

Behavioral Sciences Regulatory Board
Social Work Advisory Committee
April 19, 2022, at 1:00 p.m.
Approved Minutes

- I. Call to Order.** The meeting was called to order by Co-Chair Andrea Perdomo-Morales at 1:00 p.m.

Social Work Advisory Committee Members. Advisory Committee members present over Zoom included Andrea Perdomo-Morales, Carolyn Szafran, Donna Hoener-Queal, Sarah Berens, Mary Gill, Mike Gillett, Lee Ann Gingery, Angi Heller-Workman, Jane Holzrichter, Catherine Rech, Eric Schoenecker, Cristin Stice, and Robin Unruh.

BSRB Staff. Staff members present over Zoom included David Fye, Leslie Allen, and Sami Barksdale.

- II. Agenda Approval.** Eric Schoenecker moved to approve the agenda as written. Carolyn Szafran seconded. The motion passed.
- III. Minutes Approval.** Donna Hoener-Queal moved to approve the minutes from the Advisory Committee meeting on February 15, 2022. Jane Holzrichter seconded. The motion passed.
- IV. Executive Director's Report.** David Fye, Executive Director for the BSRB, reported on the following topics:
- A. BSRB Staff Update.** The BSRB is still under most of the Governor's pandemic directions, including the limitation on in-person meetings, so the agency is unable to hold Board or Advisory Committee meetings in person currently. Most staff are working in the office full-time, though the two investigators are using a telework hybrid model, working in the office three days each week and utilizing the BSRB Telework Pilot two days each week.
- B. 2022 Legislative Session.** The Executive Director provided a brief summary of the legislative process to enact a bill, including legislative deadlines. The Legislature is currently on a three-week break, before returning and wrapping up most items during the legislative Omnibus period. The appropriations bill (House Substitute for Substitute for Senate Bill (SB) 267) was passed by the Legislature and is pending review and action by the Governor. The Executive Director provided a summary of legislative action on the Board's recommendations, beginning with the introduction of SB 387, the hearing and Senate Committee discussion on that bill, Amended SB 387 being passed out of the Senate Committee after the Senate Committee voted to remove the licensed psychology Board recommendation, SB 387 dying on the Senate calendar, follow up efforts to have Amended SB 387 reintroduced, heard, and worked in a House Committee, and the activities in Legislative conference committees. Ultimately, two Board recommendations were passed in the final version of SB 453.

The final bill included Board recommendations for the addiction counselor profession and the social work profession, but not the Board's recommendation concerning continuing education changes for the Licensed Psychology profession. Another bill relevant to the BSRB is House Bill (HB) 2087, which was passed with the previous contents of Substitute for SB 34. HB 2087 requires all agencies to submit a report to the Joint Committee on Rules and Regulations, for all agency regulations, explaining if each regulation is necessary for the implementation of state law. There are over 120 regulations for the BSRB, so creation of this report will necessitate the agency diverting staff time from regular duties and will likely cause licensing delays or lead the agency to hire additional part-time staff.

- C. March Board Meeting.** The Executive Director provided updates from the Board meeting on March 14, 2022. Most full Board meetings will begin at 9am, at least while meetings are held remotely. The Board is reviewing the Investigation Policy for the Board, which was last updated in 2009. The Executive Director will be presenting a report to the Board with proposed changes to the Policy at the May Board meeting. Certain statutes and regulations state authority for actions as "the Board," but some of these tasks have been delegated over the years to the BSRB, the Executive Director, the Complaint Review Committee, etc. The Executive Director noted he will bring sections of statutes and regulations before the Board to clarify delegation authority and possibly have the Board vote to renew some of these delegations. The Board discussed Board-approved supervisor training and if there are adequate opportunities for supervisor trainings. In future meetings, the Board intends to discuss impaired provider programs, telehealth standards, and other topics.
- D. April Board Meeting.** On April 15, 2022, a special Board meeting was held for the Board to discuss language added and passed by the Legislature in SB 453, concerning graduates of an online Master's of Social Work program at Fort Hays State University. This program is in candidacy for accreditation through the national accrediting body for social work, the Council on Social Work Education (CSWE), but does not expect to reach full accreditation until February 2023. Under the licensure statutes and regulations of the BSRB, if applicants obtained their education from schools not accredited by CSWE, then those applicants alternatively must meet separate requirements in the regulations. One such regulation requires half of the coursework to be completed "in residence," while the applicant was physically present at the school. Graduates of an online program would not be able to meet this standard. The language added by the Legislature directed the BSRB to treat graduates from this online Fort Hays State program as if they had graduated from a CSWE accredited school, for the purpose of fulfilling licensure requirements (retroactively for past graduates and for future graduates through the end of FY 2023). The Board expressed interest in re-examining licensure requirement which require a physical presence while obtaining coursework and also the creation of a new provisional/temporary license for applicants who graduated from a school while their program is in candidacy for CSWE accreditation.

E. Conferences. The Executive Director will be attending upcoming conferences for the Association of State and Provincial Psychology Boards (ASPPB) and the Association of Social Work Boards (ASWB) later this month and will provide a report on any items relevant to the Advisory Committee.

V. Old Business

A. Discussion on Clinical Supervision, Workforce Issues, and Possible Continuing Education Requirements in the Areas of Diversity, Equity, and Inclusion (DEI).

Advisory Committee members requested old business topics be separated in future agendas, rather than being grouped together. Advisory Committee members discussed the BSRB survey of social workers in December 2021 and summarized past Advisory Committee discussion on continuing education involving DEI. Concerning workforce concerns, the Executive Director noted the BSRB previously licensed new Associate Level Social Workers. Over the years, most of these licensees have retired, but a small number continue to renew their license. Leslie Allen, the Assistant Director and Licensing Manager for the BSRB, noted the statutory authority to license new individuals at this level was removed by the Legislature, so it would require passages of a bill to license new members of this group. Advisory Committee members asked whether other jurisdictions licensed social workers at this level and the requirements for those licenses. The Executive Director noted he would gather more information on these topics. Advisory Committee discussed whether reopening this level of licensure would lead to lower licensure standards and whether this would run contrary to the public-protection mission of the Board. Advisory Committee members also discussed whether reopening the associate-level license would lead individuals to stop at this level, or whether it would be stepping stool for more individuals to pursue a higher level of license. Advisory Committee members discussed reviewing the current licensure requirements, specifically including the “in residence” requirement for students attending non-CSWE accredited programs. Advisory Committees asked whether there is a regulation under the BSRB that lists what level of licensure is needed by individuals working in different types of facilities. The Assistant Director and Licensing Manager noted the BSRB does not have a regulation on this topic, but that type of evaluation is generally done by facilities employing social workers. The Advisory Committee noted it intends to work on each of the topics listed under old business at future meetings, focusing first on workforce issues.

VI. New Business

A. Advisory Committee Member Expectations for FY 2023. The Executive Director summarized information in the Expectations for Board Members Policy and the Advisory Committee Policy as related to responsibilities of Advisory Committee members for the next fiscal year, including conduct of Advisory Committee members, attendance at meetings, and other responsibilities. If members are unable to attend meetings, they are asked to contact the Executive Director in advance of these meetings and to limit unexcused absences to no more than one each year.

B. Unprofessional Conduct Regulation. Advisory Committee members received a copy of the unprofessional conduct regulations for the profession (K.A.R. 102-2-7) at the previous Advisory Committee meeting and were asked to discuss whether any changes were needed. Members of the Advisory Committee discussed the following subjects:

- Advisory Committee members noted the current unprofessional conduct regulations lack language concerning appropriate technology related to telehealth practice. Members expressed support for adding language on e-mail, texting, and compliance with the Health Insurance Portability and Accountability Act (HIPAA) for televideo services. Members noted there are highlighted changes to the code of ethics on this topic, so that information will be forwarded to Advisory Committee members;
- Advisory Committee members noted difficulty reviewing the unprofessional conduct regulations, though the Executive Director noted the agency is bound to the legislative formatting style. The Executive Director noted other Advisory Committees expressed a similar concern, so the BSRB will be looking to see if the agency can create a more user-friendly version of the regulations in the future;
- Advisory Committee members expressed support for updating terminology in K.A.R 102-2-7(1), noting that the items in regulation do not match the list recognized in the code of ethics; and
- Advisory Committee members noted the lack of substantial language on practitioner self-care.
- Advisory Committee members were asked to continue reviewing the unprofessional conduct regulations for further discussion at the next meeting.

C. Proactive Discussion to Public Protection. The Executive Director noted the public protection mission of the BSRB and that a significant amount of work by the agency is reactionary. The agency would like to take a more proactive approach and the Executive Director and Assistant Director have been speaking to students about licensure and unprofessional conduct to educate students on issues prior to those individuals becoming licensed. Advisory Committee member noted that possible proactive approaches could include providing more visibility to restrictions on the use of the term “social worker” and the possibility of creating instructional videos on statutes, regulations, or scenarios of certain conduct. The Executive Director asked Advisory Committee members to review materials on the BSRB website and to report back additional suggestions at the next Advisory Committee meeting.

VII. Future Meetings in 2022: Tuesday, June 21, 2022; Tuesday, August 16, 2022; Tuesday, October 18, 2022; and Tuesday, December 20, 2022.

VIII. Adjournment. Lee Gingery moved to adjourn the meeting. Carolyn Szafran seconded. The motion passed.