

**Behavioral Sciences Regulatory Board
Professional Counselor Advisory Committee Meeting
June 6, 2022**

Approved Minutes

- I. Call to Order.** Laura Shaughnessy, Chair of the Advisory Committee, opened the meeting and called roll.

Advisory Committee Members: Advisory Committee members who participated by Zoom were Laura Shaughnessy, Leslie Sewester, Jessica Allison, Harriet Bachner, Michelle Fairbank, Bob Kircher, Kenton Olliff, Andrew Secor, and Edil Torres-Rivera.

BSRB Staff: David Fye and Leslie Allen were present by Zoom.

Guests Present: None.

- II. Agenda Approval.** Bob Kircher moved to approve the agenda. Leslie Sewester seconded. The motion passed.
- III. Minutes Approval:** Leslie Sewester moved to approve the minutes with technical corrections. Andrew Secor seconded. The motion passed.
- IV. Executive Director's Report.** David Fye, Executive Director for the BSRB, reported on the following topics:
- 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 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 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 for Certified Counselors in Philadelphia. The Executive Director noted he is attended a townhall meeting by ASPPB on the EPPP-2. The Executive Director provided an update on the Psychology Interjurisdictional Compact (PSYPACT), including the current number of Licensed Psychologists in Kansas who identify Kansas as their home-state and who are practicing under the compact.

V. Old Business

- A. Subcommittee for Unprofessional Conduct Regulations Review.** The Board approved the Advisory Committee's request to form a subcommittee for the purpose of reviewing the unprofessional conduct regulations for the profession. The Chair stated the goal for the subcommittee is to provide recommendations to the Advisory Committee at the October meeting and for final recommendations to be forwarded by the Advisory Committee to the Board at the end of the year. Andrew Secor, Michelle Fairbank, Jessica Allison, and Bob Kircher volunteered to serve on the subcommittee.
- B. Continued Discussion on Council for Accreditation of Counseling and Related Educational Programs (CACREP) 2024 Standards – Draft 2.** At a previous meeting, the Advisory Committee began to discuss change that CACREP is considering, and the draft changes posted on the CACREP website. CACREP hopes to finalize new standards at the end of the year, to be used beginning in 2024. For institutions that are currently accredited, they will be evaluated under the new standards when they are up for reaccreditation. It was noted that a third draft had been posted on the CACREP website. The Executive Director will send a copy of the third draft to the Advisory Committee members.

- C. Continued Discussion on Possible Pre-Approved Continuing Education Providers and Programs.** The Advisory Committee discussed whether to recommend a change to statutes and regulations to allow BSRB pre-approved continuing education programs and pre-approved providers of continuing education for the professional counseling profession. It was noted that having pre-approved courses and pre-approved providers might decrease calls to the BSRB office by individuals attempting to determine whether courses will be approved, but it could possibly lead to more calls if individuals assumed a lack of pre-approval means that it will not be approved if audited. The Advisory Committee requested the language for the social work profession be provided for review at the next Advisory Committee meeting.
- D. Update on Previous Recommendation to Add Definition of “Related Field” in K.A.R. 102-3-1a.** The Executive Director reported the Advisory Committee previously recommended adding language to the regulations to define a “related field” by using the definition from the Marriage and Family Therapy regulations, but excluding two of six examples: (1) human development and family studies and (2) social work. Due to an error, the Board was presented with the regulatory language, but with all six examples and voted to adopt the new definition. That language was submitted through the regulatory change process and is currently being reviewed by the Division of the Budget and the Department of Administration. BSRB staff noted they will clarify this item for the Board and ask the Board to consider the definition recommended by the Advisory Committee, when the regulation is available to be adjusted.

VI. New Business

- A. Advisory Committee Membership.** The Advisory Committee discussed recommending two new members be added to the Advisory Committee, to allow staggering of membership terms. The Advisory Committee asked the Executive Director to send a letter to all licensees asking for letters of interest and resumes from individuals wishing to be added to the Advisory Committee and to contact applicants from 2021 to see if those individuals are still interested in serving on the Advisory Committee. Applicants will be reviewed at the next advisory committee meeting.
- B. K.S.A. 65-5812(b) Construction of Act; Relating to Educational Employment.** The Executive Director highlighted K.S.A. 65-5812(b), which includes language that the activities and services provided by members of certain identified groups in the statute who provide counseling services are not meant to be limited by the professional counselor licensure act, so long as they are not using the title of a professional counselor. It was noted that members of the public could receive counseling services from individuals in these groups, attempt to verify the licenses of these individuals by the BSRB, but it would appear these individuals are unlicensed, which could lead to confusion. The Executive Director asked the Advisory Committee to review this language to discuss whether this language should remain in

place or whether changes were appropriate. The Advisory Committee noted the value of individuals providing counseling services having accountability and oversight by an authority, but also noted the difference between mental health counseling and other counseling. Advisory Committee members noted the value of continuing to include references to the members of groups listed in the statute, due to the different types of counseling services being provided and noted that removing members from this statute would require individuals to become licensed or cease their current employment. Advisory Committee members discussed whether other groups should be added, such as life coaches. The Advisory Committee did not make any recommendations on changes.

C. Examination of Educational Requirements for Licensure. The Executive Director noted the importance of reviewing existing requirements for licensure and highlighted three areas of focus for discussion of potential changes in K.A.R. 102-3-3a Education Requirements: (1) the “in residence” educational requirement; (2) the “core faculty” educational requirement; and (3) the requirement that programs be chaired or directed by a person holding a doctoral degree in counseling. The Executive Director summarized discussions by other Advisory Committees on possible changes and asked the members of the Advisory Committee to discuss whether the current requirements for licensure were necessary for the public protection mission of the Board or whether changes should be made to the regulations, noting that these regulations were last updated in 2014. Advisory Committee members discussed online education during the pandemic and programs using a hybrid approach in the future. Additionally, Advisory Committee members noted that some schools may use adjunct faculty while attempting to fill core faculty positions. It was noted that CACREP requires a certain ration of core faculty to non-core faculty as well as for the chair of programs to be a counselor. The Executive Director will seek to locate previous versions of K.A.R. 102-3-3a so the Advisory Committee may compare changes to the regulation at a future Advisory Committee meeting.

D. Recognition of Kenton Olliff. The Advisory Committee thanked Kenton Olliff for serving eight years on the Advisory Committee.

VII. Next Meeting. August 1, 2022, at 10am.

VIII. Adjournment. Michelle Fairbanks moved to Adjourn. Kenton Olliff seconded. The motion passed.