

Kansas Administrative Regulations Economic Impact Statement (EIS)

Behavioral Sciences Regulatory Board (102)
Agency

David Fye
Agency Contact

785-296-3207
Contact Phone Number

K.A.R. 102-2-6, K.A.R. 102-3-3a, K.A.R. 102-4-3a, K.A.R. 102-5-3, K.A.R. 102-5-7b, K.A.R. 102-5-10,
K.A.R. 102-7-3, K.A.R. 102-7-4, K.A.R. 102-7-5, K.A.R. 102-7-7, K.A.R. 102-7-8

Permanent Temporary

K.A.R. Number(s)

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

DOB APPROVAL STAMP (If Required)

Section I

Brief description of the proposed rule(s) and regulation(s).

These proposed changes to regulations primarily involve updating and modernizing alternate educational requirements for licensure for license applicants who attended non-accredited schools.

Currently, applicants from non-accredited programs must attain part of their coursework “in residence,” and the definition includes being physically present at the educational institution. These changes allow the “in residence” requirement to be satisfied either in person or by synchronous video conferencing for the social work, professional counseling, marriage and family therapy, and addiction counseling professions.

For professional counseling license applicants from non-accredited programs, the alternate educational requirements require an applicant to have attended a program chaired or directed by a person with a doctoral degree in professional counseling. This new language expands the list of eligible doctoral degrees for the chair or director to also include “related fields.”

For marriage and family license applicants, the current language requires applicants to have received half of their coursework “in residence,” regardless of whether they attended an accredited program. The new language clarifies that this is only required from applicants from non-accredited programs. Other language is changed to clarify that individuals seeking to become a board-approved supervisor must attain 8 hours of supervision of supervision, and that they are able to count these hours towards the required number of continuing education hours during their license period. Other language clarifies who licensees can meet the requirements of attaining hours in diagnosis and treatment for continuing education credit.

For master’s level psychology license applicants, the distinction between “core faculty” and other faculty was removed to allow greater flexibility for students meeting the “in residence” requirement in front of faculty and provides greater flexibility to programs in meeting the requirement of no more than 15 students per faculty member.

For addiction counseling license applicants, new language identifies the National Addiction Studies Accreditation Commission as a national accrediting body for the addiction counseling profession. Applicants who received their education from a program accredited by this body would no longer need to meet the alternate educational requirements in regulation for their program and coursework to satisfy the educational requirement for licensure. For applicants from non-accredited programs, terminology for certain coursework has been adjusted to more broadly allow applicants from different programs to satisfy these requirements. Other changes to regulations for this profession have been added, including regulatory clean-up by matching certain references to recently changed statutes, including that temporary licenses now last 24 months, rather than 12 months; changing previous language that required individuals in a practicum to be supervised by a clinical practitioner to now be supervised by a licensee with a license at least at the level being sought; adding clarifying language for master’s level addiction counseling licensees concerning passing a standardized national examination approved by the Board, reinstatement of a license, and the audit process of continuing education hours.

DOB APPROVAL STAMP (If Required)

Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

These adjustments to regulations do not involve federal law, a state licensure is largely a state function. While there is variation in requirements for licensure in each state, these changes to these regulations make Kansas more in-line with requirements in other states.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

These regulatory changes are intended to lessen the group of applicants that currently do not meet the requirements for licensure. The changes also may motivate individuals from other states that previously did not apply for licensure to consider applying for licensure in Kansas. As more individuals would qualify for licensure, this would provide a higher number of mental health practitioners into the workforce.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

No significant implementation costs are anticipated. The agency will absorb the cost to publicize the changes and staff time will be used to make changes to the BSRB website and alter current forms. While the number of licensees is anticipated to increase, it is not estimated that this increase will create a significant fiscal impact on BSRB operations, either through costs or revenue.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

The businesses that would be affected include businesses that employ mental health professionals who are licensed by the BSRB. These changes will help more mental health professionals enter the workforce.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The benefits of modernizing and updating educational requirements for licensure to assist with workforce outweighs the costs of holding the public hearing on the proposed changes, printing the proposed rule changes in the Kansas Register, and updating the BSRB website and forms for licensure.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

The BSRB has discussed the proposed rule and regulation changes at several agency meetings.

DOB APPROVAL STAMP (If Required)

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.
Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0
Costs to Local Governmental Units – \$0
Costs to Members of the Public – \$1,600
Total Annual Costs – \$1,600
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

Currently, the BSRB denies approximately 15 applicants for licensure each year. Under these changes, it is estimated that 8 of these individuals would meet the qualifications for licensure. Including original license costs, it is estimated this would increase BSRB revenue by approximately \$1,600 per year. However, by statute, 10% of all revenue goes to the State General Fund, so the BSRB Fee Fund balance would increase by \$1,440 and the State General Fund contribution would increase by \$160. It is anticipated that new applicants would apply for licensure after the changes were advertised, but the number of new applicants that would be motivated to apply for this reason cannot be estimated, so revenue relating to new potential applicants cannot be estimated.

- Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- No
- Not Applicable

If applicable, [click here to enter public hearing information.](#)

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Given the timeframe for implementation, it is anticipated there will be no significant impact on revenues to the BSRB Fee Fund or the State General Fund in FY 2024. However, it is anticipated that these changes will be implemented for the start of FY 2025, so the increase to the BSRB Fee Fund is estimated to be \$1,440 in FY 2025 and the increase to the State General Fund is estimated to be \$160 in FY 2025.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

DOB APPROVAL STAMP (If Required)

Concerning the long-range economic impact, it is anticipated that there will be an increase in the number of individuals entering the workforce, which will lead to an increase in taxable revenue and will allow certain employers of mental health services to hire these individuals and bill for additional reimbursements. However, the BSRB is unable to estimate totals related to this future long-range economic impact.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

N/A

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

The Board solicited information from universities and other schools on a possible adjustment to the “in residence” requirement, all items were discussed at Board meetings, Advisory Committee meetings, and some of these proposed changes were referenced in legislative committee meetings during the 2023 legislative session.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
 No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

[Click here to enter agency response.](#)

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

[Click here to enter agency response.](#)

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

[Click here to enter agency response.](#)

DOB APPROVAL STAMP (If Required)

D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

DOB APPROVAL STAMP (If Required)

Kansas Administrative Regulations
Economic Impact Statement
Public Hearing Certification
(To be completed after the public hearing)

Agency: [Click here to start typing](#)

Agency Contact: [Click here to start typing](#)

Phone Number or Email: [Click here to start typing](#)

K.A.R. Number(s): [Click here to start typing](#)

Public Hearing Date: [Select date](#)

Public Hearing Time: [Click here to start typing](#)

Public Hearing Location: [Click here to start typing](#)

Public Hearing Attendance: [Click here to start typing](#)

DOB APPROVAL STAMP (If Required)