

June 30, 2023

Announcement of Enactment of 2023 Sub. for SB 131

On behalf of the Behavioral Sciences Regulatory Board (BSRB), I am proud to announce the enactment of 2023 Sub. for SB 131 (SB 131). This landmark bill includes many helpful statutory changes affecting current licensees and aspiring licensees while maintaining essential protection of the public. I have included a short summary of the changes in the bill, which affect individuals under the jurisdiction of the BSRB. (*Note*: SB 131 also includes the previous contents for two other bills concerning the Board of Healing Arts and the Board of Pharmacy, however this message will focus on items relevant to the BSRB.) For a more detailed description of the changes in law, it is recommended that you review the actual bill text from SB 131. **The provisions in this bill are effective as of July 1, 2023, unless otherwise noted.**

Items with an Implementation of July 1, 2023

New Traditional Temporary Licenses Last Up to Two Years

Beginning on July 1, 2023, traditional Temporary Licenses for the professions of social work, marriage and family therapy, professional counseling, and addiction counseling will last up to two years, rather than the current one-year time frame. (*Note*: for the professions of licensed psychology and master's level psychology, traditional Temporary Licenses were already issued to last up to two years, which was unchanged in the bill.) **Under this change in law, the BSRB cannot add an additional year to temporary licenses which have already been issued.** This change only applies to Temporary Licenses issued on or after July 1, 2023. We hope that every applicant passes their license examination on the first attempt and will not need a second year for their temporary license. However, we understand that unexpected and extreme events occur at times that may impact an applicant's ability to become permanently licensed during the current one-year temporary licenses previously issued, so the BSRB will continue to allow holders of temporary licenses to request an extension of up to 6-months upon a showing of extenuating circumstances.

Change to Reciprocity Statutes for Most Professions

Beginning on July 1, 2023, the standard reciprocity statutes for the professions of social work, marriage and family therapy, professional counseling, addiction counseling, licensed psychology, and master's level psychology will be modified. In the reciprocity statutes, there are two methods for reciprocity. One method of obtaining licensure by reciprocity involves holding an out-of-state license from a jurisdiction with substantially equivalent license requirements. The second method requires an applicant to have been licensed and practicing in another jurisdiction 48 of the previous 54 months. On July 1, 2023, the second method is modified to require 12 months of licensure under a similar scope of practice to the Kansas license requirements, in the jurisdiction that the applicant is currently licensed. Applicants must meet other requirements in statute to qualify for reciprocity.

Create Method to Request Additional Time to Complete Continuing Education Hours

All licensees under the BSRB are required by law to complete necessary continuing education hours **PRIOR** to renewing their professional licenses. After July 1, 2023, a licensee who is unable to complete the required continuing education hours for license renewal may request up to 3 months of additional time to complete any remaining continuing education hours. Such requests must be made to the Board no later than 30 calendar days prior to the expiration of the license and must include:

- (1) The reason for requesting additional time, showing extenuating circumstances for why the hours could not be completed during the license period; and
- (2) A plan outlining the manner in which the licensee intends to complete the remaining continuing education hours.

Note: The definition of “*Extenuating circumstances*” means “*any condition or situation caused by events beyond an individual's control that is sufficiently extreme in nature to result in the:*

- (1) Individual's inability to comply with requirements; or*
- (2) inadvisability of requiring the individual to comply with requirements.”*

While the BSRB encourages all licensees to make timely arrangements to complete all continuing education hours prior to the expiration of their licenses, the agency understand that some extreme events beyond an individuals’ control may occur from time to time and views this new flexibility as a helpful way to enable current licensees to maintain their existing licenses more effectively.

Modification in Disciplinary Remedies for Behavior Analyst Licensees or Applicants

Beginning on July 1, 2023, the disciplinary remedies for the behavior analyst profession will more closely match the disciplinary remedies of the other professions regulated by the BSRB. Currently, the statutes permit the BSRB to deny, suspend, or revoke a license for specific reasons identified in statute. However, as of July 1, 2023, K.S.A. 65-7504 will be modified to also include the authority to issue a fine, condition or limit a license, publicly censure a license, or impose a fine not to exceed \$1,000 per violation.

Modification to License Requirement for New Licensed Psychologist Applicants

Per K.S.A. 74-5310(a)(2), one of the requirements to become licensed as a licensed psychologist is for applicants to submit evidence verified by oath and satisfactory to the Board that such applicants are of “*good moral character.*” As of July 1, 2023, the requirement of demonstrating “*good moral character*” will be replaced by a standard that the applicant “*merits the public trust,*” which is a standard more consistent with the license standards for other professions regulated by the BSRB, as well as license standards in other states. This change will not require any changes by current licensees. A definition of the term “*merit the public trust*” has also been added to the definitions for the professions under K.S.A. 74-7501.

Modification to License Requirements for Licensed Specialist Clinical Social Workers

Beginning on July 1, 2023, due to legislative changes enacted in SB 131, the requirements to become licensed as a Licensed Specialist Clinical Social Worker (LSCSW) have been changed. Changes to K.S.A. 65-6306 include reducing from 15 credit hours to 3 credit hours, the required credit hours supporting diagnosis or treatment of mental disorders with use of the American Psychiatric Association’s Diagnostic and Statistics Manual, to solely include the identifiable study of psychopathology. Further, language has been changed in statute concerning the graduate level supervised clinical practicum of supervised professional experience, so that it must include, but be not limited to, psychotherapy and assessment, integrating diagnosis or diagnostic impressions and treatment of mental disorders with the use of the American Psychiatric Association's diagnostic and statistical manual or additional postgraduate supervised experience as determined by the Board. Also, language has been changed in statute so that of the two years of postgraduate supervised professional experience, in accordance with a clinical supervision plan approved by the board of not less than 3,000 hours of supervised professional experience including at least 1,500 hours of direct client contact, will include, but be not limited to, conducting psychotherapy and assessments with individuals, couples, families or groups integrating diagnosis or diagnostic impressions and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual. *Note:* The above changes also apply to individuals who are accruing hours under an approved training plan. A training plan amendment noting these changes is not required. These changes will be reflected on approved training plans moving forward.

Decrease Fee to Reinstate a License

Currently, for individuals seeking to reinstate an expired license, for most professions, payment of both a license renewal fee as well as a license reinstatement fee is required. The BSRB was motivated to address workforce shortages and assist individuals who were previously licensed to re-enter the professions regulated by the BSRB. Beginning on July 1, 2023, individuals who have previously held a license under the BSRB, whose license has been expired for at least a year, will be able to reinstate their license by solely paying the license renewal fee. This change does not affect licenses that have been expired for under one year.

Other Minor Changes

SB 131 includes other minor changes clarifying certain processes and procedures, standardizing statutory language between professions, and resolving inconsistencies between the statutes and regulations.

Items with a Future Implementation Date

While SB 131 allows the BSRB to make immediate changes to certain processes and procedures, other changes will need to be announced later, as the agency gains authority to act on those items. SB 131 provides statutory authority for the BSRB to create several new license types, however one of the requirements to issue those licenses includes the authority to charge a fee. To obtain that authority, those fees must be set in regulation. The BSRB has submitted the appropriate fee regulations for review by certain governmental agencies and other bodies and those proposed regulations are currently working their way through the appropriate processes. More announcements will be forthcoming over the next few months as the agency receives authority to issue those new license types or take further action in other areas. Below, we have included a short summary of future items corresponding to SB 131. For a more detailed description of the changes in law, it is recommended that you review the actual bill text from SB 131.

Creation of a New Student Temporary Addiction Counselor License

SB 131 authorizes the BSRB to create and issue a Student Temporary Addiction Counselor License. The new license type would be available to applicants who intend to pursue licensure as an addiction counselor who have already completed 60 credit hours from an institution of higher education, with an emphasis in addiction counseling or a related field, who have a plan to complete their education requirements towards a license within 48 months, have worked out an education plan with their education institution, and have made appropriate arrangements with a statutorily defined prospective employer, and have met other requirements in statute. Authority to issue the fee for these new license types is pending and the agency hopes to be able to issue these new licenses once that authority has been set in regulation. For more information on this item, please see new changes to K.S.A. 65-6611 in SB 131, Section 23, (g) through (h).

Creation of New Temporary Candidacy Bachelors and Master's Social Work Licenses

SB 131 authorizes the BSRB to create and issue new a Temporary Candidacy Bachelor's Social Work License and a Temporary Candidacy Master's Social Work License. These new license types would be available to applicants who received their education from programs that were in "Candidacy" for accreditation from the Council on Social Work Education (CSWE). Currently, applicants who received their education from programs that are in "Candidacy" for accreditation must have their program evaluated to determine whether it meets alternate requirements for licensure. After July 1, 2023, applicants who received their education from programs that are in "Candidacy" for accreditation from CSWE will be approved to take the appropriate social work license examination (as if their program was fully accredited by CSWE). If they pass the license examination and are otherwise eligible for licensure, then the BSRB would be able to issue the new Temporary Candidacy Bachelor's Social Work license or the new Temporary Candidacy Master's Social Work license, while their program remains in "Candidacy" for accreditation.

Once their program is accredited, they will be able to have their Temporary Candidacy license converted to a permanent license. Authority to issue the fee for these new license types is pending and the agency hopes to be able to issue these new licenses once that authority has been set in regulation. For more information on this item, please new changes to K.S.A. 65-6306 in SB 131 Section 10.

Creation of New 6-Month Reinstatement Temporary Licenses

Currently, if an individual wishes to reinstate a license that is expired, that person must pay the appropriate fee and provide sufficient information that they had obtained all continuing education hours for one license period within the 24 months prior to reinstating their license. SB 131 authorizes the BSRB to create and issue a new 6-month Reinstatement Temporary License for individuals who seek to reinstate their permanent license, but have not completed all of the continuing education hours for their permanent license to be reinstated. Under this new special license, an individual would be able to work for up to 6 months under this special temporary license, while completing the remaining continuing education hours for their permanent license to be reinstated. After those hours were completed, the individual would provide evidence sufficient to the BSRB that the hours had been completed, then they could pay the appropriate fee and request their permanent license be reinstated. Authority to issue the fee for this new license type is pending and the agency hopes to be able to issue this new license type once that authority has been set in regulation. Information on this item is included in several sections of SB 131.

Creation of Community-Based Licenses

SB 131 authorizes the BSRB to issue Community-Based Licenses for the professions of licensed psychology, master's level psychology, social work, marriage and family therapy, and professional counseling. These Community-Based licenses are an alternative to traditional Temporary Licenses and the BSRB cannot issue a Community-Based License to an individual who has previously been issued a Temporary License. These licenses are for applicants who have met other requirements for a permanent license, except passage of the license examination. Applicants seeking this new license type would be required to provide information to demonstrate that they would be working under the scope of employment at a Community Mental Health Center (CMHC), a Federally Qualified Health Center (FQHC), a Psychiatric Residential Treatment Facility (PRTF), or a private treatment facility defined in K.S.A. 59-29b46. Community-Based Licenses expire after 24 months or upon issuance or denial of a permanent license. These new license types may not be renewed, extended, or issued again on any subsequent application for the same license level. Authority to issue the fee for these new license types is pending and the agency hopes to be able to issue these new licenses once that authority has been set in regulation. Information on this item is included in several sections of SB 131.

Creation of Expedited Application Process

SB 131 authorizes the BSRB to adopt rules and regulations to establish an expedited application process for licenses or permits issued by the Board. The Board has already begun discussions on this item and is working on the creation of this new regulation. We will announce when the proposed new rules and regulations authorizing a process for expedited licensure will be available for public comment. More information on this item can be found in SB 131, New section 2(b).

Reinstatement of Expired Behavior Analyst Licenses

Currently, if the license for a behavior analyst or assistant behavior analyst expires, that individual must reapply for a new license to practice under the BSRB. There is not statutory authority for the BSRB to reinstate those licenses. However, SB 131 creates new authority for the BSRB to develop regulations defining a process for the reinstatement of expired behavior analyst licenses. The Behavior Analyst Advisory Committee will review this topic and make recommendations to the Board on this topic likely later this fall.

Change in Type of Continuing Education Hours Required for License Renewal after July 1, 2025

Currently, all licensees under the BSRB are required by law to complete necessary continuing education hours **PRIOR** to renewing their professional licenses. Included in these hours, licensees must obtain continuing education in ethics. For the professions and levels of licensure that are able to diagnosis and treat, there is a current requirement of 6 hours in diagnosis and treatment for each license renewal period. Due to legislative changes included in SB 131, beginning on July 1, 2025, the total number of hours in diagnosis and treatment will be reduced from 6 hours each license renewal period to 3 hours each license renewal period. This change will automatically go into effect beginning on July 1, 2025.

We are excited to announce the new changes in law. We will be working to implement the many different items in SB 131 as quickly as possible. We thank all of the members of the Board, Advisory Committees for the Board, members of the Legislature, and members of the public who contributed to the creation of such a significant bill.

For any questions regarding these changes, please contact the BSRB office at BSRB@ks.gov.

Sincerely,



David B. Fye, JD
Executive Director
Behavioral Sciences Regulatory Board