 2023.

VIII. Informational Presentation from CE Broker by Amanda Lipinski, Account Executive; Tom Gaudreau, Senior Vice President of Sales; Marcia Mann, Solutions Consultant; and Stephanie Veal, Account Executive. CE Broker provided a presentation about what their company and services that could be offered to licensees under the BSRB if the agency contracts with their company. Licensing boards in eight states currently work with CE Broker. Board Members asked questions about what information would be shared on current licensees and the security of their IT system. Board members also expressed support for an opt-in approach, where licensees had a choice to utilize CE Broker or continue the current method of providing documentation when selected for audit. The Executive Director will continue communication with CE Broker to review a possible services agreement and this agreement will be reviewed by legal counsel for the Board as well. The Executive Director will also contact the Office of Information Technology Services to see if the system used by CE Broker can be reviewed and approved from a security standpoint. A possible agreement with CE Broker will be further discussed at the next Board meeting.

10-Minute Break

IX. Old Business

A. Follow up Items from Board's Out-of-State Planning Meeting.

- i. **One Hour of Supervision for Every 15 Hours of Direct Client Contact for Individuals Pursuing a Clinical License.** Board members previously voted to modify language in regulations concerning an existing requirement of one hour of supervision for each 15 hours of direct client contact. The Assistant Director and Licensing Manager for the BSRB provided Board members with draft language for the change. This language has been removed and replaced with, "Each applicant shall participate in 100 hours of supervision." This change was made in the following regulations: K.A.R. 102-2-8 Item (5)(a), K.A.R. 102-2-12 Item (b)(1), K.A.R. 102-2-12 Item (c)(4), K.A.R. 102-3-7a Item (a), K.A.R. 102-4-7a Item (a), K.A.R. 102-5-7a Item (a), and K.A.R. 102-7-6 Item (b).
- ii. **Alternative to 45-Day Requirement for Changes to Approved Clinical Training Plans.** Board members previously voted to change regulatory language concerning a 45-day requirement for changes to approved clinical training plans. The Assistant Director and Licensing Manager provided draft language for review, including K.A.R. 102-2-8 Item (7), K.A.R. 102-3-7a Item (h), K.A.R. 102-4-7a Item (h), K.A.R. 102-5-7a Item (h), and K.A.R. 102-7-6 Item (j).
- iii. **Completion of Supervision Hours for Social Workers Seeking Clinical Licensure.** The Board previously voted to modify language in a social work regulation to remove the cap on the number of years social workers could work to complete supervision hours, which previously limited the time period for accrual to "not more than six years." Draft language was provided for review, removing this limit from K.A.R. 102-2-12 Item (c)(2). Other changes were made in this regulation to match changes in enacted 2024 Sub. for SB 131 to only require that LSCSW applicants have three hours of psychotherapy coursework. A previous reference to 15 hours in item (b)(1) was removed. Social work post-graduate supervised experience direct client contact was changed in statute, so "Including but not limited to" was added to Item (c)(2).
- iv. **Discussion on Supervision by Practitioners from Different Professions for Marriage and Family Therapy and Professional Counseling Professions.** The Marriage and Family Therapy and the Professional Counseling Advisory Committee will be discussing this topic at the upcoming Advisory Committee meetings, so further discussion by the Board will be moved to the January Board meeting.
- v. **Possible Change in Minimum Length of Supervised Practice Time Required to Obtain a Clinical License.** Over the past few years, legislative actions have lowered the number of post-graduate hours of professional experience from 4,000 hours to 3,000 hours, but there was not a change made to the minimum length of time it must take to complete these hours. The Board considered whether two years should be lowered to 18 months to keep proportionality. However, the Executive Director noted that

lowering the minimum time period below two years could negatively impact the Medicare eligibility for certain practitioners, as the definition for this type of licensee is defined as someone with not less than 2 years of post-graduated supervised experience. The Executive Director discussed this issue with representatives from the Kansas Department of Health and Environment and they advised caution in making a change until this issue was reviewed more fully. The Board did not vote to change the minimum length of time, but may revisit this topic in the future.

- vi. **Additional Items.** The Assistant Director and Licensing Manager noted that the social work and addiction counseling regulations are the only regulations stating that training plans require a job description, and a possible change to remove this language for uniformity with other professions was proposed to the Board.
- vii. **Approval of Language Changes to Above Regulations.** Jim Kilmartin moved to approve the proposed changes in language for all regulations. David Anderson seconded. The motion passed.

X. New Business

A. Consideration of Recommendations from Advisory Committees. The Executive Director noted that draft language has been completed for the social work multi-state compact. The Kansas chapter of the National Association of Social Workers (KS NASW) contacted the Executive Director and requested that the Board be supportive of the compact. Also, at the last Social Work Advisory Committee meeting, Advisory Committee members forwarded a recommendation to the Board that if legislation is introduced, that the Board be in favor of the Social Work Compact. Under this Compact, instead of licensees having a privilege to practice, it would allow for states to issue multi-state licenses. If legislation should pass, the cost of the multi-state license would have to be determined to make up for the lost revenue from licensees discontinuing their licenses from out of state. There are plans to send out a survey to social workers living in Kansas to get an estimation of how many individuals would be interested in this new type of license. It was noted that the Association of State and Provincial Psychology Boards (ASPPB) utilizes Certificates of Professional Qualifications (CPQs) in Psychology. CPQs provides a quick way of tracking and verifying that individuals have met certain requirements. There are 45 states that recognize or are in the process of recognizing CPQs. The Licensed Psychology Advisory Committee members forwarded a recommendation to the Board to begin recognizing the CPQ in Kansas. Board members are going to further research the Compact and CPQs and come back to the January Board meeting for more discussion.

B. Discussion on Background Checks for Licensees Under the BSRB. The Executive Director noted legislation was passed in 2016, authorizing the BSRB to begin requiring background checks for licensees, but there was not a further step to begin requiring these types of background checks. Several of the newly proposed multi-state compacts require background checks with fingerprints. The question is whether the Board should support requiring background checks with fingerprinting for all licensees, or only to

those individuals interested in practicing under multi-state compacts. The Executive Director will research this topic to find out costs of implementation. This topic will be discussed further at the January Board meeting.

- i. **Statutory Language in K.S.A. 74-7511.** This statute provides authority to the BSRB for background checks with fingerprints.
- ii. **PSYPACT Compact.** One of the requirements for individuals to be licensed under PSYPACT is that states must use background checks and fingerprinting, but Kansas has 10 years to implement it. During this time period, licensees in Kansas may practice under the compact.
- iii. **Professional Counseling Compact.** For Licensed Clinical Professional Counselors practicing under the compact, Kansas will need to have a background check requirement in place. There has not been a time established for when Kansas would need to have this requirement in place.
- iv. **Social Work Compact.** Background check procedures will need to be implemented for multi-state licenses, but not for single state licenses.

C. Discussion on Requirements for Student Temporary Addiction Counselor Licenses, Including Coursework in Other Related Fields. New licenses have been developed as a result of 2023 Senate Bill 131. To qualify for this type of licensure, applicants must have completed at least 60 hours at a higher education university with emphasis in addiction counseling or a related field, provide a signed attestation stating that they plan to complete the remaining education requirements within 24 months, and provide an education plan laying out steps to complete the required coursework to receive an addiction counselor license. There have been applicants whose coursework is more related to social work rather than addiction counseling, but this would qualify under a “related field.” However, some applicant sought to use the coursework to obtain a Licensed Bachelor Social Work (LBSW) license, then to use that license as the way to test for a Licensed Addiction Counselor (LAC) license. The Board was asked if this method matched the language in the statute. Board members expressed concern that students in fields other than addiction counseling may try to get this license with the intention of getting licensed in a profession other than addiction counseling. It was expressed that the intention of adding “related fields” into the language was because there are not many addiction counseling programs. Further discussion on this topic will take place at the next Board meeting.

D. Discussion on Educational Requirements for Licensure Including Standardized Admissions Criteria (Example: K.A.R. 102-3-3a(f)). Due to time constraints, this topic was moved to the next Board meeting.

E. Updates on Military Licensure Recognition Based on Recent Changes to Service Members Civil Relief Act and Portability of Professional Licenses for Service Members and Their Spouses. Due to time constraints, this topic was moved to the next Board meeting.

XI. Executive Session on Annual Executive Director Performance Evaluation. Jim Kilmartin made the following motion to enter executive session “*Pursuant to K.S.A. 75-4319, I move that the Board recess into executive session for 5 minutes and reconvene the open meeting at 1pm. The meeting will be reconvened remotely by conference call at 1-877-278-8686, PIN 327072, and by Zoom as directed in the notice of meeting that was sent to individuals who requested notice and is published on the Board’s website: ksbsrb.kansas.gov. The justification for closure is to discuss personnel matters of non-elected personnel. The Board’s legal counsel, Tim Resner is to be included in the executive session. The subject to be discussed in the executive session is annual performance evaluation for the Executive Director.*”

Cynthia Schendel seconded. The motion passed.

Following the conclusion of the executive session, the Board reconvened the meeting. The Chair of the Board stated that the Board will be conducting an annual performance review for the Executive Director, which will take place following the January Board meeting.

XII. Meeting Dates. Due to a conflict with the annual conference for the American Association for State Counseling Boards (AASCB), the next Board meeting will be moved to Friday, January 12, 2024. Also, the Executive Director noted that the next closed meeting of the Board under the Kansas Administrative Procedures Act (KAPA) would be moved to Tuesday, December 19, 2023.

XIII. Adjournment. Jim Kilmartin moved to adjourn the meeting. Cynthia Schendel seconded. The motion passed.