

**Behavioral Sciences Regulatory Board
Board Minutes
February 23, 2021**

Call to Order. The meeting was called to order by Vice Chair Leslie Sewester at 8:00 a.m.

- I. Roll Call.**
Board Members. Members present by Zoom: Mary Jones, Jacqueline Lightcap, Johnna Norton, Bruce Nystrom, Andrea Perdomo-Morales, Danielle Johnson, Leslie Sewester, Ric Steele, and Laura Shaughnessy.
- II. BSRB Staff.** Staff present by Zoom: David Fye, Janet Arndt, Laine Barnard, Jane Weiler, and Ashley VanBuskirk. Staff present by phone: Leslie Allen.
- III. Guests.** None.
- IV. Agenda Approval.** Danielle Johnson motioned to approve the agenda as written. Jacqueline Lightcap seconded. The motion carried.
- V. Review and Approval of Contract for Expert Witness Services.** David Fye and Janet Arndt provided an explanation of the contract and when this contract might be used. Mary Jones moved that the Board approve the Contract for Expert Witness Services discussed at the Board's meeting today. I further move that the Board authorize David Fye, the Board's Executive Director, to change any term or condition in the Contract for Expert Witness Services as necessary for a specific case after consultation with the Board's legal counsel. Johnna Norton seconded. The motion carried.
- VI. Review and Approval of Motions Relating to Contract for Expert Witness.** Leslie Sewester motioned, I move that the Board designate and delegate to David Fye, the Board's Executive Director, the Board's authority under K.S.A. 74-7507(a)(4) to execute and enter into a contract with an expert witness who will perform the services stated in the Contract for Expert Witnesses that the Board discussed and approved at today's meeting.

Those services include, but are not limited to, investigation, document review, studies, research, reports, and testifying as an expert witness as necessary for the Board to perform its duties and responsibilities in determining the qualifications of applicants and the compliance by licensees in the following licensing acts:

The Licensure of Psychologists Act;
The Licensure of Master's Level Psychologists Act;
The Professional Counselors Licensure Act;
The Social Workers Licensure Act;
The Marriage and Family Therapists Licensure Act;
The Addiction Counselor Licensure Act; and

The Applied Behavior Analysis Act.
Mary Jones seconded. The motion carried.

VII. Review and Approval of Motions Relating to the Kansas Administrative Procedures Act.

Mary Jones motioned, I move that pursuant to the Kansas Administrative Act the Board designate and delegate to the Chairperson its authority as agency head under K.S.A. 77-527 to make a determination on whether to deny or grant a petition for review of an initial order and issue an order accordingly. If review is not exercised, the Chairperson is also authorized to issue any other orders regarding a petition for reconsideration and a petition for stay. If review is granted, in whole or in part, further proceedings shall be conducted by the Board. Laura Shaughnessy seconded. The motion carried.

Johnna Norton motioned, I move that, should the Chairperson be unable to serve as agency head, the Board designate the Vice Chairperson to serve as an alternate agency head with the same authority delegated to the Chairperson. Jacqueline Lightcap seconded. The motion carried.

Mary Jones moved, I move that pursuant to the Kansas Administrative Procedure Act, the Board designate and delegate to the Board's Complaint Review Committee its authority to act as Presiding Officer in emergency proceedings under K.S.A. 77-536, and amendments thereto, including conducting any hearing and issuing an order in matters that are being or have been investigated for any alleged violation of or compliance with the following acts or regulations promulgated thereunder:

The Licensure of Psychologists Act;
The Licensure of Master's Level Psychologists Act;
The Professional Counselors Licensure Act;
The Social Workers Licensure Act;
The Marriage and Family Therapist Licensure Act;
The Addiction Counselor Licensure Act; and
The Applied Behavior Analysis Act.
Laura Shaughnessy seconded. The motion carried.

Leslie Sewester moved that, I move that, in matters regarding applications filed under the following acts:

The Licensure of Psychologists Act;
The Licensure of Master's Level Psychologists Act;
The Professional Counselors Licensure Act;
The Social Workers Licensure Act;
The Marriage and Family Therapist Licensure Act;
The Addiction Counselor Licensure Act; and
The Applied Behavior Analysis Act

the Board designate and delegate to the Chairperson its authority as Presiding Officer under the Kansas Administrative Procedure Act to:

- Issue any Notice of Prehearing Conference or a Notice of Hearing;

- Conduct a Prehearing Conference;
- Issue any subpoenas;
- Issue any orders concerning the prehearing conference, prehearing matters, or a hearing conducted by the Board; and
- Sign any final order after a hearing conducted by the Board and
- Sign any orders on a petition for reconsideration or a petition for stay.

Johnna Norton seconded. The motion carried.

Mary Jones motioned, I move that, should Chairperson be unable to serve as Presiding Officer, the Board designate the Vice Chairperson to serve as an alternate Presiding Officer with the same authority delegated to the Chairperson.

Johnna Norton seconded. The motion carried.

Leslie Sewester motioned, I move that in matters involving complaints or reports of alleged violations under the following acts:

The Licensure of Psychologists Act;
 The Licensure of Master's Level Psychologists Act;
 The Professional Counselors Licensure Act;
 The Social Workers Licensure Act;
 The Marriage and Family Therapist Licensure Act;
 The Addiction Counselor Licensure Act; and
 The Applied Behavior Analysis Act.

the Board designate and delegate to the Board's Complaint Review Committee its authority under the Kansas Administrative Procedure Act to act as the Presiding Officer, such delegation includes but is not limited to:

- Making a reasonable grounds determination regarding any complaints alleging a violation of or compliance with the above acts or a regulation adopted thereunder;
- Investigating any alleged violation of or compliance with the above acts or a regulation adopted thereunder;
- Conducting pre-hearing proceedings and hearings;
- Issuing subpoenas;
- Entering into settlement agreements;
- Issuing decisions, prehearing orders, or summary proceeding orders that censure, revoke, limit, condition, or suspend any license, certificate, or authorization to practice under the above acts,
- Assessing fines,
- Sending warning or reprimand letters, and
- Taking any other action related thereto

unless the Complaint Review Committee determines that the matter should be sent to the Office of Administrative Hearings for conducting further proceedings and issuing an initial order or the matter should be considered and decided by the Board.

Laura Shaughnessy seconded. The motion carried.

VIII. Adjourn. Danielle Johnson motioned to adjourn the meeting. Andrea Perdomo-Morales seconded. The motion passed.