

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING MINUTES
FEBRUARY 17, 2022**

- I. Call to Order and Roll Call.** The meeting was called to order by Chair Leslie Sewester at 8:00 a.m.

Board Members. Board Members present by Zoom: Donna Hoener-Queal, Mary Jones, Jacqueline Lightcap, Johnna Norton, Bruce Nystrom, Leslie Sewester, Laura Shaughnessy, Ric Steele, Deb Stidham, and Carolyn Szafran.

Staff. BSRB Staff David Fye and Leslie Allen were present by Zoom. Assistant Attorney General Jane Weiler was present by Zoom.

Guests. None.

- II. Agenda Approval.** The agenda was approved as written.

- III. Review of Legislation Relating to BSRB.** David Fye, Executive Director for the Behavioral Sciences Regulatory Board, noted that he requested the Board meeting to inform the Board about legislation having an impact on the BSRB and to allow the Board the opportunity to ask questions and to request introduction of testimony or amendments. The Executive Director provided an overview of the following bills:

- A. SB 497.** The Executive Director stated SB 497 was introduced in the Senate Judiciary Committee and the original requestor was Bill Roe, Senior Advisor from the Attorney General's office. Among other provisions, the bill would require the Attorney General's office to develop human trafficking prevention training and this training would be required on an annual basis for several groups of employees and licensees in Kansas, including all licensees under the BSRB. It was noted that the bill included outdated terminology "all registered alcohol and drug abuse counselors," rather than referencing addiction counselors licensed by the BSRB. Members of the Board expressed concern about who would monitor and enforce the training

requirement, whether one hour would be enough time for adequate training on this topic, and the price for this training. Board members also noted that requiring this additional training in a statute outside of the BSRB statutes would create a fragmented system of requirements for practitioners and would make it difficult for licensees to identify all requirements. It was noted the agency received no notice and was not contacted about this proposed requirement of yearly training for the over 13,000 licensees under the agency and Board members noted that a voluntary training would be more effective at serving a helpful purpose. As SB 497 has already received a hearing, the Board requested an amendment be pursued to remove BSRB licensees from the bill for the concerns referenced. If the bill moves forward including BSRB licensees, outdated references to certain licensees should be corrected. If the bill is passed out of Committee and licensees for the BSRB continue to be included in the bill, the Board requests the Executive Director submit testimony at future House Committee hearings on this bill, raising the concerns noted by the Board.

B. HB 2672. The Executive Director stated HB 2672 was introduced by Representative Bill Rhiley and would create the Open Borders for Kansas Jobs Act. The bill would change reciprocity statutes for several occupational professions, but the social work profession was the only profession under the BSRB included in the bill. For the social work profession, the bill would remove the BSRB's discretionary authority in reviewing applicants, as the bill mandates the Board issue a license to Social Work applicants who hold a certificate or license to practice in a jurisdiction with substantially equivalent requirements for obtaining that certificate or license. The bill strikes a current statutory requirement that applicants must have an absence of serious disciplinary actions and strikes existing requirements for bachelor level and master's level applicants to have practiced in that jurisdiction for 48 of the last 54 months prior to applying for licensure. Additionally, the bill removes the current requirement for bachelor level social workers to have completed a baccalaureate degree in social work from a regionally accredited university; for master's level social workers to have completed a master's degree in social work from a regionally accredited university; and for clinical social workers to have met the

requirements for the master's level social work license and the requirement to demonstrate competence to diagnose and treat mental disorders. Board members expressed concerns about the ability for the Board to fulfil the public protection of the agency if these changes were made to the social work reciprocity statutes. The Board requests the Executive Director submit testimony opposing these changes for the social work profession, if the bill is scheduled for a hearing in a House Committee.

C. HB 2552. The Executive Director stated HB 2552 creates new Kansas Tele-Health Advisory Committee for establishing standards for telemedicine, outlines membership for the Committee and duties, and changes regulations regarding distant sites or private locations. The bill does not include a representative from the BSRB as part of the Committee. The Board requests the Executive Director offer testimony if the bill receives a hearing and the Board requests the Executive Director request an amendment to add at least one member representing the BSRB on the Committee.

D. Substitute for SB 34. The Executive Director noted the original version of SB 34 would have set a 5-year sunset on all existing regulations for state agencies and would have required any new regulations to sunset 5 years after being introduced. The bill would have required agencies to put regulatory language into statutes if they wished the provisions to continue after the 5-year sunset. This bill received a hearing last year by the Senate Committee on Federal and State Affairs, but the bill was not worked by the Committee or voted out of the Committee. Unexpectedly, earlier this week, the Committee worked the bill and changed it so substantially that it is now a substitute bill. After making changes, the Senate Committee voted the bill favorably for passage as a substitute bill. The Executive Director noted the new version of the bill would require each state agency to submit a report to the Joint Committee on Administrative Rules and Regulations on a schedule defined in the bill. Agencies would need to include in the report an analysis of each regulation, noting if the regulation was necessary to implement law or if the regulation should be revoked. Jane Weiler, Assistant Attorney General, noted that this bill is linked to an

effort to add a constitutional amendment to the ballot on the topic or regulations. Members of the Board noted concerns, including that time spent by the agency to create this report would take away from time dedicated to the public protection mission of the Board. Additionally, it was noted the bill included outdated terminology, including a reference to the Board of Psychology, which has not existed since the 1980's. Board members noted the intent behind this regulation may have good motivation, as some state agencies have not reviewed their regulations in a long time and do need to be reviewed. However, some of the reason that older regulations are not reviewed and updated is because new regulatory language is needed every year due to new laws being passed. The Executive Director noted the next step in the legislative process would be to see if the bill is worked on the Senate floor. If the bill is passed by the Senate, it would be assigned to a House Committee. If that occurs, the Board requests that testimony be submitted on behalf of the BSRB, requesting the agency to be exempt from the bill, as the BSRB is already reviewing and updating its regulations.

IV. Adjournment. Deb Stidham moved to adjourn the meeting. Carolyn Szafran seconded the motion. The motion passed.