

**BEHAVIORAL SCIENCES REGULATORY BOARD  
PROFESSIONAL COUNSELOR ADVISORY COMMITTEE MEETING  
DECEMBER 8, 2022**

**Draft 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, Jim Kilmartin, Harriet Bachner, Melissa Briggs, Michael Countryman, Michelle Fairbank, Acha Goris, Bob Kircher, Vanessa Perez, and Edil Torres-Rivera. Andrew Secor was absent.

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

**Guests:** None.

- II. Agenda Approval.** Jim Kilmartin moved to approve the agenda. Michelle Fairbank seconded. The motion passed.
- III. Welcome New Advisory Committee Members.** The Advisory Committee welcomed the following new members to the Committee: Melissa Briggs, Michael Countryman, Acha Goris, and Vanessa Perez.
- IV. Comment on Kansas Open Meetings Act by Executive Director.** The Executive Director provided information on the Kansas Open Meetings Act (KOMA) and the Kansas Open Records Act (KORA), noting that a more formal presentation would be provided at Advisory Committee meetings in the spring.
- V. Minutes Approval:**
- A.** Jim Kilmartin moved to approve the minutes from October 3, 2022. Edil Torres-Rivera seconded. The motion passed.
  - B.** Bob Kircher moved to approve the minutes from the Subcommittee Meetings on July 18, 2022, and September 30, 2022. Michelle Fairbank seconded. The motion passed.
- VI. Executive Director's Report.** David Fye, Executive Director for the BSRB, reported on agency updates and recent Board meetings.
- VII. Old Business**
- A. Discussion on Unprofessional Conduct Regulation Recommendations.** The Executive Director noted each Advisory Committee was asked to review the unprofessional conduct regulations for their profession and to consider updates or other changes. The Professional Counseling Advisory Committee requested a

Subcommittee be created for the review of the regulations and that Subcommittee has completed its review. The Executive Director summarized the discussion of the Subcommittee and presented the Advisory Committee with a list of regulations for which the Subcommittee had recommended changes. The Advisory Committee was asked to review this list to confirm the recommendations of the Subcommittee or make additional changes.

- **K.A.R. 102-3-12a(b)(2)(D).** The consensus of the Advisory Committee was to keep the word “crime,” rather than to change the language to “felony.”
- **K.A.R. 102-3-12a(b)(11).** The Advisory Committee discussed the word “cruel” and decided to change the word “cruel” to “unprofessional or unethical.”
- **K.A.R. 102-3-12a(b)(12).** The Advisory Committee agreed on the recommendation from the Subcommittee, to change the wording to better match terminology used by the American Counseling Association’s Code of Ethics.
- **K.A.R. 102-3-12a(b)(23).** The Advisory Committee agreed to changing items 23 to modify the phrase “including billing practices” to instead read “including, but no limited to, billing practices...”
- **K.A.R. 102-3-12a(b)(24).** The Advisory Committee concurred with the recommendation by the Subcommittee to replace “using alcohol or illegally using a controlled substance” with the phrase “being under the influence of any substance that impairs professional judgment” followed by the current language “while performing the duties or services of a professional counselor.”
- **K.A.R. 102-3-12a(b)(25).** The Advisory Committee recommended removing the reference to the term client, and add language to clarify that the regulation relates to someone who is an “*active* student, directee, or supervisee.”
- **K.A.R. 102-3-12a(b)(26).** The Advisory Committee recommended adding language that it could be an active client, then to change the period of time from 24 months to 60 months.
- The Committee tabled the rest of the discussion due to time restraints.

**B. Continued Discussion on Possible Changes to K.A.R. 102-3-3a, Education Requirements for Licensure.** The Executive Director noted K.A.R. 102-3-3a includes educational requirements for licensure for the professional counseling profession. If has attended a program that is below CACREP standards of accreditation, they must meet alternate requirements for licensure, including that half of their hours must have been received “in residence,” which current is defined as being physically present at the institution in face-to-face contact with core faculty. The Advisory Committee discussed possible changes to the alternate requirements in regulation. Bob Kircher moved to remove the physical presence requirement from the “in residence” definition and to add language that the face-to-face component could be satisfied either in person or by screen. Jim Kilmartin seconded. The motion passed.

## **VIII. New Business**

**A. Discussion on Meetings in 2023 – Date, Time, Remote/In-Person.** The Advisory Committee planned to meet on Mondays at 10 a.m. every other month. The Advisory Committee discussed holding an in-person meeting at one meeting next year.

**IX. Next Meeting.** Monday, February 6, 2023, at 10 a.m.

**X. Adjournment.** Jim Kilmartin moved to Adjourn. Harriet Bachner seconded. The motion passed.