

LMLP/LCP Advisory Committee Meeting

AGENDA

August 17, 2021

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

To view the meeting on the BSRB YouTube Channel: <https://youtu.be/DTGmtzu83kY>

- I. Introduction by Chair
- II. Roll Call
- III. Open Meeting Information from BSRB Executive Director David Fye
- IV. Additions to the agenda
- V. Approval of the agenda
- VI. Review and Approval of the Minutes from Advisory Committee Meeting on June 17, 2021
- VII. Executive Director's Report
- VIII. Old Business –
 - a. Adding Members to the Advisory Committee – Review of Candidates
 - b. Records of Deceased Providers
 - c. 988 National Suicide Prevention Hotline
 - d. Continuing Education Requirements in Diversity, Equity, and Inclusion
 - e. "In Residence" Educational Requirements
- IX. New Business –
 - a. APA Online Meeting on Possible Ethics Code Changes on Thursday, August 12
 - b. Future Meetings – In-Person, ZOOM, Hybrid
- X. Additional Agenda Items
- XI. Adjournment - Next Meeting

**Behavioral Sciences Regulatory Board
Masters Level Psychology Advisory Committee
June 17, 2021 Minutes**

Call to Order. The meeting was called to order by David Anderson, Chair of the Advisory Committee, at 2:00 p.m.

Master's Level Psychology Advisory Committee Members. Advisory Committee Members who participated by Zoom or by phone were David Anderson, Joshua Tanguay, Thomas Pletcher, Iris Pauly, and Susan Montague.

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

Guests. None

Additions to the Agenda. None.

Approval of the Agenda. Susan Montague moved to approve the agenda and Joshua Tanguay seconded. The motion passed.

Review and Approval of Minutes. Thomas Pletcher moved to approve the minutes from the April 8, 2021 meeting as written. Joshua Tanguay seconded. The motion passed.

Executive Director's Report

- David Fye, Executive Director for the BSRB, informed the Advisory Committee that the state of emergency relating to the pandemic expired on June 15, 2021.
- During the pandemic, as the state of emergency had been extended, the Governor issued executive orders which delayed the enforcement of expiration of professional licenses which had expired during the pandemic. Following the April 1, 2021 extension of the state of emergency, the Governor issued an executive order allowing regulatory agencies to begin enforcing the expiration of these licenses, so long as 15-day notice was provided to those licensees. At the Board meeting on May 10, 2021, the Board moved to begin enforcing expiration of license that had expired during the pandemic after May 28, 2021. The Board sent an email to those licensees affected on May 11 and posted a message on this topic to the BSRB website at the same time.
- An update was provided on the bills requested by the BSRB (HB 2208 and SB 238). Both bills passed both chambers with different language, due to amendments to the original contents, as well as amendments which added the contents of five or six other bills to the BSRB bill. Both bills advanced out of conference committee and HB 2208 was signed by the Governor recently. The effective date was modified to "upon publication in the Kansas register." After receiving direction on some implementation questions, the BSRB sent a letter to licensees, posted the letter to the BSRB website, and updated material on the BSRB website, such as forms and FAQs, to reflect the changes. SB 238 was used for the contents of other bills that did not involve BSRB items.
- The Legislature passed HB 2066, which affects expedited processing time for certain licensure applications for military members, military spouses, and individuals seeking to establish residency in Kansas. The bill also includes changes in the way certain applications will be evaluated, including using a "scope of practice" standard, rather than an "substantially equivalent" standard. The bill included an implementation date of "upon publication in the statute book," which should be sometime in July. The BSRB is working on preparing for the implementation of this bill.

- PSYPACT, a multi-state compact allowing licensed psychologists/Ph.D level psychologists to provide telehealth services and provide a limited number of in-state days of practice, has been signed into law as SB 170. The bill has an implementation date of January 1, 2022.
- In response to a letter from the Governor's office and the Department of Administration, all state agencies were directed to have staff return the working full-time in state offices as of June 14, 2021, so this is the first week that the BSRB has had all staff members back. State agencies were permitted to have a telework policy, so long as it was compliant with the Department of Administrations telework policy. After weighing several factors, the BSRB created a telework policy pilot, which will run from June 14 to December 31. The BSRB is starting the telework pilot small, but may have additional staff members telework, if the We have a telework policy that can be implemented on a very limited basis if needed.
- The state fiscal year ends on June 30, 2021, so the Executive Director noted that he is working on resolving budgetary matters, such as resolving encumbrances.

Old Business

- a. **Adding a Member to the Advisory Committee.** Advisory Committee members may serve four 2-year terms. The Executive Director will work with the Chair to draft a letter to be sent out to all LMLPs and LCPs to produce a list of practitioners interested in serving on the Advisory Committee.
- b. **Records of Deceased Providers.** The Advisory Committee previously discussed this topic at the last Advisory Committee meeting and the Executive Director summarized some of the discussion on this topic by the other Advisory Committees. It was also noted that the Board discussed this topic at the Board meeting on May 10 and will discuss this topic further at the out-of-town Board meeting in September.
- c. **BSRB Bill (HB 2208).** A summary of the BSRB bill was provided during the Executive Director's Report and information on the bill is available on the BSRB website.

New Business

- a. **CEU Requirements for Diversity, Inclusion and Equity.** The Executive Director noted that other advisory committees have discussed possibly including a requirement for a certain number of continuing education hours in Diversity, Inclusion, and Equity for renewals. A change to continuing education requirements would involve statutory changes, which would need to be passed in a bill, so the earliest a change could be made would be following the next legislative session. Members of the Advisory Committee noted it believes this is an important topic and issue for consideration, however members expressed concern that having too many topics required might limit the options for continuing education hours for practitioners. It was noted that the Board intends to discuss this topic in greater detail at the off-site meeting in Olathe in September.
- b. **988 National Suicide Prevention Line.** The Chair referenced federal legislation to establish 988 as the federal suicide prevention hotline and that there is a Kansas coalition talking about how to assist in the implement this policy. The Chair discussed the responsibility of practitioners to have policies in place to assist patients in crisis after working hours. The Advisory Committee discussed the option of adding a line to the renewal application to ensure that practitioners have a policy in place to meet the needs for their clients after hours.
- c. **Future Meetings in Person, Zoom, Hybrid.** The Advisory Committee discussed plans for meetings going forward, including continuing meetings over Zoom, holding in-person meetings, or using a hybrid of the two options. The Executive Director noted that he received direction from the Governor's office that state buildings must use different policies for individuals who are vaccinated and other policies for individuals who are not vaccinated, which could involve spacing of Advisory Committee member if meetings take place in-person. If individuals are fully

vaccinated, there is no social distancing requirement, however if they are not fully vaccinated, they will need to social distance and wear a mask. The Advisory Committees noted a preference to continue holding most meetings over Zoom due to location issues, though the members discussed having at least one meeting a year where all members attend in person.

- d. **KMAP Panel.** The Executive Director and the Chair of the Advisory Committee attended a recent conference by the Kansas Association of Masters in Psychology (KAMP) on April 15, 2021 and participated in a panel addressing discipline, ethics, and scope of practice for the profession.
- e. **“In Residence” Requirements.** Leslie Allen, Assistant Director for the BSRB and Licensing Manager, discussed the “in residence” requirement for licensure, as it relates to educational qualifications for licensure. Members of the Advisory Committee discussed the benefits and potential challenges of online education. The Board has started discussing potential changes to these rules and members of the Advisory Committee were provided feedback solicited by the Board from educational institutions in Kansas, which was reviewed by the Board at the May 10 Board meeting. It was noted this topic will be discussed further by the Board at the out-of-town Board meeting in September.
- f. **Update on Board’s Decision on Post-Graduate Supervision and Definitions.** The Executive Director reported that the changes on post-graduate supervision in HB 2208 have received a great deal of positive feedback, both by practitioners and also members of the Legislature. The Executive Director referenced a recent ceremonial signing of the bill and that members of the Legislature stated that HB 2208 could be regarded as the most important bill for mental health in the last 30 years. The Chair praised the bill, noting several items which are particularly helpful for practitioners in rural areas of the state.

Adjournment. Due to conflicts with the proposed next meeting date, the Executive Director will send out a Doodle poll to check availability for the date of the next Advisory Committee meeting. The meeting was adjourned.

Advisory Committees for the Behavioral Sciences Regulatory Board (BSRB)

Purpose: A BSRB Advisory Committee, as a creation of the Board, has the purpose of supporting the Board in carrying out its mission to protect the public. Members serve at the pleasure of the Board. Actions pertaining to informing, licensing, and disciplining of those persons regulated by the Board are the methods for accomplishing the mission. The Board has created an Advisory Committee for each of the seven professions under the BSRB.

Process: An Advisory Committee fulfills its purpose by addressing issues referred to it by the Board through the Advisory Committee Chairperson or the Executive Director. The members of the Advisory Committee may suggest issues it believes the Board should consider by referring those topics through the Chairperson of the Advisory Committee.

Structure of the Advisory Committee: The Chairperson of the Advisory Committee will be a Board member licensed in the relevant discipline of the Advisory Committee. A public member of the Board will also be a member. There will be a minimum of three additional members appointed. The Executive Director will be a non-voting, ex officio member. The Licensing Manager and the Assistant Attorney General representing the Board are encouraged to attend. Former BSRB Board members may serve on the Advisory Committee.

Terms. Terms for Advisory Committee members will be two years and members will serve no more than four terms. Appointments to the Advisory Committee should be staggered. The policies and procedures under which the BSRB Board Members are expected to operate will apply also to the Advisory Committee Members.

Selection: Members of the Advisory Committee may be nominated by anyone, including the public, Advisory Committee members, members of a professional organization – either the discipline’s own or other’s – or through self-nomination. In reviewing nominations, the Advisory Committee should work to ensure that there is representation based on geographical, gender, and public vs. private settings. The members shall provide representation of the levels of licensing for that discipline. It is suggested that those members be selected from among public and private practitioners and educators.

The Advisory Committee as a whole discusses nominations. The nominee’s resume, a letter stating the reasons why he or she desires to be appointed, and a copy of the Board’s mission and goals to which the nominee has indicated agreement, are reviewed. The Chairperson of the Advisory Committee will submit the names of the nominee(s) to the BSRB Board Chairperson at a Board meeting. The Chairperson will review the nominations and may request input before making a decision, which will be announced at the next Board meeting. The Chairperson of the BSRB adds members to Advisory Committees and may remove members from Advisory Committees.

Notification. After the appointment has been approved, the Executive Director will inform the Advisory Committee appointee by letter. The Executive Director may assist the new member by providing information, which will help orient the new member to both the Board’s and Advisory Committee’s roles and functions.

Master's Level Psychology Advisory Committee
Non-Board Member Length of Service as of August 2021

Shelley Duncan - 2005-2021 (16 Years)

Susan Montague - 2004-2021 (17 Years)

Iris Pauley - 2020-2021 (1 year)

Thomas Pletcher – 1997-2021 (24 Years)

Joshua Tanguay - 2020-2021 (1 Year)

FACT SHEET: 988 AND SUICIDE PREVENTION HOTLINE

In August 2019, FCC staff—in consultation with the U.S. Department of Health and Human Services’ Substance Abuse and Mental Health Services Administration, the Department of Veteran Affairs, and the North American Numbering Council—released a [report](#) recommending the use of 988 as the 3-digit code for the National Suicide Prevention Lifeline. In July 2020, the FCC [adopted rules](#) designating this new phone number for Americans in crisis to connect with suicide prevention and mental health crisis counselors. The transition, which will take place over the next two years, will result in phone service providers directing all 988 calls to the existing National Suicide Prevention Lifeline by July 16, 2022.

Topline Takeaways on 988:

- **Suicide prevention is a critical need.** Since 2008, suicide has ranked as the tenth leading cause of death in the United States. Suicide claimed the lives of more than 48,000 Americans in 2018, resulting in about one death every 11 minutes.
- **Americans who need help today can find it by calling the National Suicide Prevention Lifeline.** The National Suicide Prevention Lifeline can be reached by calling 1-800-273-8255 (1-800-273-TALK) and through [online chats](#). Veterans and Service members may reach the [Veterans Crisis Line](#) by pressing 1 after dialing, as well as by chatting online at www.veteranscrisisline.net or texting 838255.
- **The National Suicide Prevention Lifeline is a national network of approximately 170 local- and state-funded crisis centers.** The Department of Health and Human Services’ Substance Abuse and Mental Health Services Administration administers the National Suicide Prevention Lifeline, in partnership with the Department of Veterans Affairs, which manages the Veterans Crisis Line.
- **Under the new rules, calls to 988 will be directed to 1-800-273-TALK, which will remain operational during and after the 988 transition.**
- **The requirement to transition to 988 as the National Suicide Prevention Hotline will take effect on July 16, 2022.** The transition time gives phone companies time to make necessary network changes. It additionally provides time for the National Suicide Prevention Lifeline to prepare for a likely increase in the volume of calls following the switch.
- **The adoption of the new rules reflects a commitment to delivering Americans necessary intervention services.** Switching to an easy-to-remember 988 as the ‘911’ for suicide prevention and mental health crisis services will make it easier for Americans in crisis to access the help they need and decrease the stigma surrounding suicide and mental health issues. FCC staff first proposed 988 as a three-digit, nationwide number in a [report](#) submitted to Congress in 2019.

To learn more, visit <https://www.fcc.gov/suicide-prevention-hotline>.

Operational Costs for 988*

In the 2021 Omnibus bill (SB 159), the Kansas Legislature included \$3.0 million, all from the State General Fund (SGF), for operational costs associated with the 988 number in FY 2022. These funds were targeted at expanding the ability of call centers to receive calls. KDADS' goal is to reach an 80.0 percent response rate. This funding did include a proviso that federal funds, if available, be utilized. However, I do not believe that the Division of the Budget (DOB) nor the Kansas Department on Aging and Disability Services (KDADS) have identified federal funds for this purpose.

2021 HB 2281 proposes to set up a funding mechanism for operational costs related to 988, which amounts to a 50-cent fee for each telephone subscriber, to be collected by telephone providers. KDADS supports this bill and would ultimately prefer that the hotline be paid through this means as opposed to the SGF appropriation. The bill is currently assigned to House Appropriations.

My understanding right now, is that the 988 will be primarily funded with public funds, either through the SGF appropriations (should that continue) or a fee on telephone subscribers (should that bill pass).

Additional Expenditures Associated with 988

Outside of operational costs, the Legislature also approved \$5.0 million, all SGF, in KDADS' budget for the new Statewide Mobile Response program. My understanding is that these funds would be used for uninsured individuals who call the hotline and may need services beyond what the hotline can provide. The Statewide Mobile Response program would also receive funding through private insurance and Medicaid when an individual with health coverage through those means utilizes additional services.

** Information provided by Matt Moore, Fiscal Analyst for the Kansas Legislative Research Department, on August 4, 2021.*