

**BEHAVIORAL SCIENCES REGULATORY BOARD
PROFESSIONAL COUNSELOR ADVISORY COMMITTEE MEETING
OCTOBER 3, 2022**

Draft Minutes

- I. Call to Order.** Laura Shaughnessy, Chair of the Advisory Committee, opened the meeting and called roll.

Advisory Committee Members: Advisory Committee members who participated by Zoom were Laura Shaughnessy, Jim Kilmartin, Harriet Bachner, Bob Kircher, Andrew Secor, and Edil Torres-Rivera.

BSRB Staff: David Fye and Leslie Allen were present by Zoom.

Guests: Jamal Robinson.

- II. Agenda Approval.** Jim Kilmartin moved to approve the agenda. Edil Torres-Rivera seconded. The motion passed.
- III. Minutes Approval:** Bob Kircher moved to approve the minutes with technical corrections. Jim Kilmartin seconded. The motion passed.
- IV. Executive Director's Report.** David Fye, Executive Director for the BSRB, reported on the following topics:
- 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 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 regulate auditing of continuing education requirements. A representative from Heart of America Professional Network presented information impaired provider programs for licensing boards, which 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 provided 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 Executive Director and Leslie Allen, Assistant Director and Licensing Manager for the BSRB, will provide information to the Joint Committee on Administrative Rules and Regulations on October 18, 2022. The BSRB will hold an open meeting to receive any oral comments on proposed changes to several regulations. That meeting will be on November 8, 2022, from 10 am to 11 am.

V. Updates from the Counseling Regulatory Boards Annual Summit by the National Board for Certified Counselors (NBCC) and the Center for Credentialing and Education (CCE) on August 3-6, 2022. The Executive Director and Chair of the Advisory Committee attended the National Counseling Regulatory Board Annual Summit. The Executive Director delivered a formal presentation at the meeting on the topic of Innovations in Licensing. The Chair of the Advisory Committee and Executive Director discussed topics from the Summit.

VI. Old Business

A. Continued Discussion on Possible Recommendations on KAR 102-3-3a Education Requirements for Licensure. The Executive Director summarized previous discussion by the Advisory Committee on K.A.R. 102-3-3a. That regulation notes that for applicants who received their education from a program that is not accredited by the Council for Accreditation of Counseling and Related Education Programs (CACREP), fifty percent of their education must be received while the student is “in residence,” which includes a requirement that the student be physically present at the institution in front of core faculty. The Advisory Committee previously expressed support for recommending the physical presence requirement be removed, but asked for language to be brought back to the Advisory Committee for review. The Executive Director showed draft language which would remove the physical presence requirement and would allow the face-to-face requirement in front of core faculty to be face-to-face in-person or by synchronous videoconferencing. Advisory Committee members discussed that certain online programs may not have synchronous videoconferencing, even if a class was taught by core faculty. Advisory Committee also discussed whether the face-to-face component was necessary, or whether alternate language that allowed direct communication, direct contact, or direct interaction between core faculty and the student would be sufficient. One option discussed was whether it would be sufficient to state that the direct interaction between the core faculty and the student could be face-to-face, synchronous, or asynchronous interactions. The Advisory Committee decided to consider alternate language and continue this conversation at a future meeting.

B. Discussion on Multi-State Licensing Compact for Professional Counseling. It was noted that currently 18 states have adopted legislation to join the multi-state compact.

Advisory Committee members discussed the benefits of Kansas joining the Compact. Advisory Committee members discussed the technical logistics that would be involved for the BSRB, if Kansas joined the Compact. Harriet Bachner moved that the Advisory Committee recommend to the Board that if legislation is introduced during the 2023 Legislative session for Kansas to join the professional counseling multi-state compact, that it encourages the Board to be supportive of that legislation. Bob Kircher seconded. The motion passed by voice vote. Andrew Secor and Edil Torres-Rivera abstained from the vote.

C. Comments on Council for Accreditation of Counseling and Related Educational Programs (CACREP) Draft 4. The Chair of the Advisory Committee noted that the fourth draft of the proposed changes to the CACREP standards was distributed to Advisory Committee members for review. The Advisory Committee discussed that the professional counseling regulations require that an individual must have received their education from a program that was chaired or directed by an individual who holds a degree in counseling. It was noted that the CACREP standards after 2013 required the person directing the program to hold a counseling degree, but prior to 2013, a related degree would also be sufficient. It was noted that the Advisory Committee may wish to discuss possible adjustments to this requirement in the regulations at a future meeting. Advisory Committee members discussed the value in protecting the professional counseling identity with being able to license more individuals in this profession. The Advisory Committee was supportive of discussing this topic in more detail at the next Advisory Committee meeting.

VI. New Business

A. New Advisory Committee Member Recommendations. The Executive Director summarized the roles and responsibilities of Advisory Committee members, the composition of membership on the Advisory Committee, and information on criteria Advisory Committee members should consider when evaluating new candidates for membership on the Advisory Committees. Advisory Committee members discussed current applicants and recommended adding four new members to the Advisory Committee: Melissa Briggs; Michael Countryman; Acha Goris; and Vanessa Perez. The Executive Director noted he would summarize the recommendations in a letter to the Chair of the Board and the official appointment of Advisory Committee members would be made by the Chair of the Board at a Board meeting.

B. Update for Subcommittee on Unprofessional Conduct Regulation Review. The Executive Director noted the Subcommittee for Unprofessional Conduct Regulation Review met in July and September and made several recommendations on changes to the unprofessional conduct regulations. He asked members of the Advisory Committee to review the recommended changes by the Subcommittee and to be ready to discuss possible recommendations on changes at the next Advisory Committee meeting in December.

C. Discussion on Possible Regulation for Care of Clients in Crisis. The Executive Director noted that with the recent rollout of the 988 National Suicide Prevention Hotline, the Board of the BSRB discussed the role of practitioners to care for their clients after hours, including whether an after-hours message is sufficient if it directs a patient to 988 or whether a formal arrangement for afterhours care is the responsibility of a practitioner. The Board asked Advisory Committees to discuss this topic and to provide language back to the Board for consideration. The Executive Director asked the members of the Advisory Committee to consider language on this topic for discussion at the next Advisory Committee meeting.

D. Discussion in Kansas Fights Addiction Grant Review Board Appointee. The Executive Director summarized the legislation that created the Kansas Fights Addiction Grant Review Board and noted that the Board of the BSRB is directed to appoint an individual to serve on the Grant Review Board. The Board of the BSRB previously appointed the Executive Director to serve on the Grant Review Board, but is seeking to name a more permanent appointee. The Executive Director provided a summary of the responsibilities of membership and noted that the Board of the BSRB asked him to contact members of each of the Advisory Committees, noting the Board was seeking qualified members of Advisory Committees to submit materials for consideration, so that the Board could consider appointing an Advisory Committee member to serve on the Grant Review Board.

VII. Next Meeting. Thursday, December 8, 2022, at 10 a.m.

VIII. Adjournment. Jim Kilmartin moved to Adjourn. Andrew Secor seconded. The motion passed.