

**TESTIMONY ON AMENDED HB 2208
SENATE PUBLIC HEALTH AND WELFARE COMMITTEE
MARCH 19, 2021**

Mister Chairman and Committee Members:

Thank you for the opportunity to testify today as a proponent of amended HB 2208. I am David Fye, the Executive Director of the Behavioral Sciences Regulatory Board (BSRB). HB 2208 was originally requested on behalf of the BSRB, including statutory changes for the professions regulated by the BSRB. We requested identical language in SB 238, a bill that received a hearing in the Senate Public Health and Welfare Committee on February 24, 2021. On February 26, 2021, the Senate Public Health and Welfare Committee amended SB 238 and voted the bill out of Committee favorable for passage as Substitute for SB 238. The language in amended HB 2208 concerning items for the BSRB matches the language for these items in Substitute for SB 238 when it left your Committee. The Board has not taken a specific position on the items that have been amended into the bill that do not affect the BSRB, so my comments below address the Board's support for the items in the bill that relate to the professions regulated by the BSRB.

Amended HB 2208 and Substitute for SB 238 were amended by the relevant Committees to remove new language which would have required Board-approved clinical supervisors for social workers and were amended to reduce the number of direct client contact practicum hours for social workers seeking a clinical license from 350 hours to zero hours (original HB 2208 and SB 238 would have reduced these hours to 200 hours). The BSRB continues to support the original positions recommended by the Board, as these items would ensure greater protection for the public.

The BSRB is the licensing board for most of the state's mental health professionals including: Licensed Psychology, Master's Level Psychology, Social Work, Professional Counseling, Marriage and Family Therapy, Addiction Counseling, and Behavioral Analysis. Currently, our agency has slightly more than 13,100 active licenses in the professions we regulate. Our mission is to protect the public's health, safety, and welfare from unlawful or unprofessional practitioners who fall under the Board's jurisdiction. We have defined statutory credentialing qualifications, as well as minimal educational and experiential requirements that applicants must satisfy before being granted licensure.

In response to addressing the need for additional qualified licensed mental health professionals in underserved areas of the state of Kansas, the bill lowers the hour requirements for post-graduate supervised work experience toward a clinical license from 4,000 hours of supervised practice to 3,000 hours and lowers the total number of direct supervision hours required for a clinical license from 150 to 100 hours for the professions of Marriage and Family Therapists, Professional Counselors, Masters Level Psychologists and Addiction Counselors. This adjustment matches a reduction in hours of the same amount that was enacted for the Social Work profession in the 2019 Legislative session. The BSRB is convinced that lowering these hourly requirements will make it easier to be clinically licensed in these professions while maintaining essential protection of the public.

Recognizing some of the difficulty involved in delivery of services due to the pandemic, HB 2208 includes language for the Master's Level Psychology, Social Work, Professional Counseling, Marriage and Family Therapy, and Addiction Counseling professions, clarifying that all clinical supervision may be done over televideo, rather than in person, and allows for telephonic clinical supervision of licensees in extenuating circumstances.

HB 2208 includes adjustments to temporary out-of-state permit statutes to assist individuals in receiving services for a greater length of time, while adding certain safeguards for the public. The bill includes the following adjustments to temporary out-of-state permits:

- The number of days of in-state practice are increased from 15 days to 30 days;
- The expiration date is changed from December 31 of the year for which it was issued to one year after it was approved;
- Individuals requesting a temporary permit will be required to have practiced two years prior in their current jurisdiction;
- Quarterly reports on days of in-state practice will be required; and
- An individual may request a temporary out-of-state permit be extended one additional 12-month time period, including 30 additional days of in-state practice, under emergency circumstances.

HB 2208 includes language establishing a one-time maximum fee cap of \$50 (the Board recommended the agency set this amount at \$25 in regulations) for Board-approved clinical supervisors for professional counselors and marriage and family therapists. *(Note: Currently, the relevant statutes include language to charge a fee, however no fee cap has been set in statute.)*

Additional provisions of HB 2208 include the following:

- Professional counselor direct client contact practicum hours are lowered from 350 hours to 280 hours, matching the total from the national accrediting body;
- Statutory language is amended to allow the Board in the future to consider disciplinary action on any type of professional license held in another state when determining eligibility for licensure in Kansas;
- A provision is added that allows for disciplinary action against any person who has violated any lawful order or directive of the Board previously entered by the Board. (Currently, this language does not exist in statute); and
- The Professional Counselor temporary license is extended from six months to twelve months. This change will bring all temporary licenses in line.

In summary, Mister Chairman and members of the Committee, we believe the provisions of HB 2208 relating to the BSRB will allow additional qualified mental health professionals to obtain licensure in Kansas without sacrificing public protection. With that, I would be happy to answer any questions the Committee members might have.