

BSRB Board Meeting

03/14/2016

9:00 a.m.

Called to order by Chair, Grant Edwards, at 9:05 a.m.

Members Present: Barbara Callahan, Jill Craven, Grant Edwards, Kathryn Herzog, Terry Pfannenstiel, Cheryl Reynolds, Larry Salmans, and Carolyn Szafran. Marcia Simoneau joined by phone.

Guests Present: Sky Westerlund – KNASW, Brenda Murrow, Diane Bellquist, Genevieve Maliszewski.

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

I. Approval of Agenda

- Sub-Committee reports – add Technology Committee
- New Business – add D. Meet with Marty to discuss litigation
- New Business – add E. Executive Session to discuss personnel issues

II. Approval of Minutes

Item: Approval of the minutes from January 11, 2016 Board Meeting

Action: Kathy Herzog moved to approve the minutes as submitted. Terry Pfannenstiel seconded the motion. The motion passed.

III. Approval of Newly Issued Licenses

Item: Approval of newly issued licenses from 1-1-2016 through 2-29-2016.

Action: Jill Craven moved to approve the list of licensees as published, Kathy Herzog seconded the motion. The motion passed.

IV. Public Comments

Brenda Murrow, applicant for Licensed Psychologist asked to speak about the Kansas license requirements. The requirements for licensure vary from state to state. The APA requirements and internship requirements can vary from 1500 hours – 1800 hours. This pre-doctoral requirement seems to be an inconsistent standard with one year of full-time training and no number of specified hours in some programs. Leslie stated for clarification to the Board that Kansas regulation states that an LP applicant must have 1800 pre-doctoral hours in an internship to meet the requirements for licensure in Kansas.

V. **Staff Reports** – Max Foster

1. Legislative activity:

- a. Max has been meeting with selected legislators concerning the various Bills involving BSRB.
- b. SB 449 is the BSRB “Mega Bill” that contains all the changes and revisions to BSRB statutes over the last two years. Passed out of committee and passed the Senate. Passed in the House committee and the House. Currently in Conference Committee.
- c. HB 2721 – Consolidation of Boards and Commissions – a recommendation from the study done for the state government to save money. Perhaps BSRB would be included in a Public Health Board. Cheryl asked Max to call the legislative subcommittee to meet if there is any action with this issue.
- d. HB 2690 – “Trailer Bill” for Licensure of Behavior Analysts – Basic license requirements were left out of the original bill and this bill was to correct those “holes” in the original legislation that was passed. This bill did have a hearing but did not leave the committee. Larry suggested to “kick the bill” (suspend) the current law out 2 more years until the issues with the licensure act can be worked out in the legislative process. Cheryl pointed out that the legislature has nothing to do with the insurance coverage. The Board will ask Jan for advice on writing regulations to work with the current statutes in place for Behavioral Analysts.

10:10 Grant ordered a 10 minute break for the Board

10:20 Board reconvened the meeting

- e. HB 2451 – Mandatory Reporting of Suspected Child Abuse. Originally was written to add Animal Control officers to the list. Behavior Analysts were not mandated reporters, so Max testified at the hearing of this bill to add this profession. When the bill was worked, it was voted down in the committee.
- f. HB 2677 Felony Convictions Relating to State Agency Licensure – The bill currently sits in the Committee of Corrections and Juvenile Justice. Cheryl pointed out that our professions, especially the Addiction Counselor committee should be aware of this bill and discuss it in the Advisory Committee meeting.
- g. HB 2660 – Relating to the transfer of fees (prevent sweeping of our fee fund)
- h. Appropriation Bills - BSRB Budget Request – everything looked fine, no changes requested. (2016 & 2017 Budgets should be okay)

- i. Fiscal note presentation – Max gave several fiscal notes for the various legislation of 2016 with which BSRB is involved.
2. Fiscal Activity
 - a. FY 2016 budget analysis as of March 1st, BSRB is in good shape.
 - b. Delegated audit authority BSRB had a routine report
3. Max will present at ASWB Spring Meeting in NJ in April. Items that impact public policy and how to present to legislatures. Carolyn will join Max at that meeting and has been asked to present at the conference as well.
4. Civil Litigation as a result of an action from the CRC. Max has asked the Attorney General to represent BSRB. On Jan's direction, any legal advice on a lawsuit, the Board needs to meet with Marty Snyder, Assistant Attorney General in Executive Session.
5. Speaking activities of the BSRB Staff
 - a. Washburn University – Social Work Students (Leslie & Joan)
 - b. KU Edwards Campus – Field Supervisors for LSCSWs (Max and Joan)
 - c. Avila college scheduled for the first part of May – Professional Counselors & Masters level psychologists (Max & Leslie)
6. Office 365 is coming – new email addresses for staff and board members in the next month or so.

Action: Cheryl Reynolds asked to add to the Agenda for the Board to meet with Marty Snyder about the civil litigation case. Grant agreed to add this under item D under new business.

The Board discussed HB2690 now that Jan Arndt joined the meeting. Jan recommended revisiting the current statutes to write the regulations. Currently the language is very broad and we could argue that we need to put the details in the regulations that were left out of the statutes. Leslie reported that the regulations have been written and approved by the BA Advisory committee. Leslie asked for a Phone conference meeting with the Board to look at proposed regulations when the regulations are written. The Board agreed to a phone meeting. Max asked if the Board wanted him to pursue the issues with HB 2690. The Board agreed to just let the bill alone for now.

- VI. Complaint Review Committee Report** – Terry Pfannenstiel - CRC met on February 8, 2016:
- 23 cases were reviewed
 - 3 CAOs were issued
 - 4 Diversion agreements
 - 1 revocation was issued
 - 1 suspension was issued

2 formal censures were issued
7 dismissals due to facts not supporting the violations
5 cautionary letters
Next meeting is scheduled for April 11, 2016

VII. Professions Reports

A. Psychology – Barbara Callahan –LP Advisory committee meeting was held February 9, 2016. Ric has been reviewing applicants’ non-APA programs for Leslie. Monica will be joining Ric in reviewing these non-APA programs. Leslie will send out an email to recruit more potential committee members.
KAR 102-1-12 is the regulation concerning education requirements for licensed psychologists. Grant asked the LP Advisory committee to look at options to recommend a change to this regulation or keep the regulation as it currently reads. Cheryl suggested holding a phone conference meeting of the LP Advisory Committee to discuss this regulation and to make recommendations to the Board at the next Board meeting. Next regular LP Advisory meeting is scheduled for April 12, 2016.

B. Social Work – Carolyn Szafran and Marcia Simoneau – The committee met on January 27, 2016. The advisory committee developed a subcommittee to design the LSCSW supervisor training which would be no longer than 2 days. Cheryl suggested that the BSRB publish some of the survey findings on the BSRB website. The committee is also looking at other states’ clinical training supervision manuals for ideas and suggestions. The committee has 3 openings right now. Cheryl asked Carolyn to send suggested attestation or agreement for expectations to the Documents Subcommittee to review. The next meeting is scheduled for March 30, 2016 at 1:00 p.m.

11:15 a.m. Grant called a recess due to a fire alarm in the building.
11:40 a.m. Board reconvened the meeting.

VIII. New Business –

Item: LP Applicant – Genevieve Maliszewski, accompanied by her attorney, Diane Belquist, asked to withdraw her LP application.

Action: Cheryl moved to adjourn to executive session for quasi-judicial deliberation for the privacy of the applicant to discuss this request. Jill seconded the motion. Motion passed.

11:50 Board adjourned to Executive session.
11:55 Board reconvened to regular session.

Action: Cheryl moved to accept the withdrawal of Genevieve Maliszewski’s application with no adverse reporting. Terry seconded the motion. Motion passed.

- C. Professional Counselors** – Jill Craven was not at the last professional counselors meeting. Max reported that very little took place - The next meeting is scheduled for April 4, 2016 at 10:00 a.m.
- D. Masters Level Psychologists** – Larry Salmans – No committee meeting was held, but will discuss some things when the addictions counselor report is given.
- E. Marriage and Family Therapy** – Terry Pfannenstiel – The committee met on February 11, 2016. Steve Rathbun has resigned from the committee. The supervision training subcommittee has made recommendations. We need a couple of new members on the advisory committee. Bruno gave Terry some testing outcome information. Kansas applicants for the MFTs exceed the national numbers in every category of the exam. The next MFT meeting is scheduled for April, 15, 2016 at 10:00 a.m.
- F. Addiction Counseling** – Cheryl Reynolds – The committee met briefly on February 19, 2016. The committee reviewed FAQs for the website. The committee identified and recommended replacement committee members that will be appointed by Grant today. The next meeting is set for April 22, 2016 at 10 a.m.
- G. Behavioral Analysts** – Grant Edwards – The committee has not met since the legislature has been in session.

IX. Sub-Committee Reports

- A. Document and Policy Review Subcommittee – Cheryl - The subcommittee met on January 26, 2016 and reviewed the documents for the Board Governance Policy and will publish the changes to the Board as the changes are made. The CRC guidelines and Orientation policy notebook are being reviewed. Kathy Herzog and Cheryl will set a date and then let Kathy Armstrong and Marcia know to meet and then to bring it to the next Board meeting. The Board referred an issue to the subcommittee to review terms and rotation of the public members to the professional advisory committees.
- B. Legislative subcommittee – Cheryl – The subcommittee has not met. Will meet on an as needed basis.
- C. Technology subcommittee – Cheryl - The subcommittee has met twice. Last met on February 22nd. Committee has identified 26 requirements for technology replacement from 4 points of view: Board Member, Staff member, Technical details and budget. Cheryl will ask the staff to publish the information to the board by the next meeting. The committee decided on 10 musts, 3 high, 8 medium and 5 are low requirements. The committee will identify solutions that will meet our musts and send it to the board members.

X. New Business

- A. Discussion on Applicants with no Current References – Leslie reported that some applicants apply without having worked in the field for several years after graduation. We need a universal policy for all the BSRB professions. It was decided that the document committee will look at the language for these regulations and report back.
- B. Advisory Committee Policy – Amendments for review. Cheryl suggested putting it in the Board Governance Documents to review documents that express the expectations of an advisory committee member. The committee will bring it back to the Board with recommendations.
- C. **Item:** Appointment of New Advisory Committee Members
Action: Grant appointed the following people to the corresponding Advisory committees.
 - 1. Psychology – Rodney McNeal
 - 2. Addiction Counseling – Duane Olberding
 - 3. Addiction Counseling – Chelle Wilson
 - 4. Addiction Counseling – Jason Hess
- D. **Item:** CRC authorization to speak with Marty Snyder regarding litigation
Action: Cheryl moved that the Board delegate the CRC to move forward with Marty to regard litigation, Terry seconded the motion. Motion passed.
- E. **Item:** Executive Session to discuss personnel issues.
Action: Kathy Herzog moved for the Board to go into Executive Session to protect the privacy of the employee for 5 minutes to discuss personnel issues and to invite Max Foster as the Executive Director to join the Executive Session. Cheryl seconded the motion. Motion passed.

12:35 p.m. - Grant called a recess of the Board to go into Executive session

12:40 p.m. Board reconvened

XI. Old Business

- A. BSRB new website is being launched today. Ashley gave a demonstration of the new website and highlighted some areas for the Board members. She will be updating the website on a weekly or as-needed basis. Jan recommended the Board members should have official BSRB agency email addresses. Max and Leslie will check into this possibility.

XII. Applications

Item: Tamara Johnston's application for LBSW

Action: Cheryl moved to recess into Quasi Deliberation to discuss the application of Tamara Johnston. Kathy Herzog seconded the motion. Motion passed.

1:12 p.m. Grant granted a recess for Quasi Deliberation.

1:15 p.m. Board reconvened.

Action: Cheryl moved to approve Tamara Johnston for licensure. Kathy Herzog seconded the motion. Motion passed.

Item: Mary Guindon's application for LP

Action: Kathy Herzog moved to recess into Quasi Deliberation to discuss the application of Mary Guindon. Cheryl seconded the motion

1:16 p.m. Grant granted a recess for Quasi Deliberation.

1:19 p.m. Board reconvened

Action: Cheryl moved to deny the application of Mary Guindon. Kathy Herzog seconded the motion. Motion passes.

XIII. Presentation for Board Members by Jan Arndt

Assistant Attorney General Jan Arndt presented the following items to the Board:

- a. Professional Licensing Board as a Creature of Statute
- b. Functions and Duties of a Licensing Board
- c. Statutes, Regulations and Policies
- d. Effectiveness as a Board Member
- e. Agency Investigation and Administrative Hearings
- f. The Kansas Tort Claims Act (KTCA)
- g. The Kansas Open Meeting Act (KOMA)
- h. The Kansas Open Records Act (KORA)

XIV. Adjournment

Action: Cheryl moved to adjourn the meeting. Terry seconded the motion. Motion passed. Meeting was adjourned by Grant at 2:00 p.m.