

**Behavioral Sciences Regulatory Board
Social Work Advisory Committee
June 21, 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 by Zoom included Andrea Perdomo-Morales, Carolyn Szafran, Mary Gill, Lee Ann Gingery, Angi Heller-Workman, Jane Holzrichter, Catherine Rech, Eric Schoenecker, Cristin Stice, and Robin Unruh.

BSRB Staff. Staff members present by Zoom included David Fye and Leslie Allen

- II. Agenda Approval.** Angi Heller-Workman moved to approve the agenda as written. Carolyn Szafran seconded. The motion passed.
- III. Minutes Approval.** Eric Schoenecker moved to approve the minutes from the Advisory Committee meeting on April 19, 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. 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.

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 noted that several of the conversations at several of the national meetings have included discussions on multi-state compacts. 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 provided information on Legislative committees with a health focus that would be meeting in the fall.

V. Old Business

A. Continued Discussion on Unprofessional Conduct Regulations. At the past Advisory Committee meeting, Committee members discussed possible changes to the regulations. At that meeting, Committee members noted the term "supervisor" and asked whether that could include employment supervisors. The Executive Director noted he consulted with legal counsel for the Board who clarified that, absent language indicating employment supervision, the term supervisor should apply to the practice of social work, rather than as a function of employment. The Advisory expressed support of adding a definition of the term supervisor, especially concerning relationships between supervisors and supervisees. The Advisory Committee members discussed KAR 102-2-7(y) concerning sexual activities or engaging in physical intimacies with current clients, supervisees, or students and KAR 102-2-7(z) concerning those activities with a former client within 24 months of ending the therapeutic relationship. Advisory Committee members asked how long those regulations have been in place. The Executive Director stated KAR 102-2-7(y) has existed since 1982, but KAR 102-2-7(z) was put in place in 2000. Advisory Committee members discussed the benefit of having uniformity across all profession's unprofessional conduct regulations and also for consistency with the unprofessional conduct standards for the profession's code of ethics. It was noted that the code of ethics by the national association states a practitioner should never have a

sexual relationship with a client or former client. Some Advisory Committee members expressed support for changing the standard in KAR 102-2-7(z) from 24 months to never having sexual relationships with former clients. Advisory Committee members expressed support for updating language concerning technology standards, based on changes in technology over time. The Advisory Committee noted it will receive any additional comments on possible changes to the unprofessional conduct regulations through the end of the year, then those proposed changes will be submitted to the Board for consideration.

- B. Continuing Education Requirements in the Area of Diversity, Equity, and Inclusion.** Andrea Perdomo-Morales, Co-Chair of the Advisory Committee, noted the BSRB survey sent to social workers in December 2021 showed that social workers supported a continuing education requirement in the areas of Diversity, Equity, and Inclusion (DEI). The Advisory Committee discussed whether to recommend that the full Board continue to look at this topic and include it as a discussion item on the Board's agenda. Advisory Committee members expressed support for education in this area and how to avoid confusion on this topic. Advisory Committee members discussed the proposal from the Licensed Psychology profession to include continuing education requirements in DEI that was removed by the Legislature from the BSRB bill introduced to the 2022 Legislature and the difficulty in regulating DEI requirements. Lee Ann Gingery moved for this topic to be taken to the Board and for the Advisory Committee to continue to discuss this topic as well. Carolyn Szafran seconded. The motion passed.
- C. Proactive Approaches to Public Protection.** The Executive Director noted the BSRB stopped licensing new applicants at the Associate Social Work level many years ago, but he continued to allow individuals with that level of license to renew their licenses. The Advisory Committee previously discussed potentially reopening that level of license, so the Executive Director provided information on similar associate-level licenses in other states and jurisdictions as well as recent bills from other jurisdictions that were exploring new levels of licensure. There is a recommendation that this topic be further discussed at future meetings. The Advisory Committee noted it would like to discuss this topic in more detail at a future meeting.
- D. Discussion on Workforce Issues.** Advisory Committee members did not reference any new items on this topic.
- E. Discussion on Clinical Supervision.** The Executive Director noted the BSRB survey to social workers asked several questions on the topic of supervision, the Board has recently discussed whether there are adequate trainings for supervisors, and the Advisory Committee would be discussing the topic of whether to require Board-approved supervisors. Advisory Committee members discussed the benefit of having Board-approved supervisors, the benefit of training of supervisors, and the history of this topic in Kansas. It was noted two other professions currently require Board-approved supervisors, the marriage and family therapy profession and the professional counseling profession. Lee Ann Gingery moved to take this topic to the

Board and to continue to discuss this topic as an Advisory Committee. Jane Holzrichter seconded. The motion passed.

VI. New Business

- A. Implementation of SB 453 - Regulatory Language Considerations for LSCSW Applicants with no Clinical Practicum.** The Executive Director summarized an amendment made to 2021 HB 2208 which removed language that previously allowed the BSRB to consider applicants for the clinical-level social work license even if those applicants had not obtained a clinical practicum. The method previously used to evaluate those applicants was included in K.A.R. 102-2-12. Following that language being struck from statute in 2021, the BSRB submitted a change to delete the language in corresponding to that authority in regulation. In 2022 SB 453, the Legislature added back the ability for the BSRB to evaluate those applicants, but now that the statute has been enacted, the BSRB will need to submit new regulation language clarifying how to evaluate these applicants. This topic will be discussed by the Advisory Committee members at the next meeting
- B. Temporary Licenses for Graduates of Programs in Candidacy for CSWE Accreditation.** The Executive Director noted the BSRB reviews education for all applicants according to the statutes and regulations. Some applicants received their education from a program accredited by a recognized national accrediting body and others attended a non-accredited program. Applicants from non-accredited programs must meet a separate set of standards in regulations. Currently, the standards for non-accredited programs state that half of an applicant's education must be completed "in residence," which is defined as physically at the school. The accreditation process can take three and half years to complete, so it is possible that students may graduate from a school deemed to be "in candidacy" for accreditation, but those students would receive their education prior to their school becoming accredited. New online schools would be unable to meet the "in residence" standard, so those graduates would not meet the BSRB requirements for licensure, until their programs became accredited. The Executive Director noted that the state of Minnesota provides a temporary license to applicants who graduate from programs that are in candidacy for accreditation, then once those schools become accredited, the students can convert to a permanent license. The Executive Director noted he provided materials on this potential change to the Board, but also wanted to receive comments from the Advisory Committee on this potential change as well. Advisory Committee members expressed support for offering a temporary license for these applicants.
- C. "In Residence" Requirement for Licensure.** The Executive Director noted that most Advisory Committees are considering removing the physical presence requirement from the "in residence" definition for educational requirements, which is included in KAR 102-2-6 for the social work profession. The current "in residence" definition states that the student is at the physical location of the school with the student and one or more core faculty members are in face-to-face contact. The Executive Director noted the physical presence requirement is not consistent with the national accrediting body's standards and when he has spoken to other states, he has found no other state with a similar requirement. Consideration of changes to this regulation will be considered at the next meeting.

- D. Social Work Compact.** The Executive Director noted a multi-state compact for the social work profession is close to being released in draft form by representatives from the Department of Defense and other parties. It is expected the language will be viewable sometime in July. The Executive Director will provide the draft language to the members of the Advisory Committee when it is available for review.
- VII. Special Recognition for Carolyn Szafran.** Members of the Advisory Committee and staff of the BSRB thanked Carolyn Szafran for her service to the Board and the Advisory Committee.
- VIII. Information on New Social Work Board Member.** The Executive Director announced that the Governor has appointed Cynthia Schendel to serve as the new Board member for social work, beginning on July 1, 2022.
- IX. Next Meeting.** The next meeting of the Advisory Committee will be on Tuesday, August 16, 2022.
- VIII. Adjournment.** Carolyn Szafran moved to adjourn the meeting. Lee Ann Gingery seconded. The motion passed.