

BSRB Board Meeting

08/15/2016

9:00 a.m.

Called to order by Chair, Grant Edwards, at 9:03 a.m.

Members Present: Barbara Callahan, Jill Craven, Grant Edwards, Terry Pfannenstiel, Cheryl Reynolds, Larry Salmans, Marcia Simoneau, Deb Stidham and Carolyn Szafran. Kathryn Herzog joined by phone. Kathy Armstrong and Todd Frye were absent.

Guests Present: Sky Westerlund – KNASW, Brandt Haehn & Kimberly Reynolds - KDAADS, Janet Williams – Community Works, Inc. & Minds Matter

Staff Present: Max Foster, Leslie Allen, Cindy D’Ercole, Marilyn Revell
Counsel Present: Jan Arndt, Assistant Attorney General

I. Approval of Agenda

- Add Executive Session to discuss personnel issues
- Add under committees to discuss activities at out-of-town Board meeting

II. Approval of Minutes

Item: Approval of the minutes from May 9, 2016 Board Meeting

Action: Cheryl moved to approve the minutes as published. Jill seconded the motion. The motion passed.

III. Election of Chair and Vice Chair of the Board

Item: Elect Chair

Action: Cheryl nominated Grant as Chair and Terry seconded the nomination. Cheryl then moved to close nominations and elect Grant by acclamation. Terry seconded the motion. Motion passed.

Item: Elect Vice Chair

Action: Kathy nominated Cheryl as Vice Chair. Jill seconded the motion. Motion passed.

IV. Approval of Newly Issued Licenses

Item: Approval of newly issued licenses from 5-1-2016 through 6-30-2016.

Action: Cheryl moved to approve the list of licensees as published, Carolyn seconded the motion. The motion passed.

V. Public Comments –

No public comments at this time.

VI. Executive Director Report – Max Foster

1. Legislative activity:
 - a. SB449 – “BSRB Mega Bill” passed, now all the work begins to write all the regulations. Leslie is working on updating numerous regulations. Another change concerns the request of fingerprints for future applicants, the KBI will train the BSRB staff to obtain and maintain this information, but the FBI has to first approve the activities for BSRB.
 - b. Licensed Masters Addiction Counselors – over 100 have been issued and 145 LMAC applications have been received. Max and Leslie had made a presentation to the Kansas Association of Addiction Professionals on 7-20-16 to discuss the statutes that were passed and regulations to come for the Master’s level of licensure.
 - c. Licensure of Behavior Analysts – temporary regulations were passed in June to allow BSRB to license this profession. Companion permanent regulations are set for public hearing on September 12, 2016. Max will appear before the joint administrative committee on rules and regulations on September 6, 2016 to discuss the permanent regulations which are identical to the temporary regulations that went into effect July 1, 2016.
2. Fiscal Activity Report – Budget preparation
 - a. This year, there will be performance-based budgeting for the narrative explaining the budget. This is easier for a fee-based regulatory agency. There is not a lot of change for BSRB. September 15, 2016 is the date the budget is due. Max asked for the Board to hold a conference call meeting to share the budget numbers and approve the numbers. Monday, September 12, 2016 at 7:30 a.m. was the date and time selected for budget discussion by a phone conference meeting of the Board.
 - b. Closed out FY 16 and opened FY 17.
 - c. **Item:** Revenue analysis to reduce licensing fees. Max presented a table of projections to compare the different plans to reduce fees.
Action: Cheryl moved to adopt table 3 which eliminates the Original Licensing fee and reduce other licensing fees by \$50. Larry seconded the motion. There was some discussion. Motion passed. Regulations will be written to put these changes into effect.
3. NBCC Annual Meeting – Max attended the conference May 24-27
4. FLMA Training – Max and Leslie attended
5. Legislation for the 2017 legislative session – There will be agenda items set for the next Board meeting. Then the Legislative

committee could meet after that to discuss possible upcoming legislation.

6. We need to get the Board's input for out-of-town board meeting topics to discuss during the September 25-26 at Rock Springs Ranch outside of Junction City, Kansas.
7. Staff resignation – Jennifer Peerenboom resigned her position as Licensing Specialist and Marilyn Revell has been promoted to that position. Now we need to replace the front desk position.
8. Office 365 BSRB staff email addresses has been changed to firstname.lastname@ks.gov
9. Speaking Activity – Wichita State University – Max and Joan will be speaking on Monday, October 31st to the Social Work students.

10:20 Grant called a recess for 10 minute break for the Board

10:35 Grant reconvened the meeting

VII. Staff Reports – Leslie Allen

Topics to discuss at the next Board meeting: Cheryl suggested a Team Building Activity, Legislative concerns, Telemental health technology issues

- Leslie has been working on LP audits and regulations and will present those and other regulations to the Board at the September Board meeting

VIII. Complaint Review Committee Report – Terry Pfannenstiel - CRC met on August 8, 2016:

18 cases were reviewed
12 cases were dismissed due to facts not supporting the violations
2 CAOs were issued
2 Diversion agreements
1 cautionary letter was sent
1 subpoena to appear to gather more information

In FY2016, the CRC reviewed 123 cases. 13 cases ended in CAOs or SPOs, and 18 diversions were issued.

The backlog of cases is getting caught up. The next meeting is scheduled for October 10, 2016.

IX. Professions Reports

- A. **Psychology** – Barbara Callahan – The LP committee met Tuesday, August 9, 2016. A new test, the EPPP-part 2, is a possibility for states. It will be a topic of discussion at the ASPPB annual meeting that Grant is attending. The committee discussed regulations for the rest of the meeting. The next meeting is scheduled for October 11, 2016.

Item There are 4 regulations for the Psychology profession in the Board packet for review and approval at today's meeting.

Action: Cheryl moved to approve the LP regulations as recommended by the committee and published to the Board. Carolyn seconded the motion. Motion passed.

B. Social Work – Carolyn Szafran and Marcia Simoneau – The SW Advisory committee met on July 20, 2016. The committee has selected a subcommittee to put together a supervision training manual. Sharon Stuewe is chairing this subcommittee. The committee is recommending 4 new members to be appointed to the advisory committee today by Board Chair, Grant. The committee is also reviewing different social work clinical licensing regulations that are not in line with the other BSRB professions. Meeting with a supervisor more often than 1 hour per 10 hours of practice is one of the regulations being reviewed. Case management currently cannot be used as hourly accrual for LSCSW training plan hours. Case management is approved in Marriage and Family Therapy and Professional Counseling, but not for social workers. Group supervision is limited to 4 supervisees but, in the other professions, there are up to 6 supervisees allowed in group supervision for the clinical training plans. The next meeting is scheduled for Wednesday, September 21, 2016 at 1 p.m.

C. Professional Counseling – Jill Craven – The PC Advisory meeting last met by phone on Monday, June 27, 2016 and discussed supervision training regulations. No meeting was held last Monday.

Item: Need Board to approve the regulation concerning the supervisor training requirements.

Action: Cheryl moved to accept the regulations as recommended by the committee and published to the Board. Kathy H. seconded the motion. Discussion followed about the clarification of continuing education requirements. For this supervisor training requirement, LPCs used the national association standards (45 CEUs within the last 6 years or 3 semester-credit hours). Motion passed. Next meeting will be to follow up on the regulations.

D. Master's Level Psychology – Larry Salmans – No Advisory committee meeting was held, but Larry has been discussing issues with different committee members. The Larned State Hospital and other western Kansas Mental Health Centers have great staff shortages of Master level psychologists. Larry is thinking of holding his advisory committee meetings in western Kansas to accommodate his committee members. Maybe staff could come to Liberal or Dodge City to meet. It was suggested that video conference meetings could work. Cheryl suggested putting “rural issues” as discussion topic for the September Board Meeting.

E. Marriage and Family Therapy – Terry Pfannenstiel – The MFT Advisory committee met on Friday, August 12, 2016. The committee discussed regulations for the supervisor training requirements and CEUs requirements

which are presented to the Board today. Also, Terry has asked KAMFT to put together a training to meet the supervisor training requirements set forth in the regulations.

Item: The committee went over the regulations for the supervision training requirements and CEUs which are presented to the Board.

Action: Terry moved to approve the regulations recommended by the committee and published to the Board today. Cheryl seconded the motion. Motion passed.

Item: Terry brought to the Board's attention a request by the national organization to accept an English language learner's special accommodation (ELL) for applicants to take the national test. The national organization is leaving it up to the individual states to accept or deny this accommodation allowing extra time for completing the test. Some states will not license someone who has taken the test with the special accommodation in another state. The cost for this special accommodation is charged to the applicant.

Action: Terry moved to accept the committee recommendation to not approve this ELL accommodation in Kansas. Kathy seconded the motion. There was much discussion. Cheryl called the question. Cheryl called for a division of the house. A roll call vote was taken.

Yes votes: Barbara Callahan, Kathy Herzog, Terry Pfannenstiel, Cheryl Reynolds, Larry Salmans.

No votes: Jill Craven, Grant Edwards, Marcia Simoneau, Deb Stidham, Carolyn Szafran

The motion fails in the event of a tie. Jan recommends that we don't use Roberts Rules of order. A policy is not a statute, is not a law.

Action: Cheryl moved to reconsider to withdraw the motion. Grant seconded the motion. Motion passed.

Action: Cheryl moved to table this issue until the September Out-of-town Board Meeting. Carolyn seconded the motion. Motion passed. Discussion followed. Grant would like to know if there is anything across the professional organizations to better discuss this issue within the different professions to try to maintain consistency. The Board can look at all different kinds of accommodations that are not ADA accommodations Grant asked that the professional members could do some research and bring back information for discussion.

10:43 Grant called a 10-minute break for the Board

10:51 Grant reconvened the meeting

XI. Move Agenda Item of New Business to this point in the meeting to accommodate the guests attending

- A. Traumatic Brain Injury Program Eligibility Policy and Attestation
Brandt Haehn, Commissioner of Community Service Programs with KDAADS – Traumatic Brain Injury Program (TBI) is a Medicare waiver program that provides services that have had a Traumatic Brain Injury. In the past, medical doctors had to sign the attestation form to determine eligibility for participants. Should anyone who can diagnose with the DSM-IV be able to sign the attestation form? KDAADS wants the licensing board’s input on this issue and wants to stay within the laws.

Janet Williams (Community Works, Inc. and Minds Matter) owns two companies and have worked with TBI patients for over 32 years. She stated that only 58% of the people that have TBI seek medical treatment for their injuries, because they don’t have access to medical help because they are homeless and have no medical insurance and have not been qualified for disability or Medicare insurance yet. Or there are people in a mental health center and have not been diagnose or may have been misdiagnosed. There is an assessment tool that is completed before they can qualify for the TBI waiver. Janet believes that anyone that can diagnose and treat with the DSM-IV can sign the attestation.

As the Board discussed this issue, it was agreed that BSRB licensees are not all qualified to make that diagnosis without a medical doctor’s input and opinion. Jan Arndt asked if this issue has brought up to the Board of Healing Arts as it sounds like a medical issue (“qualified medical professional”).

Action: Cheryl moved to table this issue until the Board of Healing Arts has rendered an opinion on this as a medical issue. Kathy seconded the motion. Motion passed. Grant suggested that, instead of licensing, the attestation form address the training and educational qualifications needed to render this diagnosis.

IX – Return to Profession Reports

- F. Addiction Counseling** – Deb Stidham – the AC Advisory committee met on June 15, 2016. The committee discussed the regulations needed for the master’s level license to be consistent with other BSRB master’s level licenses. The next meeting is scheduled for this Friday, August 19, 2016 at 10 a.m.
- G. Behavioral Analysis** – Max reported that the temporary regulations have been stamped (approved) so that BSRB can license the Behavior Analysts. There have been challenges with licensing that were not foreseen working with the national organization (BACB) to get the information needed. BSRB will follow through with the permanent regulations at a public hearing set for

September 12, 2016 at 10 a.m. in the BSRB board room. Jan suggested that the applicant attach an affidavit (“certify under oath”) swearing that the applicant is a certified Behavior Analyst or certified Assistant Behavior Analyst.

X. Subcommittee Reports

- A. **Document and Policy Review** – Cheryl Reynolds – No meeting has been held. As of today, the committee will be adding to the Board governance policy that the Board chair is a voting member.
- B. **Legislative** – Cheryl Reynolds – Max has been handling the legislative issues this year. There will be discussion at the September Board meeting and then the committee can meet following the board meeting, if necessary.
- C. **Technology** – Cheryl Reynolds – New I-Pads have been distributed to the Board members. She will be scheduling a committee meeting soon to look at other issues such as using the projector and white board for meetings, the technology issues of holding remote meetings and other technology issues such as board email addresses.

XI. New Business –

B. **Article** – Request for information from LP/Author. The licensee was not in attendance. The Board agreed to support Grant’s suggestions in his letter to the author.

C. **Item:** Appointment of new Advisory Committee Members. Grant pointed out that Advisory Committee members should be in good standing with BSRB with no current complaints or past disciplinary actions. He will appoint the Advisory Committee Members contingent on the review and findings of “in good standing” with BSRB.

Action: Grant appointed Jim Godbey and John Fleeker to the Marriage and Family Therapy Advisory Committee.

Action: Grant appointed Raymond Gillete, Angi Heller-Workman, Jane Holzrichter, and Rebecca Upshaw to the Social Work Advisory Committee.

Action: Cheryl moved to go into Executive session for 20 minutes for the purpose of discussing personnel issues and to protect the privacy of the personnel involved and that Max Foster be included in the session. Jill seconded the motion. Motion passed.

11:36 Grant called a recess of the Board to into Executive session.

11:55 Board reconvened to regular session.

Item: Review committee appointment

Action: Cheryl moved that Grant appoint an executive director review committee. Barbara seconded the motion. Motion passed. Grant appointed himself, Cheryl, Deb, and Larry to the Executive Director Review committee

Item: Cheryl announced that there would be a social activity on Sunday evening at the out-of-town Board meeting in September. She asked everyone attending to come dressed as a character from a movie. Cheryl also announced that there would be a team building exercise held on Monday.

XII. Item: Adjournment

Action: Cheryl moved to adjourn the meeting. Jill seconded the motion. Motion passed. Meeting was adjourned by Grant at 12:00 p.m.