

Session of 2023

HOUSE BILL No. 2340

By Committee on Health and Human Services

2-7

1 AN ACT concerning the behavioral sciences; increasing the membership
2 of the behavioral sciences regulatory board; relating to licensure and
3 regulation; professional counselors, social workers, marriage and
4 family therapists, addiction counselors, behavior analysts,
5 psychologists and master's level psychologists; decreasing the years of
6 practice required for reciprocity licensure; requiring that clinical social
7 work supervisors be approved by the board; providing additional
8 continuing education requirements; establishing license categories for
9 applicants from social work programs in candidacy for accreditation
10 and for temporary reinstatement; extending the license period of
11 temporary licenses; amending K.S.A. 65-5802, 65-5806, 65-6302, 65-
12 6313, 65-6314, 65-6402, 65-6407, 65-6608, 65-6614, 65-6618, 65-
13 7504, 65-7505, 74-5302, 74-5318, 74-5361, 74-5365, 74-5366, 74-
14 5367 and 74-7501 and K.S.A. 2022 Supp. 65-5804a, 65-5807, 65-5808,
15 65-6306, 65-6309, 65-6322, 65-6404, 65-6405, 65-6406, 65-6411, 65-
16 6610, 65-6611, 65-6613, 74-5310, 74-5315, 74-5316, 74-5363 and 74-
17 5375 and repealing the existing sections; also repealing K.S.A. 74-
18 5339.

establishing a community-based license for professional counselors, social workers, marriage and family therapists and psychologists;

19
20 *Be it enacted by the Legislature of the State of Kansas:*
21 New Section 1. (a) On and after January 1, 2024, any licensee
22 providing postgraduate clinical supervision for any individual working
23 toward licensure as a clinical social worker shall be a board-approved
24 clinical supervisor.
25 (b) An application for a board-approved clinical supervisor shall be
26 made to the board on a form and in the manner prescribed by the board
27 and shall be accompanied by the fee as provided by K.S.A. 65-6314, and
28 amendments thereto.
29 (c) Each applicant for board-approved clinical supervisor shall
30 furnish evidence satisfactory to the board that the applicant:
31 (1) Is currently licensed by the board as a specialist clinical social
32 worker and has practiced as a specialist clinical social worker for at least
33 two years following licensure;
34 (2) is not the subject of any disciplinary action of the board that
35 would prohibit providing clinical supervision, as determined by the board;
36 and

1 (e) A person who is waiting to take the examination required by the
2 board may apply to the board for a temporary *professional counselor*
3 license to practice as a licensed professional counselor by:

4 (1) Paying an application fee of not more than \$150; and

5 (2) meeting the application requirements as stated in K.S.A. 65-
6 5804a(b)(1), (2) and (4), and amendments thereto.

7 (f) (1) A temporary *professional counselor* license may be issued by
8 the board after the application has been reviewed and approved by the
9 board and the applicant has paid the appropriate fee set by the board for
10 issuance of a temporary license.

11 (2) Absent extenuating circumstances approved by the board, a
12 temporary *professional counselor* license issued by the board shall expire
13 upon the date the board issues or denies a license to practice professional
14 counseling or ~~12~~ 24 months after the date of issuance of the temporary
15 license. No temporary license will be renewed or issued again on any
16 subsequent application for the same license level. The preceding
17 provisions in no way limit the number of times an applicant may take the
18 examination.

19 (g) A person practicing professional counseling with a temporary
20 *professional counselor* license may not use the title "licensed professional
21 counselor" or the initials "LPC" independently. The word "licensed" may
22 be used only when followed by the words "by temporary license," such as
23 licensed professional counselor by temporary license, or professional
24 counselor licensed by temporary license.

25 (h) No person may practice professional counseling under a
26 temporary *professional counselor* license except under the supervision of a
27 person licensed by the behavioral sciences regulatory board at the
28 independent level.

29 (i) Nothing in this section shall affect any temporary license to
30 practice issued under this section prior to the effective date of this act and
31 in effect on the effective date of this act. Such temporary license shall be
32 subject to the provisions of this section in effect at the time of its issuance
33 and shall continue to be effective until the date of expiration of the
34 temporary license provided under this section at the time of issuance of
35 such temporary license.

36 Sec. 4. K.S.A. 65-5806 is hereby amended to read as follows: 65-
37 5806. (a) An applicant who meets the requirements for licensure pursuant
38 to ~~this the professional counselors licensure act~~, has paid the license fee
39 provided for by K.S.A. 65-5808, and amendments thereto, and has
40 otherwise complied with the provisions of this act shall be licensed by the
41 board.

42 (b) Licenses issued pursuant to this act shall expire 24 months from
43 the date of issuance unless revoked prior to that time. A license may be

(j) (1) An individual may apply to the board for a community-based
professional counselor license to practice professional counseling in the
scope of employment by a community mental health center, as defined in
K.S.A. 39-2002, and amendments thereto.

(2) A community-based professional counselor license may be issued by the
board after the board reviews and approves the application and the applicant
has paid the fee set by the board for issuance of a community-based
professional counselor license.

(3) (A) Absent extenuating circumstances approved by the board, a
community-based professional counselor license issued by the board shall
expire:

(i) Upon the date the board issues or denies a license to practice
professional counseling; or

(ii) 24 months after the date of issuance of the community-based
professional counselor license.

(B) No community-based professional counselor license shall be renewed
or issued again on any subsequent application for the same license level.
This paragraph shall not be construed to limit the number of times an
applicant may take the examination.

(4) A person practicing professional counseling with a community-based
professional counselor license may use the title "licensed professional
counselor" or the initials "LPC" independently.

(5) No person may practice professional counseling under a community-
based professional counselor license except under the supervision of a
person licensed by the board to practice at the independent level.

1 (9) for a six-month reinstatement temporary license as a clinical
2 professional counselor, not more than \$50;

3 ~~(8)~~(10) for late renewal penalty, an amount equal to the fee for
4 renewal of a license;

5 ~~(9)~~(11) for reinstatement of a license, not more than \$175;

6 ~~(10)~~(12) for replacement of a license, not more than \$20;

7 ~~(11)~~(13) for a wallet card license, not more than \$5; and

8 ~~(12)~~(14) for application as a board-approved clinical supervisor, not
9 more than \$50.

10 (b) Fees paid to the board are not refundable.

11 Sec. 7. K.S.A. 65-6302 is hereby amended to read as follows: 65-
12 6302. As used in ~~this~~ *the social workers licensure act*, unless the context
13 clearly requires otherwise, ~~the following words and phrases shall have the~~
14 ~~meaning ascribed to them in this section:~~

15 (a) "Board" means the behavioral sciences regulatory board created
16 by K.S.A. 74-7501, *and amendments thereto.*

17 (b) "*Extenuating circumstances*" means *any condition or situation*
18 *caused by events beyond a person's control that is sufficiently extreme in*
19 *nature to result in the:*

20 (1) *Person's inability to comply with requirements; or*

21 (2) *inadvisability of requiring the person to comply with*
22 *requirements.*

23 (c) "*Psychotherapy*" means *the use of psychological and social*
24 *methods within a professional relationship to assist the person or persons*
25 *to achieve a better psychosocial adaptation to acquire greater human*
26 *realization of psychosocial potential and adaptation to modify internal*
27 *and external conditions that affect individuals, groups or communities in*
28 *respect to behavior, emotions and thinking and in respect to their intra-*
29 *personal and inter-personal processes. Forms of "psychotherapy" include,*
30 *but are not limited to, individual psychotherapy, conjoint marital therapy,*
31 *family therapy and group psychotherapy.*

32 (d) "Social work practice" means the professional activity of helping
33 individuals, groups or communities enhance or restore their capacity for
34 physical, social and economic functioning and the professional application
35 of social work values, principles and techniques in areas such as
36 psychotherapy, social service administration, social planning, social work
37 consultation and social work research to one or more of the following
38 ends: Helping people obtain tangible services; counseling with individuals,
39 families and groups; helping communities or groups provide or improve
40 social and health services; and participating in relevant social action. The
41 practice of social work requires knowledge of human development and
42 behavior; of social, economic and cultural institutions and forces; and of
43 the interaction of all these factors. Social work practice includes the

for a community-based professional counselor license, not more than \$175;

(11)

[And by redesignating accordingly]

1 about a social work program of a college or university. In entering such
2 contracts the authority to recognize and approve a social work program of
3 a college or university shall remain solely with the board.

4 ~~(f)~~(h) (1) Notwithstanding any pending candidacy for accreditation of
5 the masters of social work program at Fort Hays state university, the board
6 shall:

7 (A) Accept a master's degree from such program as from an
8 accredited college or university for the purpose of issuing a license as a
9 master social worker to an applicant under subsection (b); and

10 (B) not impose any additional or alternative requirements to
11 accreditation upon an applicant with such degree based on such program's
12 pending candidacy for accreditation.

13 (2) The provisions of this subsection shall apply retroactively and
14 shall expire on July 1, 2023.

15 Sec. 9. K.S.A. 2022 Supp. 65-6309 is hereby amended to read as
16 follows: 65-6309. (a) An applicant shall be exempted from the requirement
17 for any examination provided for herein, if the applicant has taken and
18 passed an examination similar to that for which exemption is sought, as
19 determined by the board.

20 (b) Upon application, the board shall issue ~~a temporary license~~
21 *bachelor's social work license or a temporary master's social work license*
22 to persons who have submitted documentation and met all qualifications
23 for licensure under provisions of this act, except passage of the required
24 examination, and who have paid the required fee.

25 (c) Absent extenuating circumstances approved by the board, a
26 temporary *bachelor's social work license or a temporary master's social*
27 *work license* issued by the board shall expire upon the date the board
28 issues or denies a license to practice social work or ~~12~~ 24 months after the
29 date of issuance of the temporary license. No temporary *bachelor's social*
30 *work license or temporary master's social work license* will be renewed or
31 issued again on any subsequent applications for the same license level. The
32 preceding provisions in no way limit the number of times an applicant may
33 take the examination.

34 (d) No person ~~may~~ shall work under a temporary *bachelor's social*
35 *work license or a temporary master's social work license* except under the
36 supervision of a licensed social worker.

37 (e) Nothing in this section shall affect any temporary license to
38 practice issued under this section prior to the effective date of this act and
39 in effect on the effective date of this act. Such temporary license shall be
40 subject to the provisions of this section in effect at the time of its issuance
41 and shall continue to be effective until the date of expiration of the license
42 as provided under this section at the time of issuance of such temporary
43 license.

- (i) (1) An individual may apply to the board for a community-based social work license to practice social work in the scope of employment by a community mental health center, as defined in K.S.A. 39-2002, and amendments thereto.
- (2) A community-based social work license may be issued by the board after the board reviews and approves the application and the applicant has paid the fee set by the board for issuance of a community-based social work license.
- (3) (A) Absent extenuating circumstances approved by the board, a community-based social work license issued by the board shall expire:
 - (i) Upon the date the board issues or denies a license to practice social work; or
 - (ii) 24 months after the date of issuance of the community-based social work license.
- (B) No community-based social work license shall be renewed or issued again on any subsequent application for the same license level. This paragraph shall not be construed to limit the number of times an applicant may take the examination.
- (4) A person practicing social work with a community-based social work license may use the title "licensed baccalaureate social worker" or "licensed master social worker" or the initials "LBSW" or "LMSW" independently.
- (5) No person may practice social work under a community-based social work license except under the supervision of a person licensed by the board to practice at the independent level.

1 *specialty shall be not more than \$50.*
 2 (10) Application fee for approval as board-approved continuing
 3 education sponsors shall be as follows:
 4 (A) Initial application fee for one year provisionally approved
 5 providers shall be not more than \$125;
 6 (B) three-year renewal fees for approved providers shall be not more
 7 than \$350; and
 8 (C) application fees for single program providers shall be not more
 9 than \$50 for each separately offered continuing education activity for
 10 which prior approval is sought.
 11 (11) *Application for approval as a board-approved clinical*
 12 *supervisor shall be not more than \$50.*
 13 (b) Fees paid to the board are not refundable.
 14 Sec. 12. K.S.A. 2022 Supp. 65-6322 is hereby amended to read as
 15 follows: 65-6322. (a) The board may issue a license to an individual who
 16 is currently registered, certified or licensed to practice social work in
 17 another jurisdiction, if the board determines that:
 18 (1) The standards for registration, certification or licensure to practice
 19 social work at the baccalaureate level in another jurisdiction are
 20 substantially the equivalent of the requirements in the social workers
 21 licensure act and rules and regulations of the board for licensure as a
 22 baccalaureate social worker; or
 23 (2) the applicant demonstrates compliance on forms set by the board,
 24 with the following standards as adopted by the board:
 25 (A) Registration, certification or licensure to practice social work at
 26 the baccalaureate level *with a similar scope of practice* for at least ~~48~~
 27 ~~the last 54~~ 12 months immediately preceding the application, ~~with at least~~
 28 ~~the minimum professional experience as established by rules and~~
 29 ~~regulations of the board;~~
 30 (B) the absence of disciplinary actions of a serious nature brought by
 31 a registration, certification or licensing board or agency; and
 32 (C) completion of a baccalaureate degree in social work from a
 33 regionally accredited university.
 34 (b) The board may issue a license to an individual who is currently
 35 registered, certified or licensed to practice social work in another
 36 jurisdiction, if the board determines that:
 37 (1) The standards for registration, certification or licensure to practice
 38 social work at the master's level in another jurisdiction are substantially the
 39 equivalent of the requirements in the social workers licensure act and rules
 40 and regulations of the board for licensure as a master social worker; or
 41 (2) the applicant demonstrates compliance on forms set by the board,
 42 with the following standards as adopted by the board:
 43 (A) Registration, certification or licensure to practice social work at

Community-based license fee for a baccalaureate social worker, master
 social worker or social work specialty shall be not more than \$175.
 (11)
 [And by redesignating accordingly]

1 diagnostic and statistical manual of mental disorders of the American
 2 psychiatric association designated by the board by rules and regulations.
 3 When a client has symptoms of a mental disorder, a licensed clinical
 4 marriage and family therapist shall consult with the client's primary care
 5 physician or psychiatrist to determine if there may be a medical condition
 6 or medication that may be causing or contributing to the client's symptoms
 7 of a mental disorder. A client may request in writing that such consultation
 8 be waived and such request shall be made a part of the client's record. A
 9 licensed clinical marriage and family therapist may continue to evaluate
 10 and treat the client until such time that the medical consultation is obtained
 11 or waived.

12 (4) On and after January 1, 2002, a licensed marriage and family
 13 therapist may diagnose and treat mental disorders specified in the edition
 14 of the diagnostic and statistical manual of mental disorders of the
 15 American psychiatric association designated by the board by rules and
 16 regulations only under the direction of a licensed clinical marriage and
 17 family therapist, licensed psychologist, person licensed to practice
 18 medicine and surgery or person licensed to provide mental health services
 19 as an independent practitioner and whose licensure allows for the
 20 diagnosis and treatment of mental disorders. When a client has symptoms
 21 of a mental disorder, a licensed marriage and family therapist shall consult
 22 with the client's primary care physician or psychiatrist to determine if there
 23 may be a medical condition or medication that may be causing or
 24 contributing to the client's symptoms of a mental disorder. A client may
 25 request in writing that such consultation be waived and such request shall
 26 be made a part of the client's record. A licensed marriage and family
 27 therapist may continue to evaluate and treat the client until such time that
 28 the medical consultation is obtained or waived.

29 Sec. 15. K.S.A. 2022 Supp. 65-6405 is hereby amended to read as
 30 follows: 65-6405. (a) A person who is waiting to take the examination
 31 required by the board may apply to the board for a temporary *marriage*
 32 *and family therapy* license to practice as a licensed marriage and family
 33 therapist by:

34 (1) ~~Paying an application a temporary license~~ fee as established by
 35 the board under K.S.A. 65-6411, and amendments thereto; and

36 (2) meeting the application requirements as stated in K.S.A. 65-
 37 6404(a)(1), (a)(2) ~~and~~, (a)(4) and (a)(5), and amendments thereto.

38 (b) *A person who is waiting to take the license examination required*
 39 *by the board, and who has not completed a practicum including 300 hours*
 40 *of direct client contact but has been approved by the board to complete*
 41 *other postgraduate experience totaling 300 hours, may apply to the board*
 42 *for a temporary marriage and family therapy license to practice as a*
 43 *licensed marriage and family therapist by:*

(c) (1) An individual may apply to the board for a community-based marriage and family therapist license to practice marriage and family therapy in the scope of employment by a community mental health center, as defined in K.S.A. 39-2002, and amendments thereto.

(2) A community-based marriage and family therapist license may be issued by the board after the board reviews and approves the application and the applicant has paid the fee set by the board for issuance of a community-based marriage and family therapist license.

(3) (A) Absent extenuating circumstances approved by the board, a community-based marriage and family therapist license issued by the board shall expire:

(i) Upon the date the board issues or denies a license to practice marriage and family therapy; or

(ii) 24 months after the date of issuance of the community-based marriage and family therapist license.

(B) No community-based marriage and family therapist license shall be renewed or issued again on any subsequent application for the same license level. This paragraph shall not be construed to limit the number of times an applicant may take the examination.

(4) A person practicing marriage and family therapy with a community-based marriage and family therapist license may use the title "licensed marriage and family therapist" or the initials "LMFT" independently.

(5) No person may practice marriage and family therapy under a community-based marriage and family therapist license except under the supervision of a person licensed by the board to practice at the independent level.

1 (7)(8) for renewal for licensure as a clinical marriage and family
2 therapist, not to exceed \$175;

3 (9) for a six-month reinstatement temporary license as a clinical
4 marriage and family therapist, not more than \$50;

5 (8)(10) for reinstatement of a license, not to exceed \$175;

6 (9)(11) for replacement of a license, not to exceed \$20;

7 (10)(12) for renewal penalty, an amount equal to the renewal of
8 license;

9 (11)(13) for a wallet card license, not to exceed \$5; and

10 (12)(14) for application for approval as a board-approved clinical
11 supervisor, not to exceed \$50.

12 (b) Fees paid to the board are not refundable.

13 Sec. 19. K.S.A. 65-6608 is hereby amended to read as follows: 65-
14 6608. As used in the addiction counselor licensure act:

15 (a) ~~"Board" means the behavioral sciences regulatory board created
16 under K.S.A. 74-7501, and amendments thereto.~~

17 (b) "Addiction counseling" means the utilization of special skills to
18 assist persons with addictions, and to assist such persons' families and
19 friends to achieve resolution of addiction through the exploration of the
20 disease and its ramifications, the examination of attitudes and feelings, the
21 consideration of alternative solutions and decision making, as these relate
22 specifically to addiction. Evaluation and assessment, treatment including
23 treatment plan development, crisis intervention, referral, record keeping
24 and clinical consultation specifically related to addiction are within the
25 scope of addiction counseling. Additionally, at the clinical level of
26 licensure, addiction counseling includes independent practice and the
27 diagnosis and treatment of substance use disorders.

28 (b) "Board" means the behavioral sciences regulatory board created
29 under K.S.A. 74-7501, and amendments thereto.

30 (c) "Extenuating circumstances" means any condition or situation
31 caused by events beyond an individual's control that is sufficiently extreme
32 in nature to result in the:

33 (1) Individual's inability to comply with requirements; or

34 (2) inadvisability of requiring the individual to comply with
35 requirements.

36 (d) "Licensed addiction counselor" means a person who engages in
37 the practice of addiction counseling limited to substance use disorders and
38 who is licensed under this act. Such person shall engage in the practice of
39 addiction counseling in a state-licensed or certified alcohol and other drug
40 treatment program or in completing a Kansas domestic violence offender
41 assessment for participants in a certified batterer intervention program
42 pursuant to K.S.A. 75-7d01 through 75-7d13, and amendments thereto,
43 unless otherwise exempt from licensure under K.S.A. 59-29b46(n), and

for community-based licensure as a marriage and family therapist, not to
exceed \$175;

(11)

[And by redesignating accordingly]

1 graduate program with standards consistent with those of the state
2 universities of Kansas, or the substantial equivalent of such program in
3 both subject matter and extent of training; and

4 (4) has had at least two years of supervised experience, a significant
5 portion of which shall have been spent in rendering psychological services
6 satisfying the board's approved standards for the psychological service
7 concerned.

8 (b) The board shall adopt rules and regulations establishing the
9 criteria which an educational institution shall satisfy in meeting the
10 requirements established under subsection (a)(3). The board may send a
11 questionnaire developed by the board to any educational institution for
12 which the board does not have sufficient information to determine whether
13 the educational institution meets the requirements of subsection (a)(3) and
14 rules and regulations adopted under this section. The questionnaire
15 providing the necessary information shall be completed and returned to the
16 board in order for the educational institution to be considered for approval.
17 The board may contract with investigative agencies, commissions or
18 consultants to assist the board in obtaining information about educational
19 institutions. In entering such contracts the authority to approve educational
20 institutions shall remain solely with the board.

21 Sec. 29. K.S.A. 2022 Supp. 74-5315 is hereby amended to read as
22 follows: 74-5315. (a) The board may grant a license to any person who, at
23 the time of application, is registered, certified or licensed as a psychologist
24 at the doctoral level in another jurisdiction if the board determines that:

25 (1) The requirements of such jurisdiction for such certification or
26 licensure are substantially the equivalent of the requirements of this state;
27 or

28 (2) the applicant demonstrates on forms provided by the board
29 compliance with the following standards as adopted by the board:

30 (A) Registration, certification or licensure as a psychologist at the
31 doctoral level *with a similar scope of practice* for at least ~~48 of the last 54~~
32 *12 months immediately preceding the application* ~~with at least the~~
33 ~~minimum professional experience as established by rules and regulations~~
34 ~~of the board;~~

35 (B) the absence of disciplinary actions of a serious nature brought by
36 a registration, certification or licensing board or agency; and

37 (C) a doctoral degree in psychology from a regionally accredited
38 university or college.

39 (b) An applicant for a license under this section shall pay an
40 application fee established by the board under K.S.A. 74-5310, and
41 amendments thereto, if required by the board. *Upon notification from the*
42 *board that all eligibility requirements have been satisfied, the applicant*
43 *shall pay the license fee as provided in K.S.A. 74-5310, and amendments*

(c) (1) An individual may apply to the board for a community-based
psychologist license to practice psychology in the scope of employment by a
community mental health center, as defined in K.S.A. 39-2002, and
amendments thereto.

(2) A community-based psychologist license may be issued by the board
after the board reviews and approves the application and the applicant has
paid the fee set by the board for issuance of a community-based psychologist
license.

(3) (A) Absent extenuating circumstances approved by the board, a
community-based psychologist license issued by the board shall expire:

(i) Upon the date the board issues or denies a license to practice
psychology; or

(ii) 24 months after the date of issuance of the community-based
psychologist license.

(B) No community-based psychologist license shall be renewed or issued
again on any subsequent application for the same license level. This
paragraph shall not be construed to limit the number of times an applicant
may take the examination.

(4) A person practicing psychology with a community-based psychologist
license may use the title "licensed psychologist" or the initials "LP"
independently.

(5) No person may practice psychology under a community-based
psychologist license except under the supervision of a person licensed by the
board to practice at the independent level.

(6) The board shall adopt rules and regulations to set the fee, if required by
the board, for the issuance of a community-based psychologist license in an
amount not to exceed \$225.