

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING MINUTES
February 12, 2024**

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, Laura Shaughnessy, and David Stevens.

Staff. BSRB Staff in attendance via Zoom included David Fye. Legal counsel for the Board, Attorney Tim Resner, was present.

Guests. None

- II. Agenda Approval.** Laura Shaughnessy moved to approve the agenda. David Stevens seconded. The motion passed.

III. New Business

A. Discussion on Legislative Budget Committee Recommendations

David Fye, Executive Director of the BSRB, explained that the special Board meeting was necessary to review a recommendation by the House Higher Education Budget Committee and to provide a response that could be summarized in a report back to the Budget Committee. When the House Budget Committee was reviewing the Governor's recommendation for the BSRB's budget, the House Budget Committee concurred with the Governor's recommendation for both FY 2024 and FY 2025, but added a notation to each of the Budget Committee's reports encouraging the BSRB to consider utilizing their ending balance to reduce licensure fees and report their plan back to the House Higher Education Budget Committee by February 29, 2024. The Senate Committee that reviewed the BSRB's budget concurred with the Governor's recommendation on expenditures for FY 2024 and FY 2025, and did not add a similar notation concerning the ending balance in the BSRB Fee Fund.

The Executive Director provided background information on the BSRB's revenue and expenditures, noting the agency is a small fee-funded agency, so it does not receive funding from the State General Fund, but by statute, the BSRB contributes 10% of its revenue back to the State General Fund to help fund State operations.

The Executive Director provided Board members with documents showing a history from 2016 through 2024 of the main fees that the BSRB charges, including: (1) application fees, (2) original license fees, and (3) license renewal fees. It was noted that

between 2016 and 2019, the balance in the BSRB Fee Fund increased each year. In 2019, in an effort to halt the growth in the BSRB Fee Fund and to draw down the balance in the BSRB Fee Fund, the Board implemented significant decreases to application fees and license renew fees. Application fees for all levels of permanent licenses were reduced by \$50 each and license renewal fees for all levels of permanent licenses (except assistant behavior analysts and behavior analysts) were decreased by \$50, beginning in 2020.

The Executive Director noted that some members of the House Budget Committee had made comments that fees for the BSRB were too high compared to other states. Following the recommendation by the Advisory Committee, the Executive Director asked clerical and licensing staff members to reprioritize their work assignments to attempt to collect information on fees for all levels of licensing for the seven professions regulated by the BSRB. Unfortunately, this task was very difficult and it was challenging to verify whether certain fees were current. To ensure there were not delays in licensing applicants, staff members were asked to return to their normal responsibilities, but if more time was allowed, the agency believes it would be very beneficial for the Board to be able to compare fees charged by the BSRB to fees in other states. The Executive Director noted that he believed he was able to collect information on fees for the licensed psychology profession, and it was noted that for “Entry Fees” (including application plus original license fees), Kansas had the 18th lowest fees out of all 50 states. For license renewal fees, Kansas had the 5th lowest fees out of all 50 states.

Since this time, the BSRB has been operating at a deficit by design, bringing in less yearly revenue than yearly expenditures. However, the impact of the fee decreases was not easy to see right away, in part due to the COVID-19 pandemic, which began in 2020. Due to the pandemic, the agency experienced unusual and temporary savings, as the agency was unable to travel to meet with groups of students, annual meetings for associations were cancelled, and Board and Advisory Committee meetings did not occur in person, so mileage reimbursements were not needed. Also, certain costs, such as replacement of Board room furniture, could be delayed as the agency was unable to meet in person. As operations have returned to normal in the years following the pandemic, expenditures have returned to pre-pandemic levels, and the agency has seen inflationary costs in other areas. Since reaching a high of \$2.3 million at the end of FY 2019, the Executive Director noted that the balance in the BSRB Fee Fund has decreased and was estimated to be close to \$1.9 million as of the date of the Board meeting. The balance in the BSRB Fee Fund is expected to decrease further at the end of FY 2024 and at the end of FY 2025.

Also, the Board implemented fee decreases to temporary license fees for several professions in 2023, so that the cost of a temporary license fee for each profession was \$50. Additionally, with the passage of 2023, the BSRB gained many new responsibilities and received authority to hire two additional licensing specialist positions. At that time, the Board elected to absorb the cost of these two new staff

members without considering raising fees, in a further effort to draw down the balance in the BSRB Fee Fund.

The Executive Director noted the problem with lowering fees further while already operating at a deficit is that the Board will have to revisit and raise fees in a shorter period of time. The agency recently joined several multi-state compacts and another compact is being considered by the 2023 Legislature. At this time, it is difficult to know the full impact on loss of revenue, as more alternatives or replacements for out-of-state licensure are put in place. The Executive Director noted that sometime in July, the BSRB would have more detailed information on the loss of Psychologists due to the PSYPACT compact. It was also noted that if the social work compact legislation is passed, the agency should have better information at that time, whether it will be able to mitigate the anticipated loss of revenue from losing nearly 1,800 social workers who currently live out of state, but choose to be licensed by the Kansas BSRB.

Noting that the behavior analysis profession was the only profession that did not receive a decrease to license renewal fees in 2019 and highlighting the desire of the House Budget Committee for additional fees to be lowered, Linda Heitzman-Powell proposed decreasing license renewal fees for assistant behavior analysts and behavior analysts by \$50 each. Cynthia Schendel moved implement this proposal. Laura Shaughnessy seconded. The motion passed.

Board Chair, Mary Jones, emphasized the importance of taking the time to investigate all areas of expenditures before making permanent, long-lasting decisions. Laura Shaughnessy moved for the Executive Director to report back to the Budget Committee that the Board understands their concerns about fees but wishes to collect more information on fees in other states, as well as evaluating operations and licensing time frames. The Board also wants to collect more information on the possible impact of multi-state compacts. The Board's goal is to have more information prior to the agency submitting its revised budget request in September 2024. Jim Kilmartin seconded. The motion passed.

- IV. Adjournment.** Richard Nobles moved to adjourn the meeting. Jim Kilmartin seconded. The motion passed.