

**Behavioral Sciences Regulatory Board
Licensed Addiction Counselor Advisory Committee
Friday, June 24, 2022**

Approved Minutes

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

Advisory Committee Members in Attendance: Advisory Committee members who participated by Zoom were Deb Stidham, Lisa Carter, Jason Hess, Shane Hudson, Mike James, Dulcinea Rakestraw, and Sohna Shook.

BSRB Staff in Attendance: David Fye, Leslie Allen and Sami Barksdale were present by Zoom.

- II. Review and Approval for the Agenda:** By consensus, the Advisory Committee postponed discussion on possible continuing education requirements in Diversity, Equity, and Inclusion (DEI) until the following meeting. The agenda was approved with that change.
- III. Review and Approval of Minutes from Meeting on March 18, 2022:** Mike James moved to approve the minutes from the March 18, 2022, meeting as written. Dulcinea Rakestraw seconded the motion. The motion passed.
- IV. Executive Director Report:** David Fye, Executive Director for the Behavioral Sciences Regulatory (BSRB), reported on the following items:
- A. Agency Updates.** The BSRB is still under the Governor's direction to avoid in-person meetings. The Executive Director noted he will update the Advisory Committee when that direction is changed. Until the limitation is lifted, the BSRB will continue to hold most Board and Advisory Committee meetings virtually. The Executive Director provided an update on the BSRB Fee Fund, which has a balance of about \$2.0 million. As part of the yearly performance evaluation process from the Department of Administration, all state employees should have a mid-year check-in to allow supervisors to provide feedback on their performance, allow questions from staff, and consider changes to work responsibilities. The Executive Director noted that the BSRB will provide mid-year check-in meetings for all employees sometime next week.
- B. Board Meeting on May 9, 2022.** The Board discussed the pre-approval of continuing education (CE) hours and the pre-approval of CE providers. All Advisory Committees were asked to discuss whether their profession would want pre-approved CEs, as currently only the social work profession has pre-approved CE providers and pre-approved CE classes. At the Board meeting, there was a split as some Advisory Committees requested this change while other Advisory Committees did not. Also at the Board meeting, 15 Advisory Committee members were reappointed to new two-

year terms and those terms will start in July, as the state fiscal year begins on July 1. The Board recognized three Advisory Committee members that had served the maximum number of years of service on the Advisory Committees. The Board passed a delegation motion allowing for alternate presiding officer in the event that the Chair and the Vice-Chair of the Board are unavailable for a meeting; reviewed draft language for regulations discussed at past meetings; and considered a model from Minnesota to provide a temporary license to students who graduate from schools that are in candidacy for Council for Social Work Education (CSWE) accreditation. The Board received a report from the Executive Director with potential changes to the Board's Investigation Policy and creation of subcommittees were requested by the Professional Counselor Advisory Committee (unprofessional conduct regulation review) and the Marriage and Family Therapy Advisory Committee (creation of a supervision manual similar to the existing manual for the social work profession.)

- C. Other Meetings and Events.** The Executive Director attended an Educator meeting for the Association of Social Work Boards (ASWB) and the Mid-Year Meeting from the Association of State and the Provincial Psychology Boards (ASPPB). The Executive Director provided a summary of items discussed at these meetings, including re-evaluating current licensure requirements, such as cost of licensure, past criminal convictions, other items relevant to whether applicant shows good morale character or merits the public trust. The Executive Director will be attending a conference beginning on August 3, 2022, hosted by the National Board for Certified Counselors (NBCC) in Philadelphia, PA. The Executive Director also shared information on a multi-state compact for the professional counseling profession and the release of draft language for a social work multi-state compact. The Executive Director provided an update on days approved for health-related legislative committee meetings.

V. New Business

- A. Discussion on Unprofessional Conduct Regulations K.A.R. 102-7-11 and K.A.R. 102-7-11a.** Advisory Committee members discussed possible changes to K.A.R. 102-7-11(r)(3) (releasing client information) and K.A.R. 102-7-11(s) (whether counselor should be included). Advisory Committee members discussed similar language in the professional counseling regulations under K.A.R. 102-3-12a (section 20 through 22). Advisory Committee members discussed whether it should be considered unprofessional conduct to fail to report convictions of certain crimes. The Executive Director will provide language from other professions on this topic at a future Advisory Committee meeting. Advisory Committee members expressed support for adding gender expression and sexual orientation to K.A.R. 102-7-11(l). Advisory Committee members discussed whether the amount of time in K.A.R. 102-7-11(x) should remain at 24 months and expressed support for remaining consistent with timeframes supported by other professions under the BSRB. Members discussed whether K.A.R. 102-7-11(v) should include language directed towards a specific group, such as client, supervisee, or student. The Executive Director will bring back any similar language from the regulations of the other professions for comparison.

The Advisory Committee was supportive of adding language “including, but not limited to” in K.A.R. 102-7-11(t), to clarify that, while specifically referenced, billing practices and advertising are not the only actions that would fall under this regulation. The Executive Director noted the addiction counseling unprofessional conduct regulations were last modified prior to the recent prevalence of telehealth, so Advisory Committee members were asked to consider whether new language should be added to existing regulations or whether new regulations should be added specific to that topic. Members discussed the need to ensure a confidential environment for telehealth services. Advisory Committee members also expressed support for consistency between the professions on the topic of telehealth standards. The Advisory Committee recommended moving the recordkeeping regulation under the unprofessional conduct regulation, consistent with actions by other Advisory Committees.

B. Discussion on K.A.R. 102-7-3 Education Requirements for Licensure.

The Executive Director stated that other BSRB Advisory Committees are re-evaluating their profession’s educational requirements for licensure. The Executive Director noted that historically, most of the professions have required some education to be received “in residence,” which has included a requirement that the student be physically at an institution in face-to-face contact with core faculty. The Executive Director reported that, aside from the psychology profession, this physical presence requirement is not a requirement in other states. The Advisory Committee discussed whether the definition of “in residence” should continue to include a physical presence requirement, noting the improvement in online programs and the ability to maintain face-to-face standards over screens. Advisory Committee members expressed support for removing the physical presence requirement, noting that the face-to-face component could be satisfied in person or by screen. Shane Hudson moved to remove the physical presence requirement within the “in residence” definition, so long as the face-to-face requirement could be satisfied either in person or by screen. By consensus, the Advisory Committee tabled the topic and requested BSRB staff provide language at the next Advisory Committee meeting, showing the proposed change, prior to the Advisory Committee making a formal motion to recommend the change.

C. Addiction Counseling National Accrediting Bodies.

The Executive Director noted that five of the seven professions under the BSRB recognize national accrediting bodies for the purpose of licensing standards, but the addiction counseling profession currently does not recognize a national accrediting body. It was noted that recognizing a national accrediting body is helpful for the BSRB, as it is a way for the agency to verify that applicants have met certain standards and processing of license applicants from accredited programs is generally expedited compared to applicants from programs not accredited by national accrediting bodies. The Executive Director provided documentation from the National Addiction Studies Accreditation Commission (NASAC), including accreditation standards, a list of schools that are accredited, and other information on this group. The Advisory Committee members discussed the benefits of adding a national accrediting body. The Executive Director

noted he is following up with a representative from NASAC and will provide more information at the next Advisory Committee meeting.

D. Possible New License Types. The Executive Director noted a Board member asked if the Advisory Committee had interest in discussing whether to consider new levels of licensing and a document was provided which describes counseling assistants and alcohol and drug abuse counselors, back when those positions were organized under the former Kansas Department of Social and Rehabilitation Services (SRS). The document notes a requirement of 18 years of age, while the BSRB licensed addiction counselor license requires 21 years of age. There are also references to an associate-level position, so the Executive Director asked the Advisory Committee to discuss the merits of considering lower-levels of licensure. Advisory Committee members noted that when the addiction counseling profession became licensed under the BSRB, a minimum of a bachelor-level criteria was supported, but it was noted that recent conversations on workforce issues may necessitate re-evaluation of this position. Advisory Committee members discussed the history of levels of practice in the field, complications involved with billing for services, and what levels of providers are recognized in other states. It was noted that consideration of a lower level of license would involve clearly defining the scope of practice for that level of license. Advisory Committee members asked whether other BSRB professions were considering starting lower levels of licensing. The Executive Director stated the BSRB previously licensed associate-level social workers, but the BSRB ceased providing new licenses to this level over 20 years ago, though a handful of practitioners have continued to renew their associate social work licenses. However, the Executive Director noted the Social Work Advisory Committee is revisiting whether to reopen this level of license. The Addiction Counseling Advisory Committee will further discuss this topic at a future meeting.

VI. Special Recognition of Shona Shook. The Advisory Committee thanked Shona Shook for her years of service to the Advisory Committee and wished her luck in her future endeavors.

VII. Next Meeting. Friday, September 16, 2022, at 11 a.m.

VIII. Adjournment. The meeting was adjourned.