

BSRB Board Meeting

11/9/15

9:00 a.m.

Called to order at 9:00 a.m.

Members Present: Barbara Callahan, Jill Craven, Grant Edwards, Todd Frye, Kathy Herzog, Terry Pfannenstiel, Cheryl Reynolds, Larry Salmans, and Carolyn Szafran.

Guests Present: Kansas State Senator Mary Pilcher-Cook, Sky Westerlund - KNASW

Staff Present: Max Foster, Leslie Allen, Cindy D'Ercole, Marilyn Revell

I. Approval of Agenda

Item: Agenda Approval

Action: Grant added an executive session to discuss personnel issues to the agenda.

II. Approval of Minutes

Item: Approval of the minutes from the September 27th and 28th Board Meeting held at Rock Springs Ranch, Junction City, Kansas.

Action: Cheryl moved to approve the minutes as submitted. Terry seconded the motion. The motion carried.

III. Approval of Newly Issued Licenses

Item: Approval of newly issued licenses from 7-4-2015 through 10-31-2015.

Action: Cheryl moved to approve the list of licensees as published, Terry seconded the motion. The motion carried.

IV. Public Comments

Sky Westerlund announced that she was glad to be talking with the legislative subcommittee today about Senate Bill 254.

Board member Larry Salmans recognized the presence of Senator Mary Pilcher-Cook and asked her if she had any questions of the Board. The Senator thanked the Board members for their time, treasure and talent in protecting the most vulnerable of Kansas' citizens.

V. Staff Reports – Max Foster

- Max discussed the ASWB Annual Meeting he attended Nov 5-7, 2015 in Ft. Lauderdale, FL. New exam in 2018. Administrators' forum was held prior to meeting.

- Met with the legislative research fiscal analyst following the September Board Meeting.
- Contacted the Director of Appointments about the BSRB Board Member to represent the Addiction Counselors. Interviews are still being held, so no appointment has been made yet.
- Max and Cindy gave a presentation to Kansas Department of Children and Families (DCF) on October 16, 2015.
- Future Speaking Engagements schedule for BSRB Staff include:
 - a. 11-16-2015 – presentation to Wichita State University Social Work students
 - b. 12-16-15 – presentation to Avila University Professional Counseling and Masters Level Psychology students
- Small Agency Executive Directors Meeting
 - a. Scheduled for 11/12/15
 - b. Met the new acting Secretary of Administration – Sara Shipman
 - c. New Chief of Information Technology Officer (CITO)
- University Round table discussions were very well attended this year. Eleven universities were represented and 23 people attended in person over the two days and 5 board members attended the first day and 4 came the second day to participate in the discussions

VI. Complaint Review Committee Report – Terry Pfannenstiel - CRC met on the 12th of October, 2015

- 22 cases were reviewed
- 8 cases were dismissed
- 2 CAOs were issued
- Diversion agreements can now be used for brief lapses of licenses
- 1 6-month suspension was issued
- 1 formal censure for a state employee was issued
- 2 cases were deferred to ask for more information
- 1 licensee was invited back to meet with the committee
- 1 case was a Missouri case and was referred to the Missouri Board

VII. Professions Reports

- A. Psychology** – Barbara Callahan – Meeting was held on October 20, 2015. Ric Steele and Monica Kurylo have joined the LP advisory committee; these members will ask their university students to look at the psychology profession brochures. The next meeting is scheduled for February 9, 2016.
- Grant attended the ASPPB meeting last month in Tempe, AZ. The ASPPB is considering changes to the EPPP test only to assess competency. In addition to the current EPPP exam, some states currently have jurisprudence exams in place. The content and practice part of the exam may be an oral exam.

- Grant brought up the fact that BSRB licensees that are serving in the U.S. military are exempt from any state board disciplinary actions. The military deals with its own disciplinary issues in the military courts.
 - Grant also brought up an issue that some states are facing concerning a “conscience clause” where a licensee could be allowed to refuse to be involved in a client’s treatment based on the religious beliefs of the licensee.
 - Linda Weitzman-Powell is interested in being on the LP advisory committee. She is currently on the BA advisory committee. Grant believes that her expertise is very much needed on the BA advisory committee. Grant will ask Linda which committee she prefers to be on as the Board suggested that only Board members should be on more than one committee.
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- B. Social Work** – Carolyn Szafran and Marcia Simoneau – committee met October 7, 2015. The committee distributed the LSCSW supervisor training survey to the clinical social workers and will report the responses in the next advisory meeting. 1700 surveys were sent out and 500 licensees responded to the survey. The advisory committee also revised the application for the clinical training plan. The next meeting is scheduled for November 18, 2015.
- C. Professional Counselors** – Todd Frye reported that a phone conference meeting was held on October 19, 2015. Committee is working on getting support of SB 254. The committee is reviewing the coursework of Capella University – the first online CACREP accredited university. Committee discussed how the clinical practicum/internship and face-to-face supervision is accomplished on-site. The next meeting is scheduled for December 7, 2015.
- D. Masters Level Psychologists** – Larry Salmans – Phone conference meeting was held on October 28th at 3:05 p.m. Max shared the current status of SB254 with the committee. The part of that bill that concerns master level psychologist has to do with “independent practice” vs “under the direction of”. The board has asked the AG office for advice on this issue. This will be discussed in “Old Business” on the agenda. No future meeting set at this time.
- E. Marriage and Family Therapy** – Terry Pfannenstiel reported that the committee went over the supervision training requirements submitted by the ad hoc committee. KAMFT would like to be involved in providing the supervision training in the future. The LLC statute of the Secretary of State’s office was also discussed as being available only for clinical licensees. The only role that BSRB currently plays in the LLC process is approving the name and issuing a “certificate of corporation”. We need to replace Wes Jones on the advisory committee. Leslie will send out an email

to all licensed MFTs to see if there is interest in the position. The next MFT meeting is scheduled for December 9, 2015.

F. Addiction Counseling – Cheryl Reynolds reported that the committee met by phone at 10 a.m. on Friday, October 20th, under a KAPA executive session only to discuss one application.

G. Behavioral Analysts – Grant Edwards deferred to Max Foster for this report. The BSRB is charged with coming up with rules and regulations and there are many gaps in the current statute. The next meeting is set for November 12, 2015. Max and Leslie recently met with Representative Ruben and Mike Wasmer from the BA committee in Kansas City on Thursday, October 29th. Representative Ruben asked the BA Advisory committee to address the gaps and come up with trailer legislation to fill some of those gaps. Leslie will write up some suggestions that parallel the language in other BSRB profession practice acts.

Item: Cheryl asked that we add an agenda item to authorize Max and Leslie to move forward with the language suggestions for Representative Ruben to present trailer legislation.

Action: Cheryl moved for the Board to authorize staff members to move forward with language suggestions for possible trailer legislation. Kathy Herzog seconded the motion. Motion passed.

Senator Pilcher-Cook suggested a list of recommendations for the legislature on this statute: 1. to repeal the statutes 2. To move out the date to enact the statutes or 3. To change the statutes.

VIII. Sub-Committee Reports

- A. Document and Policy Review Subcommittee – Cheryl - has not met recently. The subcommittee will schedule a meeting today and put it on the calendar.
- B. Legislative subcommittee – Meeting scheduled today immediately following the Board meeting to discuss SB254 with Proponents and Opponents of the bill. Subcommittee will meet as needed in the future.
- C. Retired/Inactive license subcommittee – Kathy Herzog - has not met recently. Max and Leslie were going to look at possibilities for this.

IX. New Business

- A. Grant appointed David Anderson to the LMLP Advisory Committee.
- B. Grant will talk with Dr. Linda Weitzman-Powell about her Advisory Committee preference (Licensed Psychologist or Behavioral Analyst).

X. Old Business

- A. The LLC Statute being reviewed by the AG's office is still under review.
- B. Masters Level Psychology possible statute language change was presented to the Board for review. Nothing of substance was changed.

Item: the proposed statute language change for the LMLPs would make the language consistent with the other professions governed by BSRB.
Action: Cheryl moved to approve the language changes as submitted by staff in statutes 74-5362 and 74-5361. Kathy Herzog seconded the motion. Motion passed.

XI. Applications – KOMA proceeding for LP applicant

A. **Item:** Genevieve Maliszewski – was recommended by the LP advisory committee for a non-disciplinary CAO as part of her temporary license as a psychologist because the applicant was “lacking in clinical skills and knowledge by pre-doc supervisors” for the full temporary LP license. Kathy Herzog suggested an addition that no interim reassurances are needed if there are no issues or concerns raised with her post-doc training.
Action: Cheryl moved to approve the temporary licensure with the non-disciplinary CAO attached as modified by Kathy. Kathy Herzog seconded the motion. Motion carried.

B. 10:30 a.m. - Grant called for a 10 minute recess for a break and for the board members to get a preview of the new BSRB website at a staff member’s desk.

C. 10:45 a.m. – Grant reconvened the meeting. Item: Board needs to discuss personnel issues. Action: Cheryl moved to adjourn to executive session for 15 minutes to discuss personnel issues. Grant asked that the Board invite Max to the Executive Session. Jan pointed out that the reason for the executive session is to protect the privacy of the person being discussed. Cheryl accepted both suggestions as friendly amendments to her motion. Kathy Herzog seconded the motion. Motion carried

10:45 a.m. – Grant adjourned the meeting to executive session for 15 minutes.

11:00 a.m. – Grant reconvened the meeting. Action: Cheryl moved to extend the executive session. Kathy Herzog seconded the motion. Motion carried.

11:10 a.m. – Grant asked Jan Arndt to rejoin the meeting. The meeting continued in executive session.

D. 11:22 a.m. Open meeting reconvened in the board room.

Item: Based on the formal evaluation by the BSRB Board, it was recommended that Max Foster, Executive Director, be awarded a 10% salary increase.

Action: Cheryl moved increase Max Foster’s salary by 10%. Kathy Herzog seconded the motion. Motion passed.

Action: Cheryl moved to have the board instruct the Executive Director to complete evaluations for all staff members before the next Board meeting. Jill seconded the motion. Motion passed.

Action: Cheryl moved to direct the Executive Director to make the Special Investigator's position and unclassified position. Kathy Herzog seconded the motion. Motion passed

XII. Adjournment

Action: Cheryl moved to adjourn the meeting. Jill seconded the motion. Motion passed. Meeting adjourned by Grant at 11:25 a.m.