

Kansas Behavioral Sciences Regulatory Board
Meeting
November 07, 2016, 9:00 a.m.

Call to order: Meeting was called to order by Chair Grant Edwards at 9:10 a.m.

Committee Members Present: Attending in person: Kathryn Armstrong, Barbara Callahan, Jill Craven, Todd Frye, Terry Pfannenstiel, Cheryl Reynolds, Larry Salmans, and Carolyn Szafran.
Attending by telephone: Kathryn Herzog.

Staff Present: Attending in person: Max Foster, Leslie Allen, Cindy D’Ercole, Marilyn Revell, Janet Arndt, General Legal Counsel to the Board and of the Office of Kansas Attorney General, and Linda Hoover.

Guest Present: Attending in person: Sky Westerlund.

- 1) **Agenda Approval.** Grant Edwards suggested adding “Letters of Professional Reference” to Old Business.
- 2) **Approval of September 25-26, 2016 Board meeting minutes.** The minutes of the previous meeting were not presented.
- 3) **Review of Newly Issued Licenses.** Cheryl Reynolds moved to approve all newly issued licenses between September 1, 2016 through October 30, 2016. Terry Pfannenstiel seconded. Motion carried.
- 4) **Public Comments.** None.
- 5) **Executive Director’s Report:**
 - a. “Performance Based Budget” was submitted on October 15, 2016 for BSRB. Max is preparing estimated fiscal report by month for the next three years.
 - b. Legislative Post-Audit Group will review security of our two databases: licensure and complaint / investigation.
 - c. 2016 Annual Education Roundtables were held and 24 university staff attended. Very successful. BSRB continues to provide presentations to university students seeking behavior science professions. Terry Pfannenstiel and Larry Salmans both expressed interest in joining staff during university presentations.
 - d. Max will attend ASWB Conference in San Diego, CA.
 - e. Cindy D’Ercole graduated from the Advanced Investigative Analysis Report Development and Interviewing, training provided by the Council on Licensure Enforcement of Regulations (CLEAR).

- f. Max and other directors of smaller State agencies have been invited to meet with the Governor's Chief of Staff, Policy Director and Budget Director and soon after will receive recommendations of our budget.
- g. EEO Plan will be submitted mid-November.
- h. All agency computers have been replaced. Discussion followed regarding level of service provided by Office of Information Technology Services. Cheryl Reynolds offered to sit in future conversations between Max and OITS.
- i. Board members who are eligible, will receive \$35 / day for each Board meeting.

6) **Staff Reports.** There were none.

7) **Complaint Review Committee Report.**

- a. Terry Pfannenstiel, CRC Advisory Committee reported that the committee met in October, reviewed 21 cases which include three diversions, one licensure suspension, 13 cases where the facts did not support the allegations made, sent two cautionary letters, and two subpoenas to appear for licensees to appear to clear up a few questions asked. Terry thanked Cindy D'Ercole for her work.
- b. Terry Pfannenstiel recommended to the Board that a Custody Evaluation Committee be established and comprised of two people. During divorce, sometimes the parties are mad and take it out on the licensee. Discussion followed. No decision was made by the Board.

8) **Professions Reports.**

- a. Psychology. Barbara Callahan suggested discussion of adding diversity requirements in CE. Kathy Armstrong remarked that at the University Roundtable, the question was asked by a participant if Clinical Psychologists should be authorized to prescribe medications. Grant Edwards attended the Association of State and Provincial Psychology Boards (ASPPB) conference in October addressing EPPP test, Part 2 which will address clinical knowledge of new licensees.
- b. Work Supervisory Training Manual and that this is an ongoing process.
- c. Professional Counseling. Todd Frye reported the Mary with the Department of Administration is reviewing the proposed changes of regulations for supervision. Leslie Allen will continue with regulation drafting and application edits. Next meeting set for December 12, 2016.
- d. Master's Level Psychology. Larry Salmans reported that this committee did not meet.
- e. Marriage and Family Therapy. Terry Pfannenstiel reported that the Committee met in October. Max Foster reviewed rules and regulations and discussed MFT supervision rules and regulations and updating future supervision training program.
- f. Addiction Counseling. Cheryl Reynolds reported that the committee met and the key issue discussed was lack of adequate workforce. Not enough people are coming into the field.
- g. Behavioral Analysis. This committee did not meet.

9) Sub-Committee Reports.

- a. Documents and Policy Review Committee. Cheryl Reynolds proposed sub-committee meeting date of November 15, 2016 at Noon.
- b. Legislative Committee. Cheryl Reynolds reported that this sub-committee meeting has not met. We will meet when Max Foster tells us there is need for us to meet.
- c. Technology Committee: Cheryl Reynolds announced the committee will meet on December 12, 2016 at Noon.

10) New Business.

- a. In-person clinical supervision requirements. Inquiry from High Plains Mental Health Center. Max Foster reported he received five campaign letters from High Plains. Discussion followed. Our mission is to protect the public.

The Board generally agreed that the following questions be posed by the committee chairs to their advisory members:

- What challenges do you face regarding supervision?
- What are your recommendations for solutions that include the state-wide impact of best practice?

Chairs will take these questions to their professional committees and summarize the responses and return them to the Board during the January 9, 2017 meeting. Professional boards, research results and further comments will be made during the March 2017 meeting. Grant Edwards will send a responsive letter to High Plains with the Board's strategy.

- b. Inquiry from American Association of State Counseling Boards (AASCB). Max Foster recently received an email from AASCB. The Board's response is "The Kansas BSRB has not adopted the Portability Plan." Next question by AASCB to BSRB: Do you plan to adopt the Portability Plan? The Board's response: "Not at this time."

11) Old Business.

- a. Proposed Legislation for 2017-Board Recommendation. The Board asked Max Foster for his recommendation. Max's recommendation is that BSRB present in 2018 Session. The Board agreed, with the reminder that revision of one statute opens up all statutes. Further, the Board asked Max to add the general topic "reciprocity" to the ongoing list of things to take a look at down the road, for each profession that BSRB regulates.
- b. Response to Joint Committee on Rules and Regulations regarding Behavior Analyst regulations. The Board said to Max Foster, "send as is".
- c. Review of Batterer Intervention Program regulations. Leslie Allen remarked that unprofessional conduct is profession license specific. The Board determined that BSRB has jurisdiction over those whom we license. If there is a complaint, the matter will be reviewed by the Board CRC Committee. If it is a licensee issue, it belongs to BSRB.

- d. Letters of Professional Reference. Leslie Allen indicated that staff has received four Social Work applications for licensure with references that are current. Each applicant has been out of school for five to 10 years and never licensed in Kansas. The applicants have been working outside the field so are unable to provide social work professional references. Staff would like the Board's guidance. Does the Board think it is more important to have someone current, or to have someone from past the who can attest to social work education? The regulation says the Board can accept another person if they so wish. The Board decided that the applicant should get what they can, do their best regarding references then the file will be sent to the committee for a decision.

12) **Adjourn**. Next meeting is scheduled for 9:00 a.m. Monday, January 9, 2017 in the BSRB Office. Cheryl Reynolds moved to adjourn the meeting; Jill Craven seconded the motion. Motion carried. Meeting adjourned.

#