

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING MINUTES
May 08, 2023**

DRAFT MINUTES

- I. Call to Order and Roll Call.** The meeting was called to order by Board Chair Mary Jones at 10:00 a.m.

Board Members. Board member present included Mary Jones, David Anderson, Donna Hoener-Queal, Jim Kilmartin, Jacqueline Lightcap, Richard Nobles, Johnna Norton, Andrea Perdomo-Morales, Laura Shaughnessy, Cynthia Schendel, and Deb Stidham. Ric Steele was absent.

Staff. BSRB Staff present by Zoom: David Fye, Leslie Allen, Tyla Wadsworth, Cindy D'Ercole. Legal counsel for the Board, attorney Jared Langford, was present by Zoom.

Guests. None

- II. Agenda Approval.** Cynthia Schendel moved to approve the agenda. Laura Shaughnessy seconded. The motion passed.
- III. Minutes Approval:** David Anderson moved to approve the minutes from the Board meeting on March 13, 2023. Jacqueline Lightcap seconded. The motion passed.
- IV. Executive Director's Report.** David Fye, Executive Director for the BSRB, reported on the following topics:
- A. Outreach.** The Executive Director and Assistant Director have continued speaking to university students to provide information on the licensing and disciplinary processes of the BSRB. The BSRB started a YouTube channel in January of 2021 to broadcast Board and Advisory Committee meetings. There are currently 109 uploaded meetings with approximately 3,792 views across those meetings.
- B. Expenditure and Revenue.** The report for April was not available yet at the time of this meeting. At the end of March 2023, after the statutory 10% contribution to the State General Fund, revenue totaled approximately \$634,000 and expenditures totaled about \$715,000.
- C. IT Updates.** Over the past two years, the BSRB has been transitioning staff members to new laptops under the state's desktop-as-a-service leasing plan and the final third of the staff will be receiving new technology over the next few months. The agency was awarded federal funding in response to a grant application by the Executive Director, and this federal funding will allow the agency to purchase a new camera to allow the agency to better facilitate hybrid meetings as well as to allow the agency to replace the

existing projector in the Boardroom, which will also help with hybrid meetings. The Executive Director noted the BSRB was selected as one of 15 agencies to participate in an IT audit this spring, but the results have not been released.

- D. Legislative Updates.** The Executive Director summarized a proviso that was added by the 2023 Legislature to the agency's budget that would prohibit the BSRB from requiring training or education in the areas of diversity, equity, and inclusion; critical race theory; and other similar concepts. The Governor line-item vetoed this proviso. When the Legislature returned for the final part of the Legislative session, the Legislature attempted to override the line-item veto, however the override attempt failed, so the proviso is not on the BSRB budget in FY 2024 and FY 2025.
- E. BSRB Legislation.** The Executive Director summarized action on a bill that was originally requested on behalf of the BSRB. The original BSRB bill was introduced in both House and the Senate Committees. HB 2340 was heard by the House Health and Human Services Committee. The Committee made several changes, including: (1) removing language which would have added a new continuing education requirement in cultural diversity training; (2) lowered the required number of continuing education hours in diagnosis and treatment from 6 hours to 3 hours, beginning on July 1, 2025; (3) removed language which would have required Board-approved supervisors for social work; and (4) removed language which would have added a new board member for the behavior analysis profession. Additionally, the House Committee made changes to the course work requirements, practicum requirements, and postgraduate requirements to become a licensed specialist clinical social worker. The Committee added language to create an alternative to the traditional temporary license, called a "community-based license" for certain levels of licensing for individuals working under the scope of employment at a handful of specifically identified facilities and to meet other requirements in the statute. The Committee also added language creating new operational requirements for general licensing and language authoring the Board to create a new expedited application process for a fee. All changes will become effective at a later date, but some require drafting of rules and regulations prior to implementation.
- F. HB 2288.** House Bill 2288 was passed by the Legislature and added Kansas to a multi-state compact for clinical professional counseling. The bill has an enactment date of July 1, however the infrastructure of the compact has not been developed by the Compact Commission yet, so it is estimated the earliest Kansas would begin to be able to issue privileges to practice under the compact would be either late in 2023 or early in 2024.
- G. SB66.** The Executive Director noted one of the purposes of this legislation was to create a new electronic license verification portal for all professional licenses in Kansas. The BSRB will be coordinating efforts to ensure the existing electronic license verification portal on the BSRB website will be linked to this newly created portal.

H. ASWB. The Executive Director attended the mid-year meeting for Association of Social Work Boards (ASWB) from April 19 to April 23. There was discussion on the licensure exam and the concerns. There were productive conversations to adjust some of the methodology and plans to continue to monitor outcomes. ASWB is in the process of moving from 4-option multiple choice questions to 3-option multiple choice questions. Once there is new data, ASWB will release a new report. The Executive Director noted that he has been researching legislative activities in other states, to see whether a significant number of states paused or ceased to require passage of a license examination for licensure. To his knowledge, only Utah passed legislation this session to remove the requirement of the exam, though he noted that Utah only recently started to require the passage of an examination, to their system of licensure is organized differently than Kansas.

I. Social Work Compact. The Executive Director noted the final language of the social work multi-state compact has been finalized is available for review. It was noted that due to the date the language in the compact was finalized, a bill for the compact was not considered by the 2023 Kansas Legislature.

J. Kansas Fights Addiction Grant Review Board. The Board's appointee to the Grant Review Board, Jason Hess, provided a written update on recent meetings for the Board.

V. Staff Reports. The Executive Director highlighted a report created by the BSRB, which shows historic totals of permanent licensees from 2015 to current. Trends differ by professions, but overall, the number of individuals with permanent licenses under the BSRB continues to increase.

VI. Complaint Review Committee (CRC) Report. Cindy D'Ercole, Investigator for the BSRB, provided updates on the CRC. It was reported that as of the end of April 2023, the BSRB received 161 complaints this fiscal year. An extra meeting of the CRC has been scheduled for May 15, 2023, due finish reviewing cases originally docketed to be reviewed by the Complaint Review Committee at the April meeting.

VII. Professions Reports

A. Licensed Psychology. The Advisory Committee met and reviewed regulatory language on continuing education requirements and use of computerized technology. The Advisory Committee will meet again in June.

B. Social Work. The Advisory Committee met on April 24, 2023. There was discussion about current legislation. They finalized unprofessional conduct regulation and adopted unprofessional language concerning social media. They also discussed training plan rules and continuing education regulations. They will meet again in June.

C. Professional Counseling. The Advisory Committee met on April 17, 2023. They discussed the multi-state compact that passed, community-based licenses, reciprocity, and clinical training. They will meet again in June.

- D. Master's Level Psychology.** The Advisory Committee met on April 12, 2023, and discussed psychometrics, possible use of American Psychological Association (APA) accreditation standards, and the topic of adding new members to the Advisory Committee. There was a discussion on possible changes to the regulations for clinical training plans. They will be meet again in June.
- E. Marriage and Family Therapy.** The Advisory Committee met in April. They discussed current legislation, training plans, and the topic of adding new members. They will meet again in June.
- F. Addiction Counseling.** The Advisory Committee met did not meet in April but will meet on June 2, 2023.
- G. Behavior Analyst.** The Advisory Committee met May 3, 2023. They discussed legislation, care of clients in crisis, and the topic of adding new members to the Advisory Committee, license reinstatement, and reciprocity. They will meet again in June.

VIII. Old Business

- A. Proposed Changes to Unprofessional Conduct Regulations by Advisory Committees.** The Executive Director presented the Board with copies of the unprofessional conduct regulations for all seven professions, including all recommended changes by the seven Advisory Committees. It was noted that it would be helpful for the different Advisory Committees to review the recommended changes for each of the other professions, and to consider whether those proposed changes would be helpful for their professions as well. The packet of material will be referred back to the Advisory Committees for review. Any additional recommended changes will be brought back to the Board at a meeting later this year. The goal is for the Board to consider changes to the regulations by the end of the calendar year.
- B. Discussion on Types of Changes Necessary to be Reported for Clinical Training Plans.** Advisory Committees were asked to discussion possible changes to the regulation concerning submitting changes to approved clinical training plans. The Board intends to review recommendations on changes to the language from Advisory Committees at a future meeting, in an effort to create clearer standards on what type of changes need to be submitted and consideration of whether the current 45-day requirement is serving its intended purpose, or whether another method would be more helpful to pursue.

IX. New Business

- A. Re-Appointment of Advisory Committee Members.** The Chair reappointed the following Advisory Committee members:

- Addiction Counseling: Lisa Carter, Shane Hudson, Chad Jacobs, Michael James, and Charity Kossin.
- Behavioral Analysis: Allyson Bell, Emily Kessler, Christine Marie Stiehl, and Alice Zhang
- Master's Level Psychology: Rebecca Jabara, Laura Lucht, and Kari Wold
- Professional Counseling: Harriet Bachner, Michelle Fairbank, Bob Kircher, Andrew Secor, and Edil Torres-Rivera.
- Licensed Psychology: Abby Callis, Jessica Hamilton, Tiffany Johnson, and Doug Wright.
- Social Work: Sarah Berens, Mary Gill, Catherine Rech, and Eric Schoenecker.

B. Appointment of New Advisory Committee Members. The Chair appointed Mark Goodman, Matthew Guelker, Edward Hunter, Sarah Kirk, and Jay Middleton to the Licensed Psychology Advisory Committee.

C. Appointment of Kansas Compact Commissioner for the Professional Counselor Multi-State Compact (Per Enactment of HB 2288). The Executive Director noted that while HB 2288 does not become effective until July 1, 2023, the Board could appoint an individual to serve as the Commissioner for Kansas, which would allow that individual to begin to attend meetings on behalf of Kansas and would be able to officially vote on Compact business after July 1. Laura Shaughnessy was appointed by the Chair to represent Kansas as the Compact Commissioner.

D. Appointment of Board Member to Replace Ric Steele on LCP Hearing Panel. Jim Kilmartin was appointed to replace Ric Steele.

E. Appointment of Board Members to Replace Johnna Norton and David Anderson on LPC Hearing Panel. Richard Nobles was appointed to replace Johnna Norton and David Anderson.

F. Discussion on Chair for Behavioral Analyst Advisory Committee for FY 2024. Current Chair of the Behavioral Analyst Advisory Committee, Dave Anderson, has requested to step down from his role as Chair of that Advisory Committee. BSRB statutes state that a Board member must serve as Chair of Advisory Committees, and if there is a Board member appointed for that profession, that Board member will serve in that role. There is currently no Board member position for a Behavior Analyst. The Board decided to select a new Chair for the Behavior Analyst Advisory Committee after the Governor appoints new Board members on July 1, 2023.

G. BSRB Action Items for Passage of SB 131. The Executive Director noted that he received authority to hire two new licensing specialists, beginning in FY 2024, due to the new responsibilities included in SB 131. At this time, he does not believe he will need the Board to consider raising fees to cover the cost of these positions, as the agency is attempting to draw down the balance in the BSRB Fee Fund, however he will review this topic with the Board after two years. It was noted that, if SB 131 becomes law, the Board will need to develop an expedited application process in regulation. It

was discussed that it would be helpful for individual seeking expedited licensing meet certain standards to allow the agency to be able to move quickly with those applications. It was noted that applicants who received their education from non-accredited programs may not be eligible, due to the need to obtain additional information through questionnaires sent to their schools and review of their education by experts. For the new Community-Based Licenses, it was noted that an attestation from the employer and a letter stating their scope of duties may be necessary. The Board determined that if the bill is signed into law, the fee for Community-Based Licenses should be set at \$50. The Board determined that the optional expedited application fee should be set at \$100.

H. Board Members Input in Reviewing Bid Submissions for RFP for Legal Services.

The Executive Director provided an update on the agency's RFP for legal services. It was noted that if any Board members were interested in reviewing bids, they should contact the Executive Director prior to the bid process closing, so that appropriate forms can be signed and submitted to the Office of Procurements. The Executive Director noted the plan is for the BSRB to select a new provider of legal services and a contract signed prior to the start of the next fiscal year on July 1, 2023. If that timeframe can be met, then it means this meeting is the final Board meeting that Jared Langford would be attending as legal counsel for the Board. The Board thanked Mr. Langford for his assistance.

I. Consideration of Other Practitioners to Be Approved to Become Board-Approved Supervisors Based on Unavailability.

BSRB staff noted they have seen an increase in requests to become board-approved supervisors from other professions. Some individuals have expressed concern about cost and availability of supervisors. Board members expressed support for considering requests that were unusual or extreme cases. It was also recommended that the criteria for the evaluation process be discussed by Advisory Committees that have board-approved supervisors, so that possible recommendations could be forwarded back to the Board for consideration.

J. Discussion on Board Annual Planning Meeting in September or October of 2023.

The Executive Director asked Board members whether the annual off-site planning meeting should be held in-person or remote. The preference of the Board was to hold the meeting in-person. The Executive Director will send out a poll to identify a date when Board members would be available for an all-day meeting. The location of the meeting will be determined at a future date.

K. Recognition of Outgoing Board Members.

The Board thanked outgoing Board members Ric Steele, Johnna Norton, and Deb Stidham for their service.

X. Adjournment. Dave Anderson moved to adjourn. Deb Stidham seconded. The motion passed.