

BEHAVIORAL SCIENCES REGULATORY BOARD
LMLP/LCP ADVISORY COMMITTEE
April 20, 2022

You may view the meeting on the BSRB YouTube channel: <https://youtu.be/dseMrHSJuWY>

To join the meeting by conference call: 877-278-8686 (Pin #327072)

Due to the COVID-19 pandemic, the Board office is practicing social distancing. The office space does not allow for a meeting while practicing social distancing, therefore the meeting will be conducted virtually on a Zoom platform and broadcast to the public using the BSRB YouTube channel. If there are any technical issues during the meeting, you may call the Board office at 785-296-3240 or send an e-mail to BSRB@ks.gov. The Advisory Committee may take items out of order as necessary to accommodate the time restrictions of Advisory Committee members and visitors. All items are subject to change.

Wednesday, April 20, 2022, 12:00pm

- I. Call to Order and Roll Call**
- II. Approval of Agenda or Additions to the Agenda**
- III. Review and Approval of Minutes from Advisory Committee Meeting on February 10, 2022**
- IV. Executive Director's Report**
- V. Old Business**
 - A. Continued Discussion on "In-Residence" Definition in K.A.R. 102-4-3a Educational Requirements Regulation**
- VI. New Business**
 - A. Advisory Committee Member Expectations for Next Term**
 - B. Adding New Members to Advisory Committee**
 - C. Discussion on Unprofessional Conduct Regulations**
 - D. Master's Level Psychologists' Authority to Administer and Sign Off on Assessments**
- VII. Possible Additional Agenda Items**
- VIII. Next Meeting Thursday, June 15, at Noon?**
- IX. X. Adjournment**

**Behavioral Sciences Regulatory Board
Masters Level Psychology Advisory Committee
February 10, 2022, Minutes
DRAFT**

Call to Order. The meeting was called to order by David Anderson, Chair of the Advisory Committee, at 10:00 am.

Master's Level Psychology Advisory Committee Members. Advisory Committee Members who participated by Zoom or phone were David Anderson, Donna Hoener-Queal, Rebecca Jabara, Iris Pauly, Kari Wold, and Lauren Lucht.

BSRB Staff. BSRB staff members who participated by Zoom included David Fye and Leslie Allen.

Guests. None

Additions to the Agenda. None.

Approval of the Agenda. Donna Hoener-Queal moved to approve the agenda and Iris Pauly seconded. The motion passed.

Review and Approval of Minutes. Iris Pauly moved to approve the minutes from the Advisory Committee meeting on November 4, 2021. Lauren Lucht seconded. The motion passed.

Executive Director's Report – David Fye, Executive Director for the BSRB, reported on the following items:

1. BSRB Staff Update. As of January 4, 2022, all BSRB licensing staff is back in the office full-time. Investigators are using a hybrid model, working in the office three days each week and utilizing the BSRB Telework Pilot two days each week. The BSRB filled an open Administrative Assistant position at the end of December. The BSRB was closed Wednesday, February 2, 2022, due to inclement weather, but most staff were still able to work remotely due to current technology.

2. January Board Meeting. The Executive Director provided updates from the Board meeting on January 10, 2022. The previous Board Governance Policy was last modified in 2011. In the fall, the Board recommended significant changes and the document has been replaced by two new documents: (1) an Expectations of Board Members Policy and (2) an Advisory Committee Policy. The Board discussed whether to pursue statutory changes to allow persons with more than one license to be able to renew their license at the same time. The Board was supportive of allowing syncing of the expiration date of multiple licenses, but not to make it a requirement. The BSRB will be working on proposed language to make this change.

3. 2022 Legislative Session. On January 11, 2022, the Governor provided the State of the State address. Legislation was requested on behalf of BSRB in the Senate Committee on Public Health and Welfare. The bill including the recommendations of the Board of the BSRB is Senate Bill 387. An announcement about the bill is on the BSRB website. The Executive Director provided a summary of the three items in the bill. The bill hearing

was in the Senate Public Health and Welfare Committee on Wednesday, February 9, 2022, at 8:30am.

4. Budget Update. The Governor's recommendation for the agency's budget was the same amount as the BSRB's revised estimates in FY 2022 and FY 2023. The budget for the BSRB was approved by the House Budget Committee and was reported out of House Appropriations Committee favorably with no changes. The agency's budget was heard by the Senate Transparency and Ethics Committee on Wednesday, February 9, 2022, and is scheduled to be reported out of the Senate Ways and Means Committee on Friday, February 11, 2022.

5. FARB Conference. The Executive Director was invited to speak at the Federal Association of Regulatory Boards (FARB) annual conference in Fort Worth, Texas, on the topic of Public Protection Through Creative Access to Information. On Friday, February 4, 2022, the Executive Director attended Day 1 of the annual meeting of the American Association of State Counseling Boards (AASCB). One of the topics discussed at the conference was telehealth standards. Day 2 of the annual meeting will be on February 18, 2022.

Old Business

1. "In Residence" Requirements. Leslie Allen, Assistant Director and Licensing Manager for the BSRB, noted the statutes and regulations require a certain amount of education to be received "in-residence." Each of the professions under the BSRB defines this term differently. Recently, the agency received requests asking for "in-residence" requirements to be removed or decreased. For the Master's Level Psychology profession, the regulations require a certain number and type of hours to be completed "in-residence," however the regulation also uses the term "in-residence" requiring two semesters on the same campus. The Assistant Director noted that the campus requirement was an institutional requirement, rather than a BSRB requirement. The Executive Director noted that the "in-residence" language concerning consecutive semesters on campus could be confusing and the agency would recommend changing the terminology in the regulations to avoid confusion. The Advisory Committee recommended removing the word "residence" from that section of the regulation and recommended using the phrase "attended and completed by the student at the same college or university." The Chair of the Advisory Committee noted the importance of revising regulations as necessary and Advisory Committee members discussed the need to review and modify regulations, especially when considering changes in technology over the years. The Assistant Director explained the difference in definition of "in-residence" between the Master's Level Psychology profession and the Addiction Counselor profession, noting the Master's Level Psychology profession's definition requires core faculty, while the Addiction Counselor profession's definition is more broad and would allow adjunct faculty and other individuals to satisfy the criteria. Advisory Committee members discussed the value of face-to-face interactions in certain situations, also noting the value of being able to use non-campus locations for testing, especially the testing of children. Advisory Committee members noted experts could serve as adjunct faculty, so the Advisory Committee recommended changing the definition to allow adjunct faculty to be able to fulfil the requirements, rather than just core faculty. The Advisory Committee requested language be brought back to the Committee for review. The Advisory Committee recommended tabling discussion on whether to change the definition of "in-residence," as it relates to the in-person requirement.

New Business

1. Training for Board Members and Advisory Committee Members. The Executive Director provided training to Board members and Advisory Committee members serving on the Advisory Committee, including an overview of the Expectations of Board Members Policy, the Advisory Committee Policy, Guidelines for Public Attendees of Meetings, and a summary of Board Member and Advisory Committee Orientation prepared by Assistant Attorney General Janet Arndt.

2. Unprofessional Conduct Regulations. The Executive Director noted Advisory Committee members received a copy of the unprofessional conduct regulations for the professions. The Executive Director asked members to review the regulations in preparation for the April Advisory Committee meeting, to be able to discuss whether any changes are necessary to the unprofessional conduct regulations, especially when considering social media and telehealth. The Executive Director noted that he is asking each of the Advisory Committees to review the unprofessional conduct regulations for their professions, in preparation for their next meetings.

3. Future Business. Advisory Committee members discussed a desire to discuss having Master's level clinicians administer and sign off on assessments in the State of Kansas.

Next Meeting: Wednesday, April 20, 2022, from noon to 2pm

Adjournment. Kari Wold moved to adjourn the meeting and Donna Hoener-Queal seconded. The meeting was adjourned.

102-4-3a. Educational requirements. To academically qualify for licensure as a master's level psychologist or a clinical psychotherapist, the applicant's educational qualifications and background shall meet the applicable requirements specified in the following subsections.

(a) Definitions.

(1) "**Core** Faculty member" means an individual who is part of the program's teaching staff and ~~who meets the following conditions:~~

~~(A) Is an individual~~ whose education, training, and experience are consistent with the individual's role within the program and are consistent with the published description of the goals, philosophy, and educational purpose of the program;

~~(B) is an individual whose primary professional employment is at the institution in which the program is housed; and~~

~~(C) is an individual who is identified with the program and is centrally involved in program development, decision making, and student training as demonstrated by consistent inclusion of the individual's name in public and departmental documents.~~

(2) "In residence," when used to describe a student, means that the student is present at the physical location of the institution for the purpose of completing coursework during which the student and one or more **core** faculty members are in physical proximity and face-to-face contact.

(3) "Primary professional employment" means a minimum of 20 hours per week of instruction, research, any other service to the institution in the course of employment, and the related administrative work.

(b) Degree requirements. At the time of application, the applicant shall have fulfilled one of the following requirements:

(1) The applicant received a master's degree in psychology based on a program of studies that is substantially equivalent to the coursework requirements provided in subsection (c) if the degree was earned before July 1, 2003 or subsection (e) if the degree was earned on or after July 1, 2003.

(2) The applicant received a master's degree in psychology and has completed the coursework requirements provided in either subsection (c) if the degree was earned before July 1, 2003 or subsection (e) if the degree was earned on or after July 1, 2003.

(3) The applicant passed comprehensive examinations or equivalent final examinations in a doctoral program in psychology and has completed the coursework requirements provided in either subsection (c) if the program was completed before July 1, 2003 or subsection (e) if the program was completed on or after July 1, 2003.

(c) Coursework requirements for applicants who earned a psychology degree before July 1, 2003.

(1) Each applicant shall have satisfactorily completed at least 36 discrete and unduplicated graduate semester credit hours, or the academic equivalent, of

formal, didactic academic coursework that is distributed across the coursework areas as specified in this paragraph (c)(1), subject to the restrictions set out in subsection (d). This coursework shall have been completed at the time of application as a part of or in addition to the coursework completed for the graduate degree requirements:

(A) A minimum of six semester credit hours, or the academic equivalent, in psychotherapy that includes an in-depth study of the major theories, principles, and clinical methods and techniques of psychotherapy with individuals, groups, or families. These courses shall be completed while in residence;

(B) a minimum of six semester credit hours, or the academic equivalent, in psychological testing that includes studies in the selection, administration, scoring, and interpretation of objective and projective diagnostic tests as indicators of intelligence and scholastic abilities or as screening devices for organic pathologies, learning disabilities, and personality disturbances. These courses shall be completed while in residence;

(C) a minimum of 12 semester credit hours, or the academic equivalent, in any of the following psychological foundation courses:

(i) The philosophy of psychology, which may include studies that introduce the fundamental philosophical, conceptual, theoretical, or applied processes of psychology and the issues central to professional orientation, role development, ethical and legal standards, and professional responsibility;

- (ii) the psychology of perception, which may include studies of memory, language, speech, sensory functioning, motor functioning, reasoning, decision making, problem solving, and other cognitive processes;
 - (iii) learning theory, which may include studies pertaining to the fundamental theoretical assumptions about and applied principles of learning, conditioning, concept formation, and behavior;
 - (iv) the history of psychology, which may include studies that trace and analyze the historical development and contemporary evolution of the concepts and theories in psychology;
 - (v) motivation, which may include studies of the concepts, principles, and empirical findings concerning the innate, biological, and acquired factors that underlie human motivation; or
 - (vi) statistics, which may include studies in the theory, analysis, and interpretation of statistics, and the manual or computerized application of statistical measures; and
- (D) a minimum of 12 semester credit hours, or the academic equivalent, in professional core courses. (i) The professional core courses shall include a minimum of three semester credit hours, or the academic equivalent, in psychopathology, which may include studies that examine the theories, definitions, and dynamics of the diagnostic classifications, and differentiation among diagnostic classifications. This subcategory may also include studies in abnormal psychology or studies that examine the etiological factors, clinical

course, and clinical and psychopharmacological approaches to the treatment of mental, behavioral, and personality disorders. The remaining nine semester credit hours, or the academic equivalent, may consist of any of the following professional core courses:

- (i) Personality theories, which may include studies that seek to explain or to compare and contrast the major theories of normal and abnormal personality development, functioning, adaptation, and assessment;
- (ii) developmental psychology, which may include psychological or biologically based studies that provide a comprehensive overview of the biopsychosocial factors, determinants, and stages that pertain to and impact the physical, emotional, intellectual, and social development and adaptation of humans from infancy through senescence;
- (iii) research methods, which may include studies in the principles, techniques, and ethics of research, as well as studies about the identification of research problems, selection of research designs, measurement strategies, sampling techniques, and methods of evaluating the results;
- (iv) social psychology, which may include studies of the interactive and influencing effects of social, cultural, and ecological factors upon the emotions, beliefs, attitudes, expectations, roles, behaviors, and interactional dynamics of individuals, families, groups, organizations, and the larger society; or
- (v) additional coursework in psychotherapy or psychological testing as specified in this subsection.

(2) In addition to or as a part of the 36 semester hours specified in paragraph (c)(1), each applicant for a clinical psychotherapist license shall have completed 15 graduate semester credit hours, or the academic equivalent, supporting diagnosis or treatment of mental disorders using the "diagnostic and statistical manual of mental disorders" as specified in K.A.R. 102-4-15. Three of the 15 semester credit hours, or the academic equivalent, shall consist of a discrete academic course with the primary and explicit focus of psychopathology and the diagnosis and treatment of mental disorders as classified in the "diagnostic and statistical manual of mental disorders." The remaining 12 semester credit hours, or the academic equivalent, shall consist of academic courses with the primary and explicit focus of diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches, and professional ethics or other coursework that specifically contains identifiable, equivalent instruction. The 15 semester credit hours shall be subject to the restrictions set out in subsection (d).

(d) The following activities shall not be substituted for or counted toward any of the educational coursework requirements set out in subsection (c):

(1) Academic courses that the applicant completed as a part of or in conjunction with the undergraduate degree requirements;

(2) independent study courses, whether or not such coursework is taken for academic credit, unless the independent study course clearly occurred as a didactic course formally established and designed by the program to provide the student with specifically identified, organized, and integrated course content;

- (3) thesis or independent research courses;
 - (4) academic courses that, by their experiential rather than didactic nature and content, are designed to precede, satisfy, or augment the practicum activities required for the graduate psychology degree;
 - (5) academic coursework that has been audited rather than graded;
 - (6) academic coursework for which the applicant received an incomplete or failing grade;
 - (7) graduate or postgraduate coursework or training provided by colleges, universities, institutes, or training programs that do not meet the requirements in subsections (f) and (g); and
 - (8) continuing education, in-service, or on-the-job training activities or experience.
- (e) Coursework requirements for applicants who earn a psychology degree on or after July 1, 2003.
- (1) As a part of or in addition to the coursework completed for the graduate degree requirements, each applicant shall have satisfactorily completed at least 60 discrete and unduplicated graduate semester credit hours, or the academic equivalent, of formal, didactic academic coursework in psychology or a related field.
 - (2) Thirty-six of the 60 required graduate semester credit hours, or the academic equivalent, shall be distributed across the coursework areas as specified in

paragraph (c)(1). The coursework specified in paragraphs (c)(1)(A) and (c)(1)(B) shall be completed while the student is in residence.

(3) Of the remaining 24 required graduate semester credit hours, a maximum of six semester credit hours, or the academic equivalent, may be attained through independent study courses or independent research courses, and a maximum of 10 semester credit hours, or the academic equivalent, may be attained through thesis preparation.

(4) In addition to or as a part of the 60 semester hours specified in paragraph (e)(1), each applicant for a clinical psychotherapist license shall have completed 15 graduate semester credit hours, or the academic equivalent, supporting diagnosis or treatment of mental disorders using the "diagnostic and statistical manual of mental disorders" as specified in K.A.R. 102-4-15. Three of the 15 semester credit hours, or the academic equivalent, shall consist of a discrete academic course with the primary and explicit focus of psychopathology and the diagnosis and treatment of mental disorders as classified in the "diagnostic and statistical manual of mental disorders." The remaining 12 semester credit hours, or the academic equivalent, shall consist of academic courses with the primary and explicit focus of diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches, and professional ethics or other coursework that specifically contains identifiable, equivalent instruction. The 15 semester credit hours, or the academic equivalent, shall be subject to the restrictions set out in paragraph (e)(5).

(5) The following activities shall not be substituted for or counted toward any of the educational coursework requirements set out in this subsection:

(A) Academic courses that the applicant completed as a part of or in conjunction with the undergraduate degree requirements;

(B) academic coursework that has been audited rather than graded;

(C) academic coursework for which the applicant received an incomplete or failing grade;

(D) graduate or postgraduate coursework or training provided by colleges, universities, institutes, or training programs that do not meet the requirements in subsections (f) and (g); and

(E) continuing education, in-service, or on-the-job training activities or experience.

(f) Program requirements. In order for the applicant to qualify for licensure, the educational program completed by the applicant shall meet all of the following conditions:

(1) The program has formally established program admission requirements that are based upon objective measures.

(2) The program requires and provides an established curriculum that encompasses a minimum of two years of graduate study and that includes two contiguous semesters of enrollment, or the academic equivalent, attended and completed by the student in residence at the same college or university granting the degree.

- (3) The program has clear administrative authority and formal responsibility within the program for the core and specialty areas of training in psychology.
 - (4) The program has an established, organized, and comprehensive sequence of study that is planned by administrators who are responsible for providing an integrated educational experience in psychology.
 - (5) The program is chaired or directed by an identifiable person who holds a graduate degree that was earned from a regionally accredited college or university following that person's actual completion of a formal academic training program in psychology.
 - (6) The program has an identifiable, full-time, professional faculty whose members hold earned graduate degrees in psychology.
 - (7) The program has an identifiable and formally enrolled body of students.
 - (8) The ratio of students to core faculty members does not exceed 15 students to one core faculty member.
 - (9) The program conducts an ongoing, objective review and evaluation of each student's learning and progress, and the program reports this evaluation in the official student transcripts.
- (g) College or university requirements. In order for the applicant to qualify for licensure, the college or university at which the applicant completed the degree requirements shall meet all of the following requirements.
- (1) The college or university is institutionally accredited to award the graduate degree in psychology.

- (2) The college or university is regionally accredited by an accrediting body substantially equivalent to those agencies that accredit the universities in Kansas.
- (3) The college or university documents in its official publications, including course catalogs and announcements, the program description and standards and the admission requirements of the psychology education and training program.
- (4) The college or university identifies and clearly describes in pertinent institutional catalogs the coursework, experiential, and other academic program requirements that must be satisfied before the conferral of the graduate degree in psychology.
- (5) The college or university clearly identifies and specifies in pertinent institutional catalogs its intent to educate and train psychologists.
- (6) The college or university has clearly established a psychology education and training program as a recognized, coherent organizational entity within the college or university that, at the time the applicant's degree requirements were satisfied, met the program standards as provided in subsection (f).
- (7) The college or university has conferred the graduate degree in psychology on the applicant, or has advanced the applicant to doctoral candidacy status, following the applicant's successful completion of an established and required formal program of studies. (Authorized by K.S.A. 2005 Supp. 74-7507; implementing K.S.A. 74-5363; effective Dec. 19, 1997; amended Aug. 13, 2004; amended Oct. 27, 2006.)

102-4-12. Unprofessional conduct.

- (a) Any license may be suspended, limited, conditioned, qualified, restricted, revoked, not issued, or not renewed upon a finding of that unprofessional conduct has occurred.
- (b) Any of the following acts by a licensed master's level psychologist, a licensed clinical psychotherapist, or an applicant for licensure at the master's level of psychology shall constitute unprofessional conduct:
- (1) Obtaining or attempting to obtain a license or registration for oneself or another by means of fraud, bribery, deceit, misrepresentation, or concealment of a material fact;
 - (2) except when such information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that any person regulated by the board or applying for a license or registration, including oneself, has met any of the following conditions:
 - (A) Had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings;
 - (B) has been subject to any other disciplinary action by any credentialing board, professional association, or professional organization;
 - (C) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance;
 - (D) has been convicted of a crime; or
 - (E) has practiced the licensee's or registrant's profession in violation of the laws or regulations regulating the profession;
 - (3) knowingly allowing another person to use one's license or registration;
 - (4) impersonating another person holding a license or registration issued by this or any other board;
 - (5) having been convicted of a crime resulting from or relating to the licensee's practice of master's level psychology;
 - (6) furthering the licensure or registration application of another person who is known or reasonably believed to be unqualified with respect to character, education, or other relevant eligibility requirements;
 - (7) knowingly aiding or abetting anyone who is not credentialed by the board to represent that individual as a person who is credentialed by the board;
 - (8) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;
 - (9) failing or refusing to cooperate in a timely manner with any request from the board for a response, information, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Any person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;
 - (10) offering to perform or performing services clearly inconsistent or incommensurate

with one's training, education, or experience or with accepted professional standards;

- (11) treating any client, student, or supervisee in a cruel manner;
- (12) discriminating against any client, student, or supervisee on the basis of color, race, gender, religion, national origin, or disability;
- (13) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the professional relationship;
- (14) failing to provide each client with a description of what the client can expect in the way of services, consultation, reports, fees, billing, therapeutic regimen, or schedule, or failing to reasonably comply with the description;
- (15) failing to provide each client with a description of the possible effects of the proposed treatment when the treatment is experimental or when there are clear and known risks to the client;
- (16) failing to inform each client, supervisee, or student of any financial interests that might accrue to the master's level psychologist or clinical psychotherapist from referral to any other service or from the use of any tests, books, or apparatus;
- (17) failing to inform each client that the client is entitled to the same services from a public agency if one is employed by that public agency and also offers services privately;
- (18) failing to provide each client or the client's legal representative with access to the client's records following the receipt of a formal written request, unless the release of this information is restricted or exempted by law, or when the disclosure of this information is precluded for a sufficiently compelling reason;
- (19) failing to inform each client, supervisee, or student of the limits of client confidentiality, the purposes for which the information is obtained, and the manner in which the information may be used;
- (20) revealing information, a confidence, or secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, except when at least one of these conditions is met:
 - (A) Disclosure is required or permitted by law;
 - (B) failure to disclose the information presents a clear and present danger to the health or safety of an individual or the public; or
 - (C) the master's level psychologist or clinical psychotherapist is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of psychology, in which case disclosure is limited to that action;
- (21) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of the following actions:
 - (A) Electronically recording sessions with that client;
 - (B) permitting a third-party observation of their activities; or
 - (C) releasing information concerning a client to a third person, except as required or permitted by law;
- (22) failing to protect the confidences of, secrets of, or information concerning other persons when providing a client with access to that client's records;
- (23) failing to exercise due diligence in protecting the information regarding and the confidences and secrets of the client from disclosure by other persons in one's work or practice setting;
- (24) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

- (25) using alcohol or illegally using any controlled substance while performing the duties or services of a master's level psychologist or clinical psychotherapist;
- (26) making sexual advances toward or engaging in physical intimacies or sexual activities with one's client, supervisee, or student;
- (27) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client;
- (28) exercising undue influence over any client, supervisee, or student, including promoting sales of services or goods, in a manner that will exploit the client, student, or supervisee for the financial gain, personal gratification, or advantage of oneself or a third party;
- (29) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for the referral of the client or in connection with the performance of psychological or other professional services;
- (30) directly receiving or agreeing to receive a fee or any other consideration from a client or from any third party for or in connection with the performance of psychological services, other than from an authorized employer in an employment situation as specified in this act;
- (31) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate continuity of client services with that agency or colleague;
- (32) making claims of professional superiority that one cannot substantiate;
- (33) guaranteeing that satisfaction or a cure will result from the performance of psychological services;
- (34) claiming or using any secret or special method of treatment or techniques that one refuses to disclose to the board;
- (35) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the condition, best interests, or preferences of the client;
- (36) failing to maintain a record for each client that conforms to the following minimal requirements:
 - (A) Contains adequate identification of the client;
 - (B) indicates the client's initial reason for seeking the master's level psychologist's or clinical psychotherapist's services;
 - (C) contains pertinent and significant information concerning the client's condition;
 - (D) summarizes the intervention, treatment, tests, procedures, and services that were obtained, performed, ordered, or recommended and the findings and results of each;
 - (E) documents the client's progress during the course of intervention or treatment provided by the master's level psychologist or clinical psychotherapist;
 - (F) is legible;
 - (G) contains only those terms and abbreviations that are comprehensible to similar professional practitioners;
 - (H) indicates the date and nature of any professional service that was provided; and
 - (I) describes the manner and process by which the professional relationship terminated;
- (37) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;

- (38) if engaged in research, failing to fulfill these requirements:
- (A) Consider carefully the possible consequences for human beings participating in the research;
 - (B) protect each participant from unwarranted physical and mental harm;
 - (C) ascertain that the consent of each participant is voluntary and informed; and
 - (D) preserve the privacy and protect the anonymity of each subject of the research within the terms of informed consent;
- (39) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;
- (40) failing to notify the client promptly when termination or interruption of service to the client is anticipated;
- (41) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care;
- (42) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer;
- (43) failing to terminate the master's level psychology or clinical psychotherapy services when it is apparent that the relationship no longer serves the client's needs or best interests;
- (44) if the master's level psychologist or clinical psychotherapist is the owner or custodian of client records, failing to retain those records for at least two years after the date of termination of the professional relationship, unless otherwise provided by law;
- (45) supervising in a negligent manner anyone for whom one has supervisory responsibility;
- (46) failing to inform a client if master's level psychology or clinical psychotherapy services are provided or delivered under supervision;
- (47) engaging in a dual relationship with a client, student, or supervisee;
- (48) failing to inform the proper authorities as required by K.S.A. 38-2223, and amendments thereto, that one knows or has reason to believe that a client has been involved in harming or has harmed a child, whether by physical, mental, or emotional abuse or neglect or by sexual abuse;
- (49) failing to inform the proper authorities as required by K.S.A. 39-1402, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to a resident, as defined by K.S.A. 39-1401(a) and amendments thereto:
- (A) Has been or is being abused, neglected, or exploited;
 - (B) is in a condition that is the result of abuse, neglect, or exploitation; or
 - (C) is in need of protective services;
- (50) failing to inform the proper authorities as required by K.S.A. 39-1431, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to an adult, as defined in K.S.A. 39-1430 and amendments thereto:
- (A) Is being or has been abused, neglected, or exploited;
 - (B) is in a condition that is the result of abuse, neglect, or exploitation; or
 - (C) is in need of protective services;
- (51) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing of a report or record required by state or federal law, or inducing another person to take any of those actions;

- (52) offering to perform or performing any service, procedure, or therapy that, by the accepted standards of professional practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives;
 - (53) practicing master's level psychology or clinical psychotherapy in an incompetent manner;
 - (54) practicing as a master's level psychologist or clinical psychotherapist after one's license expires;
 - (55) using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by law for use solely by persons currently holding that type or class of license;
 - (56) offering to provide or providing services in an employment situation other than that which is permitted by K.S.A. 74-5362, and amendments thereto, as an independent, contract, or private provider of psychological services;
 - (57) practicing without adequate direction from a person authorized in K.S.A. 74-5362 and amendments thereto; and
 - (58) violating any provision of this act or any regulation adopted under the act.
- (Authorized by K.S.A. 2007 Supp. 74-7507; implementing K.S.A. 74-5362 and K.S.A. 2007 Supp. 74-5369; effective Dec. 19, 1997; amended Jan. 9, 2004; amended Aug. 8, 2008.)