

**Behavioral Sciences Regulatory Board
Professional Counselor Advisory Committee
Meeting on February 7, 2022**

Draft Minutes

- I. Call to Order.** Laura Shaughnessy, Chair of the Advisory Committee, opened the meeting and called roll.

Advisory Committee Members: Advisory Committee members who participated by Zoom were Laura Shaughnessy, Harriett Bachner, Michelle Fairbank, Bob Kircher, Andrew Secor, and Edil Torres-Rivera were present by Zoom.

BSRB Staff: David Fye and Leslie Allen were present by Zoom.

Guests Present: None.

- II. Agenda Approval.** Michelle Fairbank moved to approve the agenda. Harriett Bachner seconded the motion. The motion passed.
- III. Minutes Approval:** Edil Torres-Rivera moved to approve the minutes for the Advisory Committee meeting on February 7, 2022, with a technical amendment to correct the misspelling of an Advisory Committee member's name. Bob Kircher seconded the motion. The motion passed.
- IV. Executive Director's Report.** David Fye, Executive Director for the BSRB, reported on the following topics:
- A. BSRB Staff Update.** The BSRB is still under most of the Governor's pandemic directions, including the limit on in-person meetings, so the agency is unable to hold Board or Advisory Committee meetings in person currently. Most staff are working in the office full-time, though the two investigators are using a telework hybrid model, working in the office three days each week and utilizing the BSRB Telework Pilot two days each week.
- B. 2022 Legislative Session.** The Executive Director provided a brief summary of the legislative process to enact a bill, including legislative deadlines. The Legislature is currently on a three-week break, before returning and wrapping up most items during the legislative Omnibus period. The appropriations bill (House Substitute for Substitute for Senate Bill (SB) 267) was passed by the Legislature and is pending review and action by the Governor. The bill requested by the BSRB was passed within SB 453. The final bill included Board recommendations for the addiction counselor profession and the social work profession, but did not include the Board's recommendation concerning continuing education changes for the Licensed Psychology profession. The Legislature added language to SB 453 directing the BSRB to consider graduates from the Fort Hays online master's of social work

program as if that program was accredited by the Council on Social Work Education (CSWE) for the purpose of graduates applying for licensure, to be applied retroactively and extended until the end of June 2023. The program is currently in candidacy for accreditation, with plans for the program to be fully accredited by February 2023. This language was added in conference committee, so the Board was not able to discuss this change and take a position, but the Board will be discussing this topic in greater detail at the next full Board meeting on May 9, 2022. Another bill relevant to the BSRB is House Bill (HB) 2087, which was passed with the previous contents of Substitute for SB 34. HB 2087 requires all agencies to submit a report to the Joint Committee on Rules and Regulations, for all agency regulations, explaining if each regulation is necessary for the implementation of state law. There are over 120 regulations for the BSRB, so creation of this report will necessitate the agency diverting staff time from regular duties and will likely cause licensing delays or lead the agency to hire additional part-time staff.

C. March Board Meeting. The Executive Director provided updates from the Board meeting on March 14, 2022. Most full Board meetings will begin at 9am going forward, at least while meetings are done remotely. The Board is reviewing the Investigation Policy for the Board, which was last updated in 2009. The Executive Director will be presenting a report to the Board with proposed changes to the Policy at the May Board meeting. Certain statutes and regulations state authority for actions as “the Board,” but some of these tasks have been delegated over the years to the BSRB, the Executive Director, the Complaint Review Committee, etc. The Executive Director noted he will bring sections of statutes and regulations before the Board to clarify delegation authority and possibly have the Board vote to renew some of these delegations. The Board discussed Board-approved supervisor training and if there are adequate opportunities for supervisor trainings. In future meetings, the Board intends to discuss impaired provider programs, telehealth standards, and other topics.

D. Conferences. The Executive Director will be attending conferences for the Association of State and Provincial Psychology Boards (ASPPB) and the Association of Social Work Boards (ASWB) later this month and will provide a report back on items relevant to the Advisory Committee.

V. New Business

A. Discussion on Unprofessional Conduct Regulations. The Executive Director noted Advisory Committee members received a copy of the unprofessional conduct regulations for the profession and asked members to review the regulations to be able to discuss whether any changes are needed at the next Advisory Committee meeting. The Executive Director noted the importance of Advisory Committees reviewing the statutes and regulations for the professions to make sure those documents do not contain outdated terminology and so that the regulations consider changes in technology, such as social media and telehealth. The Executive Director provided members of the Advisory Committee two documents from the National Board for Certified Counselors (NBCC), including a code of ethics and a policy regarding the

practice of distance counseling. The Executive Director also provided a copy of the unprofessional conduct regulations with mark-ups of suggested changes from past professional counselor Advisory Committees. The Executive Director noted he hoped the review process would continue throughout the year, with suggested changes forwarded to the Board at the end of the year. The Executive Director also noted that it may be possible to collect information from surrounding states to see what other bodies have included in their unprofessional conduct regulations. Advisory Committee members noted there was an Advisory Committee review to follow many of the American Counseling Association (ACA) standards, though not specifically naming the ACA. Edil Torres-Rivera noted he will provide an update at the next Advisory Committee meeting on any information or news related to upcoming revisions to the ACA Code of Ethics. The Advisory Committee recommended getting approval from the Board for a sub-committee to examine unprofessional conduct changes. Leslie Allen, Assistant Director and Licensing Manager for the BSRB, noted she would provide members of the Advisory Committee with information on the current ACA Code of Ethics.

B. Discuss Council for Accreditation and Related Education Programs (CACREP).

CACREP is looking at adjustments to standards for accreditation. Drafts of potential changes to the standards have been posted to the CACREP their website. The new standards are expected to be finalized at the end of 2022, with a tentative implementation date of 2024 (though currently accredited programs are not expected to make changes until their next accreditation review). Advisory Committee members noted that programs are required to inform students in what states they would meet the licensing requirements. The Advisory Committee will review the draft standards revisions and continue this discussion at the next meeting.

C. Discussion on Pre-Approved Providers for Continuing Education.

The BSRB currently offers optional pre-approved status for continuing education providers and continuing education programs for the social work profession (social work was the profession that had requested this ability previously). The Assistant Director and Licensing Manager discussed the benefits or drawbacks involved in this process, for the providers and for the staff of the BSRB. At the last Board meeting, Advisory Committees were asked to discuss whether the BSRB should pursue similar language for their professions. Advisory Committee members discussed whether this policy would be helpful for their profession, noting current problems with providers misrepresenting their pre-approval status. Advisory Committee members also asked clarifying questions on what was required to be a pre-approved provider. The Advisory Committee members noted they wished to review the materials more fully and not make any specific recommendations at this meeting.

VI. Old Business

A. Continued Discussion on Topics for Committee Work this Year. Advisory Committee members expressed a desire to discuss the multi-state licensing compact and services for elderly by clinical providers in rural areas. Billing issues and

reimbursement concerns were expressed and the Executive Director noted that most billing and reimbursement topics were likely handled by representatives from either the Kansas Department of Health and Environment (KDHE) or the Kansas Department for Aging and Disability Services (KDADS). Advisory Committee members noted that representatives from the ACA were working on issues relating to billing and reimbursements at the federal level. Advisory Committee members asked for an update on previous Advisory Committee recommended changes to remove “human development” and “social work” from the definition of “other related field” concerning the licensing requirements for the professional counselor profession. The Assistant Director and Licensing Manager noted this change was not included in the regulation language currently going through the review process by the Division of Budget. The Executive Director noted he would check Board meeting minutes to see if the Board voted to adopt this recommendation.

VII. Next Meeting. June 6, 2022, at 10am.

VIII. Adjournment. Edil Torres-Rivera moved to adjourn the meeting. Harriett Bachner seconded. The motion passed.