

**Behavioral Sciences Regulatory Board  
Board Meeting  
Monday, March 13, 2017, 10:00 a.m.**

**Call to Order and Roll Call:** Meeting was called to order by Chair Grant Edwards at 10:00 a.m.

**Board Members Present:** Attending in person: Barbara Callahan, Carolyn Szafran, Deborah Stidham, Grant Edwards, Jill Craven, Kathy Armstrong, Larry Salmans, Marcia Simoneau, Terry Pfannenstiel, and Todd Frye. Attending by phone: Kathy Herzog.

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

**Guests Present:** Sky Westerlund of KNASW, Tarik Milladge, Cynthia Woodruff, CAE, Executive Director of American Art Therapy Association, and Dr. Gaelynn P. Wolf Bordonaro, ATR-BC, member of Kansas Art Therapy Association.

- 1) **Agenda Approval.** Max would like to add a brief Executive Session to talk about personnel matters; this will be added between New Business and Adjourn.
- 2) **Approval of Minutes from January 9, 2017 and from September 25 & 26, 2017.** Deb Stidham asked for a correction to be made at 8.g, to show that Deb Stidham presented that report. Terry moved and Larry seconded to approve the minutes of January 9, 2017 as amended. Motion carried. Terry moved and Marcia seconded to approve the September 25 and 26, 2017 minutes. Motion carried.
- 3) **Approval of Newly Issued Licenses (1/1/17 through 2/28/2017).** Todd moved and Terry seconded to approve newly issued licenses, January 1, 2017 through February 28, 2017. Motion carried.
- 4) **Public Comments.** Sky Westerlund of KNASW read a portion of the Kansas Supreme Court decision regarding Kathy Cobb. No further public comment was made.
- 5) **Executive Director’s Report.** Max reported that:
  - a. **Executive directors of non-cabinet level agencies** met with CITO of the State of Kansas. Changes are happening in the technology field. Two bills have been introduced: HB 2331 which relates to the Kansas Cyber Security Act, and HB 2359 which relates to the replacement of the Office of Information Technology Services with a new state agency for purpose of standardizing things like purchase of IT equipment. Friendly amendments were agreed upon.
  - b. **There are multiple upcoming staff speaking engagements** with college and university students, practicum supervisors and others by Max, Leslie and/or Joan Hahn that address such items as LSCSW Practicum Supervisors, General Licensing, Complaint Process, Ethics, Supervision, Social Worker, LPC, LMFT and LAC licensing processes.
  - c. **Legislative Matters.** SB 172 would prohibit any BSRB licensee from practicing conversion therapy with any individual under 18 years of age.
  - d. **Budget Hearings.** Hearings have been completed in both the House and Senate, and our budget is intact with minor adjustments.
  - e. **An LMFT wishes to form a business entity** and use the words “integrated medicine” in his practice name. Larry moved and Todd seconded that Leslie contact the Board of Healing Arts

(BOHA) to see if this violates any of their statutes. Discussion followed. Motion carried. Todd moved and Jill seconded to approve “integrated medicine” if BOHA has no objection. Roll call vote resulted in one “Yes” vote and ten “No” votes. Motion did not carry. “Integrated medicine” could be confusing and/or misleading to the patients.

- f. **The annual autumn Out-of-Town meeting.** The Board asked staff to decide the location. The Board scheduled the event for Sunday and Monday, October 8 and 9, 2017.

#### 6) **Staff Reports - None**

- 7) **Complaint Review Committee Report.** Terry reported that the CRC met on February 13, 2017. They reviewed 21 cases. They did diversions for six of those cases, one suspension of license, one emergency suspension of license which has been done, nine cases where the facts did not support a violation and were dismissed, and the CRC sent letters and one Subpoena to Appear. Terry said that Cindy continues to do a great job on this difficult task. Cindy remarked that there are more complaints now than when she hired for this job.

#### 8) **Professions Reports**

- a. **Psychology.** Barbara reported that the Psychology Advisory Committee met on January 17, 2017. The committee discussed the Kansas Administrative Procedures Act (KAPA) and the ongoing possibility of consolidation of regulatory boards that would likely result in one super board. The next scheduled meeting was set for April 17, 2017.
- b. **Social Work.** Carolyn reported that the Social Work Advisory Committee met on January 18, 2017. Work continues on developing the LSCSW Supervisory Manual. This group typically meets every other week and the team is doing a great job putting the manual together. There was discussion about what to do when a clinical supervisor’s attestation is marked “have reservations” at the end of the evaluation period. The evaluation period is two years which is considerable, and if there are any reservations, there needs to be some process for the licensee/supervisee to be made aware early on that the supervisor has reservations. Others remarked that the Training Plan provides for this very thing. It is not fair to the supervisee to learn at the end of the process that the supervisor has reservations. The supervisor needs to understand the statutes and regulations regarding supervision before signing the Training Plan, the supervisor’s license is on the line and they need to know that. Also, we continue to review teleconferencing for CEUs for flexibility to those who may have a difficult time to physically attend. The next SW Advisory Committee meeting is scheduled for March 15, 2017.
- c. **Professional Counseling.** Todd Frye reported that the Professional Counseling Advisory Committee met on February 27, 2017. Supervision regulations were considered. This committee changed the clinical supervisory 45-hour requirement to 15-hour to meet the July 1, 2017 statutory change. It is likely this will revert to the 45-hour requirement which is the national requirement for professional counselors by the National Association of Professional Counselors Supervisors. Also, we are working to expedite the approval process for regulation so we can get supervisors trained. The demand has greatly increased.
- d. **Master’s Level Psychology.** Larry Salmans reported that the Master’s Level Psychology Advisory Committee met February 21, 2017. Tentatively, we will meet again during the April 28, 2017 Kansas Master’s Level Psychology Conference at Salina. Larry will get back with staff on the meeting date.
- e. **Marriage and Family Therapy.** Terry reported that the Marriage and Family Therapy Advisory Committee met February 24, 2017. Max provided legislative updates that effect BSRB. We continued our discussion of teletherapy practice guidelines. The American

Association for Marriage and Family Therapy Boards (AMFTRB) just distributed proposed guidelines for using teletherapy.

The committee also discussed a request from one of our licensees that it is very difficult to get an LMFT in Kansas, even if they completed an AMFT program that was all video conferencing.

Leslie was asked to follow up and report back to the Board and LMFT Committee. Also, Terry was contacted by a licensee who asked if called after hours to provide emergency therapy, would that time count toward the required 4,000 hours. The consensus of the Board is if the licensee is called after hours to provide emergency therapy, that time would count. If a licensee is on-call and does not provide services, hours do not count toward the required 4,000 hours. This committee will meet on April 28, 2017 at 10 a.m.

- f. **Addiction Counseling.** Deb Stidham reported that the Addiction Counseling Advisory Committee met February 17, 2017. This group continues to work on the Continuing Education Guidance Document for addiction counselor renewals. The committee had discussion about potentially adding another member to the advisory committee. The committee asked staff to send a blanket correspondence that applications are being accepted to the Addiction Counseling Advisory Committee. Leslie remarked that Ashley is working on this item. There had been discussion regarding televideo clinical supervision at the September 2016 Retreat. Thus, some of the Addiction Counseling Committee members would like to make a presentation to the Board at the May 8, 2017 meeting.
- g. **Behavioral Analysis.** No report.

#### 9) Sub-Committee Reports

- a. **Technology Committee.** Larry reported that this committee met February 21, 2017. There was discussion about how to properly dispose of the old I-Pads. The State's surplus policy was described by Leslie. No board action was required.
- b. **Document Review Committee.** This committee met on February 28, 2017. No report.

#### 10) Old Business

- a. **Art Therapy Licensure Initiative.** Presentation was provided on the status of licensure in Kansas of art therapists by Cynthia Woodruff, CAE, Executive Director of American Art Therapy Association (AATA) of Washington, D.C. and Dr. Gaelynn P. Wolf Bordonaro, Director of Art Therapy of Emporia State University and member of Kansas Art Therapy Association (KATA). Both AATA and KATA desire to fit with BSRB to grant art therapy licenses and would like to be represented by BSRB. No action was asked of the BSRB.
- b. **HB 2149 and SB 197 – Expanding the Board.** These bills address the way Social Work and the BSRB integrate. The Kansas House Committee on Health and Human Services strongly urged the BSRB to seriously consider the proposal to increase the Social Work representation on the Board, have discussions which will allow Executive Director Max Foster to report back to the House Committee on Health and Human Services. Kathy Armstrong moved that the BSRB does not oppose adding one or two Social Work members to the Board. Further, the BSRB would like the opportunity to add this discussion to the agenda of the May 8, 2017 Board meeting which would allow BSRB time to have an in-depth discussion about of the structure of BSRB by stakeholders of all professions that BSRB regulates. Jill Craven seconded the motion. Motion carried.
- c. **All Clinical Supervision via Videoconferencing.** The Governor's Behavioral Health Services Planning Council (GBHSPC) has recommended that BSRB drop the distinction between face to face and video conferencing. GBHSPC recommended that Kansas follow Georgia's practice.

GBHSPC is a collection of people from various fields of professions that is statutorily charged to advise the Secretary of KDAD on matters related to mental health. GBHSPC is charged with reviewing the block grant application that the State submits to the federal government as well as review policies and offer recommendations. The Addiction Counseling Advisory Committee would like the opportunity to present research on this matter to the Board during the May 8, 2017 Board meeting. The Board welcomed the presentation. During the BSRB Retreat in September 2016, it was mentioned that 40% of the population of Kansas is rural.

11) **New Business.**

- a. **Legal Documentation for Name Changes.** The Board decided many years ago that when an applicant changed his or her name, that no legal documentation was required to change the name on the license. Recently, an applicant applied for licensure. By the end of the review process, she married and because of her faith, both her first and last names changed and her first name became very long. Originally, both the Social Security Administration and DMV told the applicant that due to their technology not providing adequate space, the woman's full first name could not be fully entered. As a result, her first and last names did not match her identification presented to BSRB and that became a problem. The applicant's marriage certificate had enough space to enter her full first and last name. The consensus of the Board was so long as a person does not change his or her name for fraudulent purpose, it is fine to change one's name. However, if someone wants to change either their first or last name for legal purpose, that requires a court order. This can also become an issue during an investigation. Other agencies provide a form for applicants to submit when there is a name change. The consensus of the Board is to not require applicants to provide proof beyond completing and submitting our new form for a name change.
- b. **Appointment of New Advisory Committee Members.**  
Bob Kircher was appointed to the professional counselor advisory committee.

12) **Executive Session.** Due to Max leaving for a personal emergency, the Executive Session was tabled to the May 8, 2017 Board meeting to discuss personnel matters.

13) **Adjourn.** The next Board meeting is set for Monday, May 8, 2017 to begin at 9 a.m. Terry moved to adjourn this meeting at 1:00 p.m. Todd seconded. Motion carried.