

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING MINUTES
July 10, 2023**

DRAFT MINUTES

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

Board Members. Board members attending in-person included Mary Jones, David Anderson, Jacqueline Lightcap, and David Stevens. Board members attending remotely included Andrea Perdomo-Morales, Cynthia Schendel, Linda Heitzman-Powell, and Deb Stidham.

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

Guests. None

- II. Agenda Approval.** Dave Anderson, Vice-Chair for the Board, moved to approve the agenda. David Stevens seconded. The motion passed.
- III. Welcome New Board Members.** The Board welcomed new Board members Linda Heitzman-Powell (licensed psychology) and David Stevens (public member).
- IV. Welcome New Legal Counsel.** The Board welcomed Tim Resner, who will serve as new legal counsel for the Board from Friedman and Forbes LLP.
- V. Minutes Approval:** The Vice-Chair moved to approve the minutes from the Board meeting on May 08, 2023, with the change to change the term psychometrics to role of psychometrician. David Stevens seconded. The motion passed.
- VI. Executive Director's Report.** David Fye, Executive Director for the BSRB, reported on the following topics:
- A. Outreach.** The BSRB started a YouTube channel in January of 2021 to broadcast Board and Advisory Committee meetings. Currently 109 meetings have been broadcast or uploaded with approximately 4,199 views across those meetings. The BSRB held an annual “Thank You” open house on June 28, 2023, to thank the different individuals and agencies that provide services to the agency.
- B. Expenditure and Revenue.** At the end of June 2023, after the statutory 10% contribution to the State General Fund, revenue totaled approximately \$868,748. The BSRB average around \$67,000 in revenue through the end of May, but June revenue totaled \$126,342, which was the main reason revenue collected exceed projections.

Yearly expenditures totaled \$937,012. It was noted that the Board lowered several fees in 2019, so that the agency's fee fund balance would decrease over time.

- C. Licensing Updates.** The Executive Director reviewed total year-end licensing totals for professions by licensing type.
- D. 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.
- E. Staffing Updates.** The BSRB is currently advertising for two new licensing specialist positions. The agency is also utilizing temporarily staffing to get a head start on the increased workload attributable to the passage of 2023 SB 131 and to work on other projects. It was noted that BSRB staff made a small contribution to Helping Hands Humane Society.
- F. Legislative Updates.** The BSRB sent a letter all licensees in June 2023, informing them about legislative changes consistent with the enactment of 2023 Sub. for SB 131. This message was also posted on the BSRB website. The BSRB is currently working on creation of forms for new license types and working with the Board of Healing Arts, the agency that hosts the BSRB licensing database, to be able to issue the new license types. The agency will also be pursuing temporary regulations and permanent regulations to set the fees for the new license types.
- G. IT Audit.** The Executive Director noted the BSRB was part of about 15 agencies that were audited by the Legislative Division of Post Audit (LPA) on IT matters. The Executive Director attended the LPA meeting at the Capital on June 6, 2023, to present testimony on the findings of the IT audit that was performed. It was noted that the findings for the BSRB were positive overall.
- H. Association Updates.** The Executive Director attended a webinar from the Association of Social Work Boards (ASWB) on June 28, 2023, concerning the licensing examination. It was noted that the webinar and past webinars can be viewed at the ASWB website at www.aswb.org/exam/exams-for-the-future-of-social-work/webinars. The Association of State and Provincial Psychology Boards (ASPPB) will hold an annual meeting at the end of September and the National Board for Certified Counselors (NBCC) will hold their annual meeting in July, 2023.
- I. Kansas Fights Addiction Grant Review Board (K FAGRB).** Jason Hess, the BSRB appointee to the K FAGRB, provided updates on recent meeting by letter to the Board.
- J. PSYPACT.** There are currently 85 Licensed Psychologists who are practicing telehealth under the Psychology Interjurisdictional Compact (PSYPACT) with a home state license in Kansas and 8 who are practicing a limited number of in-state days in other compact states. The PSYPACT annual meeting will be November 16-17, 2023.

- K. Professional Counseling Compact.** 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.
- L. Social Work Multi-State Compact.** The model compact language was finalized at the 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.
- VII. Staff Reports.** Leslie Allen, Assistant Director and Licensing Manager for the BSRB, has been working with Board of Healing Arts to update licensing systems. The agency has created new tracking tools to ensure that new timeframes for mailing and licensure can be tracked.
- VIII. 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 June 2023, the BSRB received 200 complaints this fiscal year.
- IX. Professions Reports**
- A. Licensed Psychology.** The Advisory Committee met in June 2023, which was the final meeting for outgoing Board Member Ric Steele. The Advisory Committee reviewed regulatory language on continuing education requirements and use of computerized technology. The Advisory Committee will meet again on August 8, 2023.
- B. Social Work.** The Advisory Committee met on June 19, 2023. There was discussion about care of clients in crisis. The Advisory Committee finalized unprofessional conduct regulation and adopted unprofessional language concerning social media. The members of the Committee also discussed possible changes to clinical training plan requirements and continuing education regulations. The Advisory Committee will meet in August.
- C. Professional Counseling.** The Advisory Committee met on June 5, 2023. The reviewing the continuing education regulation and regulations for clinical training plans. The Advisory Committee will meet in August.
- D. Master's Level Psychology.** The Advisory Committee met on June 7, 2023. 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 August.

E. Marriage and Family Therapy. The Advisory Committee met in June 24. clinical training plans, and continuing education. the topic of adding new members. They will meet again in June.

F. Addiction Counseling. The Advisory Committee met on June 2, 2023. They worked discussed the 45-day requirement for changes to training plans regulations on continuing education. They will meet again August 25, 2023.

G. Behavior Analyst. The Advisory Committee did not meet.

X. Old Business

A. Proposed Changes to Unprofessional Conduct Regulations by Advisory Committees. The Executive Director note Advisory Committees will be reviewing proposed changes to the unprofessional conduct regulations for all professions to consider whether those changes would be suitable for other professions. 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.

C. Discussion on Consideration of Other Practitioners from other Professions to Serve as Supervisors Based on Unavailability. Professional Counseling and Marriage and Family Therapy regulations allow the ability for individuals from other professions to provide supervision “under extenuating circumstances.” The Board asked the Advisory Committees to discuss what would be suitable as extenuating circumstances and whether this regulation language should be changed, given the recent change to allow all supervision remotely.

XI. New Business

A. Election of Board Chair. The Vice-Chair moved to re-elect Mary Jones to as Chair of the Board. David Stevens Seconded. The motion Passed.

B. Election of Vice-Chair David Anderson. Andrea Perdomo-Morales moved to re-elect David Anderson as Vice-Chair of the Board. David Stevens Seconded. The motion passed.

- C. Appointment of New Advisory Committee Members for Masters Level Psychology.** The Chair appointed Bruce Johnson, Jennifer Schreiner, and Robert Pedroza to the Master's Level Psychology Advisory Committee.
- D. Appointment of Linda Heitzman-Powell as Chair of Behavioral Analyst Advisory Committee.** The Chair appointed Linda Heitzman-Powell as Chair of Behavioral Analyst Advisory.
- E. Appointment of Public Board Member to Advisory Committees.** The Chair appointed David Stevens to the new public Board members on the Licensed Psychology Advisory Committee and the Master's Level Psychology Advisory Committee.
- F. Appointment of David Fye as Emergency Back-Up Representative for Professional Counseling Multi-State Compact Commission.** The Chair appointed David Fye as the emergency back-up representative for the Professional Counseling Multi-State Compact Commission, in the even that Commissioner Laura Shaughnessy is unavailable.
- G. Appointment of Board Hearing Panels.** The Chair appointed Mary Jones, Laura Shaughnessy, Jacqueline Lightcap, Cynthia Schendel, Linda Heitzman Powell to serve on a hearing panel for a professional counseling applicant. The Chair appointed David Anderson, Andrea Perdomo Morales, Jim Kilmartin, Richard Nobels, and Donna Hoener-Queal to serve on a hearing panel for a master's level social worker applicant.
- H. Formal Adoption of Proposed Temporary Regulation Changes on Fees. Roll call vote with motion.** The Executive Director noted the passage of 2023 SB 131 created several new license types and the bill established the cap for the limits on the fees. However, the specific amounts of the fees would need to be set in regulation. When the bill passed, the BSRB pulled back regulations that had already been submitted with other proposed fee changes, to add the new fees from the bill. These fee amounts were submitted as temporary regulations and permanent regulations. The Executive Director noted the Department of Administration and the Attorney General's office both reviewed the permanent and temporary regulations and the Executive Director would be attending a meeting of the State Regulation Review Committee after the Board meeting, for the purpose of adopting temporary fee regulations. The Executive Director asked the members of the Board to take a roll-call vote to adopt the proposed language for the temporary regulations. By roll call vote, all present Board members approved the temporary regulations, including: (1) K.A.R. 102-1-13, (2) K.A.R. 102-2-3, (3) K.A.R. 102-3-2, (4) K.A.R. 102-4-2, (5) K.A.R. 102-5-2, and (6) K.A.R. 102-7-2.
- I. Discussion on Expedited License Review Process.** The Executive Director noted the language in 2023 SB 131 stated the BSRB would adopt rules and regulations to

establish an expedited application process. The statute also calls for the BSRB to “make a decision” within a certain time frame. The Executive Director noted that there are two main types of applicants, reciprocity or original licensure. For reciprocity applicants, if the agency received everything it needed, it may be able to make a decision on licensure within 15 days. For applicants for original licensure, the decision is whether applicants are approved to take the licensing examination, which would open up a two-year window of time for the applicant to schedule and pass the licensing examination. One complication in putting together a model that assures a 15-day processing timeframe is that for certain types of applicants, it would be impossible to expedite their application, due to complicating factors, such individuals with as past felony convictions or past disciplinary matters that required additional investigation, individuals who may not merit the public trust or have past disciplinary conduct that would require further review, applicants having received their education from a program not accredited by a national accrediting body which requires the agency to collect additional information or have experts review the programs and coursework, applicants who had poor references that required additional inquiries, etc. It was also noted that applicants seeking this new expedited application process would need to not only have completed their education, but should have completed it in a timeframe that would allow their official transcripts to be reported to the BSRB. It was also noted that the BSRB requires an application fee when an application is submitted, but the license fee is paid when a determination is made that the applicants meet the requirements for licensure, in part because the BSRB by statute, cannot issue refunds. Board members expressed support for the BSRB to develop draft regulation language, given these complications and other factors. The BSRB will create draft language for a possible model and bring it back to the Board for review and additional discussion.

J. Discussion on Standard Date and Time for KAPA Meeting for Remainder of 2023. The monthly meeting to review materials for specific applicants under the Kansas Administrative Procedures Act (KAPA) will be moved to the fourth Tuesday at 8:30am.

K. Discussion on RFP for Impaired Provider Program. Mary Jones and Cynthia Schendel volunteered to work with the Executive Director on possible language for an impaired provider program.

XII. Executive Session to Discuss IT Audit Finding by Legislative Division of Post Audit. The Vice-Chair made the following motion to enter executive session:

Pursuant to K.S.A. 75-4319, I move that the Board recess into executive session for twenty minutes and reconvene the open meeting at 12:35 a.m. The meeting will be reconvened remotely by conference call at 1-877-278-8686, PIN 327072, and by Zoom, broadcast to the BSRB YouTube Channel, as directed in the notice of meeting that was sent to individuals who requested notice and is published on the Board’s website: ksbsrb.ks.gov

The justification for closure is to discuss matters relating to security measures that protect the information systems of an agency. David Fye, Executive Director for the BSRB, and Tim Resner, the Board's legal counsel, are to be included in the executive session. The subject to be discussed in the executive session is IT security for the BSRB.

Jacqueline Lightcap seconded. The motion passed by voice vote.

After the conclusion of the executive session, the Board re-opened the meeting after the conclusion of the executive session.

XIII. Adjournment. The Vice-Chair moved to adjourn the meeting. Deb Stidham seconded. The motion passed.