

**Behavioral Sciences Regulatory Board
Professional Counselor Advisory Committee
December 06, 2021, 10:00 a.m.
Minutes**

Advisory Committee Members Present: Advisory Committee members who participated by Zoom were Laura Shaughnessy, Leslie Sewester, Jessica Allison, Harriett Bachner, Michelle Fairbanks, Robert Kircher, and Edil Torres-Rivera.

BSRB Staff Present: David Fye and Leslie Allen participated over Zoom.

Guests Present: None.

1. **Call to Order.** Laura Shaughnessy, Chair of the Advisory Committee, called the meeting to order and took roll of Advisory Committee members and other attendees.
2. **Agenda Approval.** No changes were made to the agenda.
3. **New Committee Members:** The Advisory Committee Chair welcomed new Advisory Committee members Jessica Allison, Michelle Fairbanks, Harriett Bachner, and Edil Torres-Rivera. The new members introduced themselves to the Advisory Committee.
4. **Review and Approval of Minutes for Meetings on August 2, 2021, and October 4, 2021.** Leslie Sewester moved to approve the minutes for the Advisory Committee meeting on August 2, 2021, Robert Kircher seconded the motion, and the motion passed. Robert Kircher moved to approve the minutes for the meeting on October 4, 2021, Laura Shaughnessy seconded the motion, and the motion passed.
5. **Executive Director's Report.** David Fye, Executive Director for the BSRB, reported on the following topics:
 - a. **State Employee Remote Work.** Due to concerns related to the COVID-19 pandemic, the Governor directed most state employees to return to remote work until January 4, 2022, while continuing to keep offices open to the public. The BSRB will continue to monitor the Governor's direction in this area, should this direction be extended past January 4, 2022.
 - b. **E-Payments.** In mid-October, the BSRB launched a new payment portal. The payment portal replaces the previous paper method for processing credit card payments with an electronic portal to process credit card payments. Additionally, the portal allows applicants to make payments using electronic checks. The BSRB worked with the Information Network of Kansas (INK) to create this portal. The portal should provide a more secure method for applicants to make payments, there should be fewer entry errors, and the portal should decrease the length of time for processing a license.
 - c. **BSRB Staffing Update.** A temporary employee has been assisting the BSRB with clerical duties for the past month. The BSRB has been interviewing candidates to fill the open Administrative Assistant position and is currently waiting on the Governor's office for approval to hire a candidate. The agency will provide an update when a new hire has been made.
 - d. **Annual Planning Meeting.** The first day of the Board's annual planning meeting was on September 27, 2021, and the second day was on October 25, 2021. These meetings were remote, due to the pandemic. At the meetings, the Board discussed potential changes to

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continuing education requirements to require hours in area of Diversity, Equity, and Inclusion (DEI). Advisory Committees were asked to provide recommendations on whether their professions should add a new requirement in this area. At the October Board meeting, the Licensed Psychology profession received approval from the Board to include new statutory language to require 3 hours each renewal period for Licensed Psychologists and allow overlapping of hours with existing continuing education requirements in Legislation for the 2022 Legislature.

- e. **Retention or Disposal of Practitioner Records in Case of Death of a Provider.** The Board recently discussed possible solutions when a practitioner licensed under the BSRB passes away without a logical custodian of the records being identified. One option is to add a question on renewal and new license forms to identify a custodian. However, there are several implementation steps to work out with the Attorney General's office, so this topic will be revisited by the Board in the future.
- f. **Changes in Board Governance Policy:** The Board previously utilized a Governance Policy which provided guidance and restrictions for board members and BSRB Staff. The Policy had not been updated for 10 years, so the Board worked on revising procedures and language in the document to reflect current practices and current direction from the Board. The Board also agreed to split the Policy into two new documents: Board member Expectations and an Advisory Committee Policy. Drafts of these two documents will be reviewed by the Board at the January 2022 Board meeting.
- g. **The Merit of Public Trust:** As a requirement for licensure, applicants must show that they meet the public trust, as defined in statutes and regulations. The BSRB collects materials provided by applicants so that the Board can weigh factors in this determination. Recently, the Board asked legal counsel from the Attorney General's office to provide guidance on whether this standard was the most appropriate method for the Board to continue to use. Representatives from Attorney General's office noted this standard is the prevailing standard used by states. The Board requested the BSRB draft a FAQ for applicants, so they would know what materials would be helpful for the Board to receive to make this determination.
- h. **Website Posting Policy:** The BSRB posts necessary disciplinary information related to practitioners on the relevant section of the agency's website. The Board recently revised language clarifying what items would be posted and why they would be posted to the BSRB website.
- i. **Public Comment:** In the past, it was rare for individuals to provide public comment to the Board, but the BSRB has seen an increase in these requests following the posting of meetings to the BSRB YouTube channel. To provide guidance to the public on the process the agency will use for meetings, and to clarify what topics are appropriate for public comment, the BSRB has drafted a guidance document for public attendees of meetings. The Board will review this draft document at the upcoming Board meeting in January 2022.
- j. **2022 Legislative Session:** The 2022 Legislative session begins the second week in January and will continue possibly through June. Committees meet and hold hearings on bills. Additionally, budget committees review and approve state agency budgets. The agency has spoken with the Revisor of Statutes office for the purpose of draft legislation, including recommendations from the Board of the BSRB.

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- k. **Special Committee for Mental Health Modernization and Reform:** The Special Committee includes members of the House and the Senate. The Committee met last year and discussed topics such as telehealth. The next meeting will be on December 10, 2021.

6. **New Business.**

- a. **Update from Board's Annual Planning Meeting.** A summary of the Board's annual planning meetings was included in the Executive Director's report.
- b. **Synching of Expiration Dates of Licenses:** The Executive Director noted about 8.0 percent of current BSRB licensees have more than one license. The Board recently asked Advisory Committees to discuss whether there was interest in changing statutes to allow individuals to shorten their periods of licensure so that their expiration dates would occur simultaneously. The members of the Professional Counselor Advisory Committee expressed positive comments on providing the option for applicants if they wished to synch their expiration dates of license under the BSRB. The Executive Director noted this option was the preferred option of most of the other Advisory Committees as well.
- c. **Update on Ottawa Program Review.** The Executive Director noted that the process for program-level reviews would move away from the Advisory Committees and the agency would work to collect necessary information to provide to the Board.

7. **Next Meeting:** The next Advisory Committee meeting would be on February 7, 2022, at 10am.

8. **Adjournment.** Edil Torres-Rivera motioned to adjourn, Michelle Fairbank seconded the motion, and the motion passed.