

**KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
BEHAVIOR ANALYST ADVISORY COMMITTEE
OCTOBER 5, 2022**

Draft Minutes

- I. Call to Order:** David Anderson, Chair of the Advisory Committee, called the meeting to order at 10 a.m.

Committee Members: David Anderson, Kimberly Becker, Allyson Bell, Claudia Dozier, Linda Heitzman-Powell, Pete Peterson, Christie Stiehl, Mike Wasmer, and Alice Zhang, Jacqueline Lightcap were present by Zoom.

BSRB Staff: David Fye and Leslie Allen attended by Zoom.

- II. Agenda Approval.** Linda Heitzman-Powell motioned to approve the agenda. Pete Peterson seconded. The motion passed.
- III. Review and Approval of Minutes from the Advisory Committee Meeting on August 1.** Pete Peterson moved to approve the minutes. Claudia Dozier seconded. The motion passed.
- IV. Executive Director's Report.** The Executive Director for the BSRB reported on the following items:
- A. Agency Updates.** The BSRB is still under the Governor's direction to avoid in-person meetings in state buildings. The Executive Director noted he will update the Advisory Committee when that direction is changed. Until the limitation is lifted, the BSRB will continue to hold most Board and Advisory Committee meetings virtually. The BSRB submits a budget by September 15 each year, which is reviewed by the Governor's Office through the Division of the Budget, then the Governor makes recommendations. There were some increases in the cost of some contracted services. The BSRB was required to submit a three-year IT plan. Two long-term goals are moving applications online and digitizing paper records.
- B. Board Meeting on September 12, 2022.** A representative from CE Broker presented information on ways their company assists licensing boards in regulating auditing of continuing education requirements. A representative from Heart of America Professional Network presented information on ways they provide impaired provider programs to licensing boards, to assist licensees needing assistance with substance abuse and mental health care or as an alternative to discipline. The Board reviewed and made changes to the investigation policy. Additionally, the Board discussed the national rollout of the 988 National Suicide Prevention Lifeline and whether a new regulation should be added concerning after-hours care for clients in crisis. The Board will hold an all-day planning meeting on October 24, 2022, in Olathe, KS.

C. Other Meetings and Events. The Executive Director will be providing testimony on recommendations from the 2020 and 2021 Legislative Special Committee on Mental Health Modernization and Reform at the Robert G. (Bob) Bethell Joint Committee to the Home and Community Based Services and KanCare Oversight on September 27, 2022. The Kansas Fights Addiction Grant Review Board met on July 14, 2022, and the next meeting will be on September 28, 2022, at 1 pm.

V. Old Business

A. Continued Discussion on Unprofessional Conduct Regulations. Advisory Committee members discussed the BSRB unprofessional conduct regulations as well as comparisons to the Behavior Analyst Credentialing Board (BACB) code of ethics. A spreadsheet was presented which showed some of the comparisons. Advisory Committee members discussed that there is not a current unprofessional conduct regulations specifically concerning accepting gifts; there is a lack of language on supervision and training; and there could be additional language concerning a situation when a practitioner leaves employment. The spreadsheet will be distributed to Advisory Committee members following the meeting by the Executive Director. The Advisory Committee will have further discussion on this topic at the December Advisory Committee meeting.

VII. New Business

A. Possible Changes to K.S.A 65-7504(a) Behavior Analyst Language on Board Disciplinary Remedies. The Executive Director noted that K.S.A. 65-7504(a) provides the Board the jurisdiction or authority to impose certain disciplinary remedies. Currently, that statute is limited and does not provide the same types of remedies available to the Board or other professions. The statute only provides for severe penalties, such as the ability to deny, suspend, revoke, or refuse renewal. The Executive Director noted the Board will be requesting legislation to make the language of this statute more similar to the other professions under the BSRB, so that individuals who commit a minor violation of the rules of unprofessional conduct may receive appropriate punishment upon a finding of a violation.

B. Discussion on Possible Regulation for Care of Clients in Crisis. The Executive Director and Chair of the Advisory Committee summarized the Board's discussion on this topic as it relates to the rollout of the 988 national suicide prevention hotline and other topics, noting that each Advisory Committee was asked to discuss whether the unprofessional conduct regulations could be adjusted to provide more clear guidance to practitioners on their expectations for clients in crisis after hours. Advisory Committee members discussed what arrangements need to be made for clients who are in crisis after hours. Advisory Committees discussed their profession, noting there may be unique differences compared to the other professions, due to the ways behavior analysts work with clients and that most of their clients are minors. Advisory Committee members noted concern with having language that would lead to too many requirements, because they would not want practitioners to avoid taking

clients who might be more likely to have a crisis after hours. It was noted that parents would normally have crisis plans for their children. Advisory Committee members were asked to come to the next meeting in December with possible language to adjust the unprofessional conduct regulations on this topic.

C. Discussion on Kansas Fights Addiction Grant Review Board Appointee. The Executive Director noted at the last Board meeting, the Board noted it would like to appoint a permanent appointee to the K FAGRB who has actual experience treating addictions. The Executive Director sent an e-mail to all members of the Advisory Committees, explaining the position and asking individuals interested in the appointment to provide a letter of interest and resume by October 14, 2022.

VIII. Next Meeting: The next Advisory Committee meeting will be at 1pm on Thursday, December 8, 2022.

IX. Adjournment: Linda Heitzman-Powell moved to adjourn. Alice Zhang Seconded. The motion passed.