

Behavioral Sciences Regulatory Board
Board Minutes
March 10, 2021

Call to Order. The meeting was called to order by Chair Deb Stidham at 8:00 a.m.

I. Roll Call.

Board Members. Members present by Zoom: David Anderson, Jacqueline Lightcap, Johnna Norton, Andrea Perdomo-Morales, Laura Shaughnessy, Ric Steele, and Deb Stidham.

BSRB Staff. Staff present by Zoom: David Fye, Leslie Allen, Janet Arndt, Laine Barnard, Jane Weiler and Ashley VanBuskirk.

Guests. None.

II. Agenda Approval. Deb Stidham approved the agenda.

III. Consideration of Substitute for House Bill (HB) 2066.

David Fye, Executive Director for the BSRB, provided a summary of Substitute for HB 2066, a bill scheduled for a hearing in the Senate Federal and State Affairs Committee on Thursday, March 11. Substitute for HB 2066 would shorten the period of time in which regulatory bodies, including the BSRB, are required to issue occupational credentials to military servicemembers and military spouses seeking to establish residency in Kansas and provide for expedited credentialing of non-military prospective residents or current residents under certain circumstances. The bill would require the BSRB to issue a license under certain conditions after submission of a “complete application,” within 15 days to a military servicemember or military spouse or within 45 days for all other applicants, for applicants holding a valid current license, registration or certification in another state, district, or territory of the United States. The bill would expand and clarify existing conditions on expedited credentialing and permit temporary credentialing during states of emergency and the use of electronic credentials.

Janet Arndt, legal counsel assigned to the Board from the Attorney General’s office, explained other provisions in the bill, including changes made to the original bill by the House Committee on Commerce, Labor, and Economic Development when that Committee worked the bill and other amendments added when the House Committee of the Whole worked the bill on the House floor. Several of these modifications allow agencies flexibility to issue permits and licenses in certain situations, rather than being directed to process such requests.

Members of the Board discussed the bill and noted several concerns, including the impact that passage of the bill would have on the agency’s ability to process applications under

the new timeframe requirements. The Board also discussed concerns that the bill considers an application complete even if the results from a criminal background check have not been received, which could result in the agency being directed to issue a license to a practitioner before the agency could fully review the applicant's criminal record. Several Board members noted this would significantly impair the agency's ability to provide adequate protection for the public. The Board also discussed concerns regarding the timeframe to implement necessary changes, noting the bill calls for rules and regulations to be implemented, however the bill would become effective on publication in the statute book, which would likely be on July 1, 2021. The Board noted the bill specifically permits the Board of Healing Arts to use a "substantially equivalent" standard when evaluating the qualifications of an individual to practice in Kansas, rather than the "scope of practice" standard that agencies are directed to use under the bill and the Board noted that using the substantially equivalent standard would ensure better public protection. Given these concerns, the Board requested opponent testimony be presented on behalf of the agency at the bill hearing in the Senate Federal and State Affairs Committee, noting the issues discussed and requesting amendments to address these issues.

Ric Steele moved to direct the Executive Director to draft and present testimony regarding HB 2066. Andrea Perdomo-Morales seconded. The motion passed.

IV. Adjourn. The meeting was adjourned.