

**Behavioral Sciences Regulatory Board
Addiction Counselor Advisory Committee
June 18, 2021, Minutes**

Call to Order. The meeting was called to order by Chair Deb Stidham at 10:00 a.m.

Advisory Committee Members. Advisory Committee members who participated by Zoom were Jacqueline Lightcap, Christina Boyd, Michael James, Dulcinea Rakestraw, Sohna Shook, and Deb Stidham. Kendall Carswell was in attendance at the BSRB office.

Staff: Staff from the BSRB who participated by Zoom were Executive Director David Fye, Assistant Director and Licensing Manager Leslie Allen, and Ashley VanBuskirk.

Guests. None.

Announcements: Deb Stidham, Chair of the Advisory Committee, noted that Justin Spiehs has resigned from the Advisory Committee and the Chair thanked him for his service. The Chair recognized Kendal Carswell for having served on the Advisory Committee since the Advisory Committee began and she wished him well as he transitions off of the Advisory Committee. David Fye, Executive Director for the BSRB, also thanked Kendal for his years of service and presented a certificate of appreciation to him.

Approval of March Minutes: Dulcinea Rakestraw moved to approve draft minutes from the Advisory Committee meeting on March 5, 2021. Jacqueline Lightcap seconded. The motion passed.

Executive Director's Report: The Executive Director for the BSRB reported on the following items:

- **State of Emergency has Ended in Kansas.** On June 15, 2021, the state of emergency related to the COVID-19 pandemic ended in Kansas.
- **Return to Enforcing Expiration of Licenses After May 28, 2021.** During the state of emergency, the Governor had issued Executive Orders delaying the enforcement of expiration of licenses that had expired during the pandemic. However, flexible language was added in a March Executive Order to allow regulatory bodies to return to enforcing expiration of licenses. At the Board meeting on May 10, the Board voted to return to enforcing expiration of license after May 28, 2021. Information on this decision was sent to licensees with an expired license and posted to the Board's website.
- **HB 2208.** The BSRB had requested legislation including several changes to licensing and other provisions of licensure under the agency. A final version of the bill was enacted with the contents of a few other bills. At a recent ceremonial signing, several members of the Legislature noted this was one of the best pieces of legislation for mental health in the last few years. When the bill passed, we sent a message to licensees and posted a message on the BSRB website regarding the change. Since that time, staff has been answering questions from practitioners. The Executive Director summarized the items in the bill relating to the BSRB.
- **HB 2066.** The Legislature passed HB 2066 which requires an expedited timeframe for processing reciprocity applications for military members, military spouses, and other specific individuals. The implementation date for the bill is expected to be July 1, 2021. Due to the additional requirements in the bill, the BSRB received expenditure authority to hire a 0.5 Full-Time Equivalent (FTE) licensing specialist position in FY 2022. Due to a technical error, the funding was not added by the Legislation for FY 2023, however the BSRB will be requesting the position continue into FY 2023 when the agency's budget is submitted in September.

- **SB 170.** The Legislature passed legislation for Kansas to join a multi-state compact for licensed Psychologists called PSYPACT. The implementation date for the bill is January 1, 2022.
- **Kansas Fights Addiction Grant Review Board.** Legislation passed HB 2079 which authorized the creation of the Kansas Fights Addiction Act, creating the Kansas Fights Addiction Grant Review Board under the Attorney General's office. The BSRB is named as a member of the Board, so at the Board meeting in July, the Board will be asked to name a representative to attend meetings for this group.
- **Overdose Fatality Review Board.** The Kansas Department of Health and Environment (KDHE) received grant funding from the Centers for Disease Control (CDC) to create a group to review fatality cases relating to overdoses. Legislation was introduced during the 2021 Legislative session, but those bills did not pass. However, due to receiving the grant, KDHE create the group and begin meeting without legislation and they will be meeting to discuss introductory matters. The Executive Director noted that he will be attending their first meeting on behalf of the BSRB.
- **BSRB Employees Returned to the Office on June 14.** During the pandemic, employees for the BSRB have been working from home, but about a month ago, the Governor directed employees to return to working in state offices full-time on June 14. Most employees for the BSRB are back in the office full-time, though the agency applied for and received authorization to implement an official telework pilot program through the end of the year. The agency will be collecting data on the effectiveness of this pilot program with the potential to expand the program to other employees.
- **BSRB Budget.** The state fiscal year ends on June 30. The Executive Director noted that he has been working on end-of-the-year fiscal reports as the fiscal year is ending soon.

New Business

A. Records from Deceased Practitioners. Leslie Allen, the Assistant Director and Licensing Manager for the BSRB, noted that there was a recent situation where a private practitioner passed away without a person to assume the custodianship of their records and there was an issue regarding who would hold the records and who would respond to request for patient access to those records. The Executive Director noted the Attorney General's office has a division that can temporarily seize records, and records of a certain age can be turned over to the Historical Society, however there is not a general provision in statute for records for BSRB practitioners in the scenario mentioned. It was discussed that some professional associations have guidelines on practices for custodianship of records. Committee members noted the benefit of adding this topic under professional conduct regulations for practitioners. The Assistant Director noted that another state asks practitioners for a plan for their records at the time of licensure renewal. Another jurisdiction asks for practitioners to complete something similar to a professional will. Complications and benefits of electronic records were also noted. The Executive Director noted that other Advisory Committees discussed the concept of verifying a records custodian as part of the audit process. The Advisory Committee was supportive of changes being made concerning the professional conduct regulations and ensuring that a custodian was named, though no official recommendation was made.

B. Diversity, Equity and Including Training. The Executive Director reported that the Licensed Psychology Advisory Committee and the Social Work Advisory Committee received requests that continuing education requirements for practitioners be modified to include training in Diversity, Equity, and Inclusion (DEI). Representatives speaking to the Licensed Psychology Advisory Committee requested 3 hours in DEI every two years. Other BSRB Advisory Committees have discussed the option of requiring three hours in DEI and reducing from 6 hours to 3 hours the continuing education requirement for hours in diagnosis and treatment, so the total hours required in those two areas would total six hours each licensure period. The Executive Director noted a change to continuing education

requirements would require a statute change so it would not be able to go into effect until next year at the earliest. The Executive Director also noted that the BSRB does not currently allow “double counting,” by which licensees could count the same hours to satisfy two categories of requirements (such as both ethics and diagnosis and treatment), but a change to that practice could be recommended, if that was the desire of the Advisory Committee. Advisory Committee members noted they did not support allowing double counting of hours. Advisory Committee members discussed concern about requiring too many specific categories, as that could limit the freedom of licensees to choose which hours to take. Committee members discussed the benefit of training in DEI and discussed whether the hours currently required in diagnosis and treatment needed to remain at 6 hours. It was also noted that not all levels of licensure require 6 hours in diagnosis and treatment continuing education, such as for LACs. The Advisory Committee did not vote on a specific recommendation, though statements were made in support of continuing education hours in DEI.

C. “In Residence” Requirements. The Chair noted the Board has been considering whether to change “in residence” requirements for licensure programs. Earlier this spring, the Executive Director sent a message on behalf of the Board to representatives from educational institutions in the state, asking for feedback on whether any changes should be made to these requirements. The Chair noted that while the feedback was mixed, the majority of individuals who responded were in favor of some relaxation, though it was noted that some feedback was strongly against relaxing these requirements. The Advisory Committee discussed the challenges of conducting certain testing online, rather than in-person. It noted that online programs have evolved over time and are able to reach more individuals, especially individuals who live in areas where there is not an in-person option to receive this type of education. The Assistant Director noted difficulty in evaluating the standards for online programs. There is also a distinction between programs being regionally accredited versus programs being national accredited. It was noted that the Addiction Counselor profession has a different definition for “in residence,” than the other professions under the BSRB, so the requirements are more open than some of the other professions. The Advisory Committee requested to see the exact language of the regulations at the next Advisory Committee meeting to evaluate whether changes should be made to the regulations.

D. Qualifying for a Licensed Addiction Counselor License through Testing. The Chair noted that the statutes currently allow a practitioner with a master’s level license under the BSRB to seek a LMAC through testing, but language does not exist to allow these same practitioners to test into a lower level of licensure, such as the LAC. The Advisory Committee discussed workforce issues and that some individuals may not be good test takers, though these individuals would be able to provide helpful services if licensed. The Advisory Committee recommended that language be added in statute to allow master’s level practitioners to be able to test into a LAC. As the statutes will need to be changed for this modification to occur, the Advisory Committee recommended the Board consider this item when the Board discusses matters to be included in legislation.

BSRB Chair Elections at Board Meeting. The Chair of the Advisory Committee noted she is stepping down as Chair of the Board, so the Board will be holding elections for a new Board Chair and a new Vice-Chair.

Adjournment. The next Advisory Committee meeting is scheduled for September 24 at 11:00 a.m. Kendall Carswell moved to adjourn. Christina Boyd seconded. The motion passed.