

**Behavioral Sciences Regulatory Board
Licensed Psychology Advisory Committee Meeting
April 12, 2022**

Draft Minutes

- I. Call to Order.** Ric Steele, Chair of the Advisory Committee, called the meeting to order at 6 p.m.

Committee Members. Ric Steele, Bruce Nystrom, Jessica Hamilton, Tiffany Johnson, Janine Kesterson, Rodney McNeal, Zachary Parrett, and Doug Wright and were present by Zoom.

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

- II. Review and Approval of the Agenda.** Doug Wright moved to approve the agenda. Jessica Hamilton seconded the motion. The motion passed.
- III. Review and Approval of Minutes from Meeting on February 8, 2022.** Tiffany Johnson moved to approve the minutes from the Advisory Committee meeting on February 8, 2022. Bruce Nystrom seconded the motion. The motion passed.
- IV. Executive Director Report.** David Fye, Executive Director for the Behavioral Sciences Regulatory (BSRB), reported on the following items:
- A. BSRB Staff Update.** The BSRB is still under most of the Governor’s pandemic directions, including the limitation 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 Executive Director provided a summary of legislative action on the Board’s recommendations, beginning with the introduction of SB 387, the hearing and Senate Committee discussion on that bill, Amended SB 387 being passed out of the Senate Committee after the Senate Committed voted to remove the licensed psychology Board recommendation, SB 387 dying on the Senate calendar, follow up efforts to have Amended SB 387 reintroduced, heard, and worked in a House Committee, and the activities in Legislative conference committees. Ultimately, two Board recommendations were passed in the final version of SB 453. The final bill included Board recommendations for the addiction counselor profession and the social work profession, but not the Board’s recommendation concerning

continuing education changes for the Licensed Psychology profession. 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, at least while meetings are held 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. The Executive Director noted that a majority of current members of the Behavior Analyst Advisory Committee started serving on the Advisory Committee in 2015. While the Advisory Committee did not meet every year since that time, the maximum period for membership on the Advisory Committee is 8 years, so several Advisory Committee members will reach their maximum service at the end of June 2023. In future meetings, the Board intends to discuss impaired provider programs, telehealth standards, and other topics.

D. Conferences. The Executive Director will be attending upcoming 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 on any items relevant to the Advisory Committee.

V. Old Business

A. PSYPACT Update. The Executive Director noted that, as of the beginning of April 2022, forty BSRB Licensed Psychologist practitioners with Kansas as their home state have applied and have been approved to provide telehealth services under the Compact. Four Licensed Psychologist practitioners have been approved to provide limited in-state services in other Compact states, under PSYPACT authority. The Executive Director noted the BSRB office has received several questions from licensees concerning PSYPACT and information has been provided regarding the Compact. Additionally, information on the front page of the BSRB website provides answers to most questions and links to a portal so members of the public can check to see if an individual is listed as a practitioner under PSYPACT authority. A PSYPACT mid-year meeting is scheduled for July 2022 and the annual meeting will take place in

November 2022. The Executive Director summarized recent news items related to PSYPACT in the quarterly PSYPACT newsletter.

VI. New Business

A. Unprofessional Conduct Regulations. Advisory Committee members received a copy of the unprofessional conduct regulations for the profession (K.A.R. 102-1-10a) at the previous Advisory Committee meeting and were asked to discuss whether any changes were needed. The Executive Director noted that, in the materials for this meeting, members of the Advisory Committee also received a copy of K.A.R. 102-1-20, which includes regulations on unprofessional conduct regarding recordkeeping. Members of the Advisory Committee discussed the following subjects:

- K.A.R. 102-1-20 Recordkeeping. Advisory Committee members discussed whether to keep the recordkeeping regulation as a separate regulation or whether it could become an item under the general unprofessional conduct regulation. The Executive Director noted that the last time both regulations were updated was in the early 2000's, so it is unclear why the regulations are separate. Advisory Committee members noted it would be helpful to see past versions of the unprofessional conduct regulations, to see what changes were made over the years. Advisory Committee members asked which regulations currently reference K.A.R. 102-1-20, to determine whether moving the contents to the main unprofessional conduct regulation would cause issues. The Executive Director noted that he would attempt to check for these references. Advisory Committee members discussed whether the physical location of a practitioner or client should be required in records, but the Committee decided that no change was necessary to add this item as a requirement to the regulation. Advisory Committee members expressed general support for adding language that a practitioner should have a policy for transferring custodianship of client records to another responsible party in the event of the practitioner's unexpected death, but no official recommendation was made to change the regulation.
- K.A.R. 102-1-10a(c) and K.A.R. 102-1-10a(d). Advisory Committee members discussed the difference in language referencing the groups of individuals in K.A.R. 102-1-10a(c)(1)(B) and K.A.R. 102-1-10a(c)(1)(A) and discussed whether "A" should include reference to supervisees and students. It was the consensus of the Advisory Committee to add reference to "supervisee" and "student" to K.A.R. 102-1-10a(c)(1)(A). Members of the Advisory Committee discussed whether a time period should be referenced for the prohibited behavior. It was noted that K.A.R. 102-1-10a(d) appears provides a time limitation of 24 months, though a possible source of confusion was noted, as (c) and (d) partially address the same topic. Advisory Committee members discussed whether the reference to "supervisees" should refer to clinical supervision or general employment supervision. Leslie Allen, Assistant Director and Licensing Manager, provided the definition for "supervision" currently in the regulation, noting that the definition

of supervision includes both “general training supervision” and “clinical supervision,” which are also defined terms in the regulations.

- K.A.R. 102-1-10a(e). Advisory Committee discussed the topic of informed consent as related to forensic examinations, and expressed general support for adding a new item 4, considering several phrasings, such as “failing to inform the client of the limit of a professional relationship and the requirements imposed by other parties,” “failing to inform clients when a 3rd party is the client,” or “failing to inform clients when the provider’s ability to maintain privacy or confidentiality is compromised by a 3rd party.”
- Advisory Committee members noted their intention to continue review of the unprofessional conduct regulations at the next meeting, with a goal of getting through K.A.R. 102-1-10a(j).

B. Possible Requirements for Assessments or Services to be Performed In-Person.

At the last Advisory Committee meeting on February 8, 2022, Advisory Committee members discussed whether certain assessments or services should be required to be provided in-person, rather than through telehealth. It was the consensus of Advisory Committee members that, rather than outline specific practices that must be performed in person, this topic should be addressed in the discussion of proposed changes to unprofessional conduct regulation K.A.R. 102-2-10a(j), improperly using assessment procedures.

C. 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 process previously). The Executive Director discussed the benefits and 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 the current process by which the American Psychological Association (APA) already offers a similar service to approve continuing education providers. Leslie Allen, Assistant Director and Licensing Manager for the BSRB, clarified the BSRB fees for pre-approval of continuing education. The Advisory Committee made no recommendation concerning this topic.

Next Advisory Committee Meeting Date. Tuesday, June 14, 2022, at 6:00 p.m.

Adjournment. Doug Wright moved to Adjourn. Rodney McNeal seconded. The motion passed.