

**Behavioral Sciences Regulatory Board
Licensed Psychology Advisory Committee Meeting
June 14, 2022**

Approved Minutes

- I. Call to Order.** Ric Steele, Chair of the Advisory Committee, called the meeting to order at 6 p.m.
- Committee Members.** Ric Steele, Carol Crane, Jessica Hamilton, Tiffany Johnson, Rodney McNeal, and Zachary Parrett were present by Zoom.
- BSRB Staff.** David Fye and Leslie Allen were present by Zoom.
- II. Review and Approval of the Agenda.** Jessica Hamilton moved to approve the agenda. Rodney McNeal seconded the motion. The motion passed.
- III. Review and Approval of Minutes from Meeting on April 12, 2022.** Jessica Hamilton moved to approve the minutes from the Advisory Committee meeting on April 12, 2022. Carol Crane 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 later this month.
- B. Board Meeting on May 9.** 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 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 an announcement from the American Psychology Association (APA) that the body is working on accreditation standards for Master's Level Psychology programs and hopes to have these standards available for comment in the fall of 2023. The executive director will be attending a conference on August 3, 2022, hosted by the National Board of certified counselors in Philadelphia. The Executive Director note he attended a townhall meeting by ASPPB on the EPPP-2.

V. Old Business

- A. PSYPACT Update.** The Executive Director provided an update on the Psychology Interjurisdictional Compact (PSYPACT), noting there were 50 Licensed Psychologists in Kansas who identify Kansas as their home-state and who were practicing teletherapy under the compact and there were four Licensed Psychologists in Kansas providing limited in-person services in other compact states under PSYPACT authority. The Executive Director noted he attended a PSYPACT training for member-boards on Jun 14, 2022. Last year the Board selected the Executive Director as Kansas' PSYPACT Commissioner to represent during the Board at meetings. More information on PSYPACT is available on the Board's website. The Executive Director noted all Licensed Psychologists in Kansas must renew their licenses by June 30 of even numbered years, so he will report back at the next Advisory Committee meeting if a decrease in licensees attributable to PSYPACT can be calculated after the renewal deadline.
- B. Continued Discussion on Unprofessional Conduct Regulations.** In the last meeting, the Advisory Committee began working on review of the unprofessional conduct regulations for the profession through item "e." Advisory Committee requested past versions of the unprofessional conduct regulations to see changes over time and asked for clarification why the unprofessional conduct regulation on recordkeeping was in a separate regulation. The Executive Director noted he researched these topics and provided the Advisory Committee members with the past

versions of the unprofessional conduct regulation K.A.R. 102-1-10a. There were two versions, the first took place in 2000 with an effective date of 2002 and the second was put into place in 2002 with an effective date of 2004. The current regulation on unprofessional conduct related to recordkeeping, K.A.R. 102-1-20, is the only version of this regulation and the Executive Director discovered no reason that it was included in a separate regulation. The Advisory Committee expressed support for combining the recordkeeping unprofessional conduct regulation within the main unprofessional conduct regulation, when the Advisory Committee considers recommendations to forward to the Board.

The Advisory Committee reviewed the unprofessional conduct regulations, beginning with item “f.” The Advisory Committee expressed support for requiring practitioners to be responsible for identify a custodian of records if they should pass away unexpectedly or their records become abandoned, under client welfare responsibility. Support was also expressed for adding a question on this topic to the license renewal application. It was noted that language could be added to the recordkeeping regulation, section “c,” requiring the next custodian of records be named, then other language could be included in the unprofessional conduct regulation noting that it would be unprofessional conduct to fail to fulfill that requirement. The Advisory Committee proposed considering adding the following language to item (12) “failing to identify a repository for client records, should the psychologist become incapacitated or unable to access their records.” The Advisory Committee considered this language, but did not vote on the language during the meeting. Advisory Committee members discussed whether there would be a benefit for a regulation on this topic, if a practitioner abandoned their records and their license, and potentially was no longer under the Board’s jurisdiction. The Executive Director noted that even if it was found that the practitioner was no longer under the Board’s jurisdiction, it would be helpful to have this regulation in place, if the practitioner sought to have their license reinstated, these matters would need to be resolved.

Advisory Committee members discussed that the language in item “g,” specially 3A, may need to be revised, as current telehealth involves electronic devices, but does not necessarily include recording of these sessions. It was noted that these regulations include language protecting confidentiality, but it was discussed whether additional language should be added concerning privacy. Advisory Committee members expressed support for having language that practitioner should protect a client’s confidentiality and privacy. It was noted that this language might change if more specific telehealth standards were adopted by the professions. It was noted that the American Psychological Association (APA) had developed telehealth and the Chair would provide those guidelines to the Executive Director for distribution to the Advisory Committee members at the next meeting. Support was noted, under item 3a, to include whether the session was being recorded.

Advisory Committee members discussed whether language should be included concerning using testing in an inappropriate manner, such as providing a test to a client of the wrong age or using assessments or procedures inconsistent with validated

assessment procedures. The Advisory Committee ended the discussion with item “j” and planned to continue the review of these regulations at the next meeting.

VI. New Business

A. Comments on ASPPB Draft Resource on Regulation of Practicum Experience for Licensure. The Executive Director sent draft materials to the Advisory Committee members from ASPPB on regulation of practicum experience for licensure and it was noted that this draft guidance document was open for public comment. The Advisory Committee made no official comment at the meeting.

VII. Next Advisory Committee Meeting Date. Due to conflicts, members were unable to select a date for the next Advisory Committee meeting. The Executive Director stated he would poll the Advisory Committee members availability after the meeting and would send a date for the August meeting when it was determined.

VIII. Adjournment. The meeting was adjourned.