

**Behavioral Sciences Regulatory Board
Board Meeting, January 14, 2019 Minutes**

Call to Order. The meeting was called to order by Chair Kathy Armstrong at 9:00 a.m.

Roll Call. Board Members Present: Kathy Armstrong, Barbara Callahan, Jill Craven, Todd Frye, Kathy Herzog, Bruce Nystrom, Terry Pfannenstiel, Larry Salmans, Leslie Sewester, Deborah Stidham, and Carolyn Szafran.

Staff Present: Max Foster, Leslie Allen, Cindy D’Ercole and Linda Hoover.

Guests Present: Jane Weiler, Litigation Counsel, Assistant Attorney General; Jesse Springer of Board of Healing Arts (BOHA); Lynette Jo-Beck of Stormont Vail Health Care; and Kyle Kessler, Executive Director of Association of Community Mental Health Centers of Kansas, Inc. (CMHCS). Don of CE Broker joined by Zoom.

I. Agenda Approval. Terry moved to approve the agenda. Larry seconded the motion. The motion carried unanimously.

II. Approval of Minutes – November 5, 2018. Terry moved to approve the minutes as published. Todd seconded the motion. The motion carried unanimously.

III. Approval of Newly Issued Licenses (November 1, 2018 through December 31, 2018). Terry moved to accept the newly issued licenses. Todd seconded the motion. The motion carried unanimously.

IV. Public Comments. Lynette Jo-Beck here to observe. Jesse Springer of BOHA will answer questions about the proposed new licensure database. Kyle Kessler, Executive Director of CMHCS will present.

V. Executive Director’s Report.

- a. Links to forms on the BSRB website have been temporarily broken to comply with the request to update all letterhead and forms to bear Governor Laura Kelley’s name.
- b. Database Supported by Board of Healing Arts. Weekly meetings are held with Jesse and Leslie Allen.
- c. Presentations / Meetings Attended: Max and Leslie presented to Post-Doc LPs at KU Med Center. Max attended the ASWB meeting at San Antonio. Max met with Joint Committee of Administrative Rules and Regulations. Max to meet with Becky Fast of KNASW.
- d. Fiscal Information: Cash Balance Report. Budget Analysis. Budget Recommendations.
- e. Starting time for Board meeting. Future Board meetings will begin at 10:00 a.m.
- f. Future Meetings / Presentations of Interest. Non-Cabinet Agency Heads; Small Agency directors; Social Worker Licensure – Washburn University; Senate Public Health and Welfare; House Health and Human Services; Budget Hearings.

VI. Staff Reports. None

VII. Complaint Review Committee Report. Terry reported that 26 cases were reviewed in December 2018. There were six CAOs or SPOs, three proposed diversion; one revocation; one suspension; nine were dismissed because the facts did not support the allegations; six cautionary letters were sent. Investigators and Jane Weiler are doing an excellent job.

VIII. CE Broker – Presentation (9:30 a.m.). Partners with State agencies. The Board directed Max to contact the Department of Administration to see if this needs to be bid. If a bid is not required, Max will request a contract which will be reviewed by the attorney general’s office.

IX. Professions Reports

- a. **Psychology.** No report.
- b. **Social Work.** Carolyn reported that this Advisory Committee met January 9 and will next meet March 9. The LSCSW Supervisory Manual is nearly complete.
- c. **Professional Counseling.** Todd reported that this Advisory Committee met on December 3 and will meet again on February 4. Continuing to review eight university programs that are seeking approval related to the educational requirements set out in our regulations. Discussion continues with 100% online supervision and ethics / misconduct in potential regulation changes.
- d. **Masters Level Psychology.** Larry reported that this Advisory Committee met after the November Board meeting. Discussed foreign education, Telemental health issues and FHSU’s clinical psychology Master’s program.
- e. **Marriage and Family Therapy.** Terry reported issues discussed include reciprocity. The MO/KAN chapter has been organized and is now in place. Will provide CEUs for MFTs.
- f. **Addiction Counseling.** Deb reported this Advisory Committee met on December 7. Clinical supervision requirements and auditing coursework at university programs was discussed. Will meet next on February 15.
- g. **Behavior Analysts.** Max reported that there has not been an Advisory Committee meeting since the November 2018 Board meeting. Jill volunteered to serve as the new Chair of this Advisory Committee.

X. Kyle Kessler, Executive Director – Association of Community Mental Health Centers of KS, Inc. Work Force Issues (10:30 a.m.). Discussion followed.

XI. Old Business. The following topics were discussed.

- a. **Reciprocity Comparison of Requirements by Profession.** LBSW, LMSW and LSCSW licensure requirements through reciprocity are unique to that profession.
- b. **Statutory amendments.** Todd moved that a provisional license be created for a maximum of one-year term which will allow the applicant to complete any requirements that they are lacking. Deb seconded the motion. The motion was unanimously approved. Statutory language for each profession will be drafted by next Board meeting.
- c. **Legislative Agenda.**
- d. **Telehealth Regulations.** BSRB is tasked with defining confidentiality. Terry moved that BSRB follow the path of LPC and apply that language as far as practical, to all other professions licensed by BSRB, and unprofessional conduct. Kathy Herzog seconded the motion. The motion was unanimously approved. Leslie will develop language for each advisory committee to review.

XII. New Business.

- a. **Appointment to the Addiction Counselor Advisory Committee – Mike James.** Terry moved that Mike James be approved to serve on the Addiction Counselor Advisory Committee. Jill seconded the motion. The motion unanimously carried.
- b. **Email from David Anderson.** The Board agrees that persons are required to have 24/7 coverage and that there is no need to make the additional notification for licensure because it is already in the unprofessional conduct regulations.

Pursuant to K.S.A. 2018 Supp. 75-4319, Jill moved that the Board recess into Executive Session and reconvene the open meeting in this room at 2:40 p.m. The subject to be discussed in the Executive Session concerns the issuance of temporary licenses by the Board and the approval by the Board of the names of corporations and limited liability companies that are organized by a licensee. The justification is consultation with the Board's General Counsel that would be deemed privileged in the attorney-client relationship. Terry seconded the motion. The motion carried. The Board went into Executive Session.

At 2:40 p.m. the open meeting resumed.

Pursuant to K.S.A. 2018 Supp. 75-4319, Jill moved that the Board recess into Executive Session and reconvene the open meeting in this room at 2:47 p.m. The subject to be discussed in the Executive Session concerns the issuance of temporary licenses by the Board and the approval by the Board of the names of corporations and limited liability companies that are organized by a licensee. The justification is consultation with the Board's General Counsel that would be deemed privileged in the attorney-client relationship. Leslie Sewester seconded the motion. The motion carried. The Board went into Executive Session.

The open meeting resumed at 2:47 p.m. The meeting adjourned.

The next Board meeting is set for March 11, 2019 at 10:00 a.m. or as soon thereafter as possible.