

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING MINUTES
September 11, 2023**

DRAFT MINUTES

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

Board Members. Board members in attendance were Mary Jones, David Anderson, Jill Flessing, Linda Heitzman-Powell, Jim Kilmartin, Jacqueline Lightcap, Richard Nobles, Andrea Perdomo-Morales, Cynthia Schendel, Laura Shaughnessy, and David Stevens. Donna Hoener-Queal was absent.

Staff. BSRB Staff attending included David Fye, Leslie Allen, Tyla Wadsworth. Cindy D’Ercole. Legal counsel for the Board, Attorney Tim Resner, was present.

Guests. None

- II. Agenda Approval.** Jim Kilmartin moved to approve the agenda. Cynthia Schendel seconded. The motion passed.
- III. Welcome New Board Members.** The Board welcomed new Board member Jill Flessing (Addiction Counseling).
- IV. Minutes Approval:** David Anderson moved to approve the minutes from the Board meeting on July 10, 2023. Linda Heitzman-Powell seconded. The motion passed.
- V. Executive Director's Report.** David Fye, Executive Director for the BSRB, reported on the following topics:

A. Operations. The BSRB started a YouTube channel in January of 2021 to broadcast Board and Advisory Committee meetings. Currently 126 meetings have been broadcast or uploaded with approximately 4,580 views across those meetings. The Executive Director and Assistant Director have been speaking to university students about the licensing process and disciplinary process and answering questions from students.

B. Expenditure and Revenue. Each year, state agencies must submit budgets to the Division of Budget by September 15. Last year, the legislature approved an expenditure limitation for fiscal years 2023, 2024, and 2025. Revenue for last fiscal year was originally projected at \$772,000 and actual revenue was 868,000. The BSRB was approved to spend \$1,173,000 this current fiscal year.

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.

- D. Staffing Updates.** The BSRB has officially hired two new employees for the increased workload attributable to the passage of 2023 SB 131. The staff is working on moving old records to the historical society and trying to improve spacing for new employees.
- E. Legislative Updates.** The Executive Director summarized new license types and other changes due to the passage of 2023 SB 131.
- F. Association Updates.** The Association of State and Provincial Psychology Boards (ASPPB) will hold an annual meeting at the end of September 2023. The Executive Director and Laura Shawnessy attended the the National Board for Certified Counselors (NBCC) annual meeting in July,2023. The National Association of Marriage and Family Therapy will be held at the end of September the executive director and Chair Mary Jones will be attending.
- G. Kansas Fights Addiction Grant Review Board (KFAGRB).** Jason Hess, the BSRB appointee to the KFAGRB, provided a written update on recent meeting by letter to the Board.
- H. PSYPACT.** The Executive Director will attend the PSYPACT annual meeting on November 16-17, 2023.
- I. Professional Counseling Compact.** House Bill 2288 was passed by the 2023 Legislature and added Kansas to a multi-state compact for clinical professional counseling. The bill has an enactment date of July 1, 2023. October 25, 2023, will be the governance meeting where rules and regulations will be discussed.
- J. Social Work Multi-State Compact.** The model compact language was finalized at the end of February 2023/beginning of March 2023. One state has passed the compact, Missouri, and it was noted that several other states have introduced legislation to discuss the compact. It is anticipated that the compact will be introduced in Kansas during the 2024 Legislative session.
- K. Off-Site Planning Meeting.** The BSRB will be holding its off-site planning meeting in Wichita, Kansas on October 23, 2023
- L. Open Forums.** There will be two open forums to allow employers and schools to ask questions about legislative changes. Employer open forum will be held over zoom October 17 and Education open forum will be held over zoom October 18.
- VI. Staff Reports.** The Executive Director noted historical information on licensing trends in the packet of information, which show that the agency continues to see an increase in overall licensees under the BSRB.
- VII. Complaint Review Committee (CRC) Report.** Cindy D’Ercole, Investigator for the BSRB, provided updates on the CRC.

VIII. Professions Reports

- A. **Licensed Psychology.** The Advisory Committee met on August 8th, 2023. The Advisory Committee introduced new members and received the annual training.
- B. **Social Work.** The Advisory Committee met in August. Members of the Council for State Government (CSG) presented new information on the Social Work Compact and answered questions from Advisory Committee members.
- C. **Professional Counseling.** The Advisory Committee met on August 7, 2023. The Chair recapped the NBCC conference and the meeting for the Counseling Compact. Advisory Committee members received the annual training and there were discussions on reciprocity. The Committee will meet again October 2, 2023.
- D. **Master's Level Psychology.** The Advisory Committee met on August 16, 2023. The Advisory Committee welcomed three new members. There was continued discussion on the possibility of recognizing APA accredited programs as satisfying the educational requirements for licensure. The Advisory Committee will meet again October 6, 2023.
- E. **Marriage and Family Therapy.** The Advisory Committee met in August and discussed clinical training plans, continuing education, and unprofessional conduct regulations. The next meeting will be on October 13, 2023.
- F. **Addiction Counseling.** The Advisory Committee met on August 25, 2023. The Advisory Committee welcomed new chair Jill Flessing. The Advisory Committee received the annual training and discussed possible changes to training plan requirements. The Advisory Committee will meet again October 23, 2023.
- G. **Behavior Analyst.** The Advisory Committee met on August 11, 2023. The Advisory Committee welcomed Linda Heitzman-Powell as Chair and made recommendations on new members of the Advisory Committee. The Advisory Committee reviewed proposed changes to unprofessional conduct regulations and the license reinstatement processes. The next meeting will be October 23, 2023.

IX. Old Business

- A. **Continued Discussion on Public Possible Change to 45-Day Requirement for Notification of Modifications to Clinical Training Plan Requirements.** The Executive Director noted the regulation states all changes to a clinical supervision plan need to be submitted to the BSRB within 45 days of the change. There have been discussions whether to change the penalty of losing all hours if changes are not submitted in time. There was discussion on changing the term to a “substantial change,” defining what would constitute a substantial change, and wanting to make the process more flexible. The Executive director noted that an alternative solution

would be to change the language so that if the training plan is approved and a later change would still include practice allowed under the standards in regulations, then perhaps the 45-day rule is not needed. Under this alternate solution, if a change is submitted later than 45-days, only hours accrued that do meet the requirements will be lost. The Board recommended sending this proposed solution to the Advisory Committees for further discussion.

B. Discussion on Consideration of Practitioners from Different Professions Serving as Supervisors Based on Extenuating Circumstances. Professional Counseling and Marriage and Family Therapy include language in regulations that supervisors must be Board-approved supervisors for their clinical supervision specific to their license type. Under extenuating circumstances, a licensed professional outside of their profession may be approved by the Board to be their clinical supervisor. Board members were asked to discuss (1) whether the criteria in regulation (“extenuating circumstances”) is appropriate or whether it should be replaced with a different test and (2) whether the regulations should continue to allow individuals from other professions to be able to provide clinical supervision to professional counselor and marriage and family therapist. It was reported that the Marriage and Family Therapy and Professional Counseling Advisory Committee discussed this topic and members expressed support for discontinuing the option of individuals from other professions providing supervision to marriage and family therapists. There was a recommendation to take this topic back to the Professional Counseling Advisory Committee and Marriage and Family Therapy Advisory Committee to discuss further.

X. New Business

A. Appointment of New Advisory Committee Members

- i. **Behavior Analyst Advisory Committee.** The Board Chair Appointed Kelley Harrison, Pamela Neidert, Stephanie Willey and Mike Williams.
- ii. **Marriage and Family Therapy Advisory Committee.** The Board Chair Appointed Heidi Vela.

B. Modification of Appointments of Board Members to License Hearing Panels. The Chair appointed David Stevens, Richard Nobles, Mary Jones, Laura Shaughnessy and Donna Hoener-Queal to serve as members of a hearing panel for a Professional Counseling applicant hearing. The Chair appointed Dave Anderson, Andrea Perdomo-Morales, and Linda Heitzman-Powell, Mary Jones, and Laura Shaughnessy to serve on a hearing panel for a Master’s Level Social Work applicant hearing.

C. Information on Recent Changes to Servicemembers Civil Relief Act and Portability of Professional Licensed for Servicemembers and Their Spouses. The federal government recently passed a that applies exclusively to military members and their spouses that allows certain individual an alternate path to practice in states, if those individuals are licensed in a state, are relocated to a new state, and other conditions apply. Under this model, certain individuals would be able to practice in Kansas under a “license recognition” model, so the state of Kansas would not be

providing a license to these individuals. It was noted that this does not replace licensure of current military members and military spouses, and these individuals may continue to pursue licensure if they prefer licensure rather than license recognition. It was reported that many states are working through the process of implementing this new process, so the BSRB will be researching this further to determine what steps are necessary to carry out this change in federal law.

D. Discussion on Draft Regulation Language on Expedited License Review Process.

2023 SB 131 included language authorizing the Board to create language in rules and regulations for an expedited application review process. It was noted that, to the agency's knowledge, no other agencies in other states have a similar process, so agency staff have been attempting to create draft language for the Board to review. The Assistant Director reviewed starting draft language on eligibility for this process with the Board Members. Board members expressed positive comments and expressed support for further drafting of this language.

E. Discussion on RFP for Impaired Provider Program.

The Executive Director discussed possible options for impaired provider programs. Some agencies utilize programs that provide services as needed, such evaluations or tracking services for licensees that need mental or substance abuse assistance when there is a co-occurrence of these conditions involved in a disciplinary investigation. Another model would be a larger program in which licensees could voluntarily seek services, regardless of disciplinary occurrence. Board members expressed support for an RFP limited to assisting with disciplinary functions. The Executive Director noted he has contacted the Office of Procurement, requesting draft language from similar RFPs, but hasn't received that information yet. The Executive Director will continue to review possible language on RFPs in preparation for the agency putting out an RFP to assist with disciplinary functions.

XI. Adjournment. Cynthia Schendel moved to adjourn the meeting. Laura Shaunessy seconded. The motion passed.