

**BEHAVIORAL SCIENCES REGULATORY BOARD
LICENSED PSYCHOLOGY ADVISORY COMMITTEE
AGENDA
February 7, 2023**

Due to COVID-19, 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 the Zoom platform.

You may view the meeting here: https://youtube.com/live/5jfG8PEB_zw?feature=share

**To join the meeting by conference call: 877-278-8686
The pin: 327072**

If there are any technical issues during the meeting, you may call the Board office at, 785-296-3240.

The Behavioral Sciences Regulatory Board may take items out of order as necessary to accommodate the time restrictions of Board members and visitors. All times and items are subject to change

Tuesday, February 7, 2023, 6:00 p.m.

- I. Call to order and Roll Call**
- II. Agenda Approval**
- III. Review and Approval of Minutes from Advisory Committee Meeting on December 13, 2022**
- IV. Executive Director's Report**
- V. Old Business**
 - A. Update on PSYPACT Commission**
 - B. Continued Discussion on 2023 Advisory Committee Topics**
 - i. Review of Education Regulation K.A.R. 102-1-12**
 - ii. Other Topics**
- VI. New Business**
 - A. Annual Training for Board Members and Advisory Committee Members**
 - B. Discussion on Adding New Members to Advisory Committee**
- VII. Upcoming 2023 Meetings: Tuesday, April 11; Tuesday, June 13; Tuesday, August 8; Tuesday, October 10; Tuesday, December 12 (All Meetings from 6pm until 8pm)**
- VIII. Adjournment**

**BEHAVIORAL SCIENCES REGULATORY BOARD
LICENSED PSYCHOLOGY ADVISORY COMMITTEE MEETING
DECEMBER 13, 2022**

Draft Minutes

- I. Call to Order.** Ric Steele, Chair of the Advisory Committee, called the meeting to order at 6 p.m.

Committee Members. Ric Steele, Richard Nobles, Tiffany Johnson, Jessica Hamilton, Rodney McNeal, Zach Parrett, and Doug Wright were present via Zoom. Johnna Norton, Abby Callis, and Janine Kesterson were absent.

BSRB Staff. David Fye and Leslie Allen were present via Zoom.

- II. Agenda Approval.** Doug Wright moved to approve the agenda as written. Rodney McNeal seconded.
- III. Review and Approval of Minutes from Previous Advisory Committee Meetings on October 11, 2022.** Richard Nobles moved to approve the minutes. Doug Wright seconded. The motion passed.
- IV. Executive Director Report.** David Fye, Executive Director for the Behavioral Sciences Regulatory (BSRB) provided a report on agency activities, actions from recent Board meetings, and legislative updates.
- V. Old Business**
- A. PSYPACT Update.** The Executive Director provided an update on the Psychology Interjurisdictional Compact (PSYPACT). For licensed psychologists who list Kansas as their home state, 74 individuals were providing telehealth services in compact states under PSYPACT authority, and 7 individuals were providing limited in-state services in compact states under PSYPACT authority. Currently, there are 32 active states in PSYPACT. In January, the PSYPACT Commission will assess a fee of \$10 to the BSRB per each individual who listed Kansas as their home state and practiced under PSYPACT authority in 2022.

- B. Finalization of Recommendation Changes to Unprofessional Conduct Regulations.** Advisory Committee members discussed the following final recommended changes to the unprofessional conduct regulations (K.A.R. 102-1-10a and K.A.R. 102-1-20):

- i. **K.A.R. 102-1-20.** The Advisory Committee recommended moving the language of the Unprofessional Conduct Regarding Recordkeeping regulation (K.A.R. 102-1-20) to the main unprofessional conduct regulation (K.A.R. 102-1-10a), with adjustments given the different in language styles between the two sections. Additionally, the Advisory

Committee recommended adding new language “failing to identify a repository for client records, should the psychologist become incapacitated or unable to access their records.”

- ii. **K.A.R. 102-1-10a(c).** The Advisory Committee recommended adding language to K.A.R. 102-1-10a(c)(1)(A) to replace “client” with “client, supervisee, or student.”
- iii. **K.A.R. 102-1-10a(e).** The Advisory Committee recommended adding a new item (4) with the following language: “failing to inform the client of the limit of a professional relationship and the requirements imposed by other parties.”
- iv. **K.A.R. 102-1-10a(g).** The Advisory Committee recommended changing introductory language from “failing to protect confidentiality, which shall include the following acts” to “failing to protect confidentiality or privacy, which may include, but is not limited to.” Additionally, the Advisory Committee recommended changing K.A.R. 102-1-10a(g)(2)(D), by modifying the language at the end of the item to change the word “and” to “or.”
- v. **K.A.R. 102-1-10a(l).** The Advisory Committee recommended changing references to “credentialed” with “authorized to practice” to reflect the current terminology by which the Board permits practices.
- vi. **K.A.R. 102-1-10a(m).** The Advisory Committee recommended replacing existing language with the language from the Unprofessional Conduct Regulation on Recordkeeping, with adjustments to that regulation noted above for K.A.R. 102-1-20.
- vii. **K.A.R. 102-1-10a(n).** The Advisory Committee recommended changing K.A.R. 102-1-10a(n)(3) from “failing to ascertain that the consent of the participant is voluntarily...” to “failing to ascertain that the consent of a participant or the participants representative, and assent of a minor participant is voluntary...”
- viii. **K.A.R. 102-1-10a(o).** The Advisory Committee recommended changing the language in K.A.R 102-1-10a(o)(1) to replace “when conducting a forensic examination, failing to inform the examinee of the purpose of the examination and the difference between a forensic examination and a therapeutic relationship” to “when conducting a forensic examination, failing to inform the examinee of the purpose of the examination and the difference between a forensic examination and a therapeutic relationship, and informing them of the scope of the assessment procedures.”

VI. New Business

A. Discussion on Reciprocity and other Requirements for Licensure. The Advisory Committee discussed K.S.A. 74-5315, the reciprocity statute for the licensed psychology profession. This statute says there are two methods to get licensed through reciprocity. The first path is for applicants from a jurisdiction that has substantially equivalent requirements for licensure and the second path requires a demonstration that the applicant practiced as a psychologist at the doctoral level 48 of

the preceding 54 months immediately preceding the application and has met other requirements. Advisory Committee members discussed whether 48 months is a good standard. Richard Nobles moved to recommend to the Board lowering the time requirement from 48 months to 12 months out of 18 months. Jessica Hamilton Seconded. The motion passed.

B. Discussion on KSA. 74-5310(a)(2) Definition of Good Moral Character as Requirement for Licensure. The Executive Director noted the licensure statute for the licensed psychology profession requires an applicant demonstrate “good moral character,” though the other professions require an applicant “merit the public trust,” which is the more accepted standard nationally. Doug Wright moved to recommend to the Board replacing “good moral character” with “merit the public trust.” Rodney McNeal seconded. The motion passed.

C. Discussion on Committee Discussion Topics and Forum for Meetings in 2023. The Advisory Committee tabled discussion on Advisory Committee topics for 2023 to the next meeting.

VII. Next Advisory Committee Meeting Date. The next meeting will be on Tuesday, February 7, 2023, at 6 p.m.

VIII. Adjournment. Rodney McNeal moved to Adjourn. Richard Nobles seconded. The motion passed.

Commission News

VOL. 3, Issue 4

December 2022



Executive Director Update: Janet Orwig

As 2022 comes to an end, I want to take this opportunity to provide a summary of a very busy year. We saw 8 bills enacted. We started the year with 26 jurisdictions being enacted and effective and ended the year with 33. The Commission has issued over 7,700 APITs (that is up from 3,400 at this time last year) and over 350 TAPs. Interest in PSYPACT continues to grow as can be seen by the number of visitors that come to the PSYPACT website. From January 1, 2022 through December 2, 2022, the PSYPACT site has welcomed over 173,000 visitors, up from 124,000 visitors for that time frame last year.

I also want to give a special thank you to Pam Groose, Commissioner from Missouri for serving as the first Vice-Chair of the PSYPACT Commission. Her leadership and knowledge of regulation helped us to grow to where we are now. Pam, thank you and as you step down from your role as Vice-Chair, we look forward to continuing to work with you in your role as Commissioner and as a member of the Rules Committee.

As always, thank you all for your hard work and support. Hope you all have a great holiday and look forward to working with you in 2023.

Janet P. Orwig, MBA, CAE
PSYPACT Executive Director

Message from The Chair: Don Meck

It has been a great year and we now have an active PSYPACT membership of 33 active jurisdictions. Early next year Rhode Island will be joining us (effective 01/01/2023). Thanks to those of you who have served on committees and your active involvement in the meetings that were scheduled. Without your assistance, PSYPACT would not have grown into the effective and functional organization that it has evolved into. Our citizens are benefiting from the increased access to necessary psychological services that are now able to be provided by those qualified psychologists who join PSYPACT. Have a great Holiday and lets all look forward to continued growth next year.

Donald S. Meck, Ph.D., J.D., ABPP
Chair, PSYPACT Commission

Upcoming Meetings

Executive Board Meeting	1/5/23
Training and PR Meeting	1/12/23
Rules Meeting	1/18/23
Requirements Meeting	1/30/23
Finance Meeting	2/6/23
Elections Meeting	3/6/23
Mid Year Commission Meeting	7/13/23

PSYPACT Commissioners

Lori Rall Alabama	Gary Lenkeit Nevada
Heidi Paakkonen Arizona	Deborah Warner New Hampshire
Lisa Fitzgibbons Arkansas	To Be Named New Jersey
Nate Brown Colorado	Susan Hurt North Carolina
Christian Anderson Connecticut	Ronald Ross Ohio
To Be Named CNMI	Teanne Rose Oklahoma
Shauna Slaughter Delaware	Steven Erickson Pennsylvania
LaTrice Herndon District of Columbia	Peter Oppenheimer Rhode Island
Don Meck Georgia	Mark Fleming Tennessee
Katie Stuart Idaho	Patrick Hyde Texas
Cecilia Abundis Illinois	Jana Johansen Utah
Stephen Ross Indiana	Jaime Hoyle Virginia
David Fye Kansas	Leslie Cohn Washington
Brenda Nash Kentucky	Scott Fields West Virginia
Jayne Boulos Maine	Daniel Schroeder Wisconsin
Lorraine Smith Maryland	Mariann Burnetti- Atwell ASPPB
Robin McLeod Minnesota	
Pam Groose Missouri	
Kris Chiles Nebraska	

Staff Contact Information:

Janet Orwig
PSYPACT Executive Director
jorwig@asppb.org

Magan Spearing
PSYPACT Specialist
mspearing@asppb.org

Legislation Updates:

We have two states that have prefiled for the 2023 session! Florida has prefiled in both house and senate - FL H 33 and FL S 56. Wyoming has also prefiled with bill WY S 26. We closed 2022 with 33 effective PSYPACT jurisdictions. PSYPACT Commission Staff get requests daily for information on how to get PSYPACT introduced into new jurisdictions. It is refreshing to know that the interest in PSYPACT is not cooling down but continues to thrive.

Committee Updates:

Rules: *Patrick Hyde, Pam Groose, Deborah Warner, Lorraine Smith, Susan Hurt*
The Rules Committee met on Oct. 20th ahead of the annual Commission meeting. The Rules Committee will be considering a formal definition of telehealth at its second quarter meeting of 2023. The committee also reviewed and recommended Policy 1.23 - which would put an APIT/TAP on inactive status should the E. Passport/IPC move to an inactive status.

Finance: *Teanne Rose, Jaime Hoyle, Heidi Paakkonen*

The Finance Committee met on Nov 28th after the annual Commission meeting. Hart Johnson from Wells Fargo attended the meeting and advised on how to invest in CDs and educated the committee on various aspects of the investment strategy. The committee also asked that the PSYPACT staff draft examples of how the budget information might be presented going forward.

Requirements: *Gary Lenkeit, Christina Stuckey, Ron Ross*

The Chair meet with the ASPPB Mobility Committee at its September meeting to discuss concerns about education requirements that have been presented to the Executive Board from various jurisdictions. To ensure continued continuity between PSYPACT and ASPPB, Dr. Hugh Moore will serve as the liaison from the ASPPB Mobility Committee to the PSYPACT Requirements Review Committee.

Commission:

The Commission met on Nov 17th and was informed of the updates that had occurred since the mid-year meeting. The Commission was asked if they would like to resume in-person annual meetings and a majority of Commissioners were interested in doing so. Rules 4.7, 5.7, 4.11, 5.11, 4.12, and 5.12 were voted in by the Commission. The Commission voted to revise the Bylaws to add an Appeals committee. Lori Rall was elected Vice Chair and Gary Lenkeit was elected as Member at Large.

Executive Board: *Don Meck, Pam Groose, Teanne Rose, Gary Lenkeit, Patrick Hyde, Mariann Burnetti-Atwell*

The Executive Board met on Nov 2nd ahead of the Annual Commission meeting. The Board went over the 3rd Quarter compliance reports, as well as the public comments for the rules that were to be voted on during the Commission Annual Meeting. The Board also will be considering a rule/policy about requesting PSYPACT's endorsements and/or participation in surveys in future meetings.

Executive Board Members

Chair - Don Meck

Vice Chair - Lori Rall

Treasurer - Teanne Rose

Member at Large - Gary Lenkeit

Member at Large - Patrick Hyde

Ex Officio Member - Mariann Burnetti - Atwell



PSYPACT by the Numbers

TELEPSYCHOLOGY

8479

ASPPB
E. Passports
Issued

7879

PSYPACT
APITs
Issued

TEMPORARY PRACTICE

509

ASPPB
IPCs Issued

374

PSYPACT
TAPs Issued

STATE LEVEL BREAKDOWN

State	APITs	TAPs	State	APITs	TAPs
ALABAMA	46	9	NEVADA	103	8
ARIZONA	245	20	NEW HAMPSHIRE	100	6
ARKANSAS	19	5	NEW JERSEY	467	12
COLORADO	439	16	NORTH CAROLINA	357	15
CONNECTICUT	68	2	OHIO	312	9
DELAWARE	116	2	OKLAHOMA	64	4
DISTRICT OF COLUMBIA	243	7	PENNSYLVANIA	828	31
GEORGIA	381	21	RHODE ISLAND	N/A	N/A
IDAHO	16	1	TENNESSEE	134	6
ILLINOIS	752	32	TEXAS	761	46
INDIANA	65	3	UTAH	173	22
KANSAS	75	7	VIRGINIA	582	32
KENTUCKY	61	3	WASHINGTON	149	6
MAINE	52	1	WEST VIRGINIA	34	3
MARYLAND	701	18	WISCONSIN	46	2
MINNESOTA	190	7			
MISSOURI	241	15			
NEBRASKA	59	3			

Numbers as of December 22, 2022



Things to Look Forward to in 2023:

- Application renewals will begin, including renewal fees.
- State assessment fees will be going out in January.
- 3 states have prefiled: Florida, Wyoming, and South Carolina.
- Rhode Island becoming effective.

Reminder!

Make sure to sign your Conflict of Interest forms!

The PSYPACT Commission Staff wishes you a happy and safe holiday season!

102-1-12. Educational requirements.

(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) A graduate applicant for psychology licensure shall be deemed to have received a doctoral degree based on a program of studies in content primarily psychological as set forth in K.S.A. 74-5310, and amendments thereto, or the substantial equivalent of this program in both subject matter and extent of training, if at the time the applicant graduated from the program, this doctoral degree program was accredited by the American psychological association. If the applicant began the program after March 10, 2006, the accredited program shall require that at least 24 semester credit hours in the substantive areas identified in paragraph (b)(13)(C), or the equivalent number of quarter or trimester credit hours, be completed while the applicant is in residence. If not so accredited, the doctoral degree program from which the applicant was granted the degree shall meet all of the following criteria:

(1) The doctoral program is offered by an institution of higher education that is regionally accredited by an accrediting agency substantially equivalent to those agencies that accredit the universities in Kansas.

(2) The program offers doctoral education and training in psychology, one goal of which is to prepare students for the practice of psychology.

(3) The program stands as a recognized, coherent organizational entity within a university or college.

(4) There is a clear administrative authority with primary responsibility within the program for the substantive content areas as set forth below in paragraph (b)(13) and for the emphasis areas of psychology.

(5) The program is an established, organized, and comprehensive sequence of study designed by administrators who are responsible for the program to provide an integrated educational experience in psychology.

(6) There is an identifiable, full-time, professional faculty whose members hold earned graduate degrees in psychology, and the person responsible for directing the program is

licensed or academically eligible at the doctoral level to engage in the practice of psychology.

(7) The ratio of students to core faculty members does not exceed 15 students to one core faculty member.

(8) The student's major advisor is a member of the psychology faculty.

(9) The program has an identifiable body of students who are matriculated in the program for a degree.

(10) The program publicly states an explicit philosophy of training by which it intends to prepare students for the practice of psychology. The program's philosophy, educational model, and curriculum plan shall be substantially consistent with the mission and goals of the program's sponsor institution and shall be consistent with the following principles of the discipline:

(A) Psychological practice is based on the science of psychology, which, in turn, is influenced by the professional practice of psychology.

(B) Training for practice is sequential, cumulative, graded in complexity, and designed to prepare students for further organized training.

(11) The program, except for industrial and organizational psychology programs, requires an internship that meets the following requirements:

(A) Consists of at least 1,800 hours over one year of full-time training or two consecutive years of half-time training;

(B) accepts as interns only applicants enrolled in a doctoral program as defined in this subsection or in a program that meets the requirements of paragraph (b)(2) of K.A.R. 102-1-5a;

(C) has a clearly designated doctoral-level staff psychologist who is responsible for the integrity and quality of the training program. This person shall be licensed, certified, or registered in the jurisdiction in which the program exists to engage in the practice of psychology and shall be present at the training facility for a minimum of 20 hours per week;

(D) provides training and supervision in a wide range of professional activities, including diagnosis, remediation techniques, interdisciplinary relationships, and consultation, and provides experience with a population of clients or patients presenting a diverse set of problems and backgrounds;

(E) is taken after the completion of all graduate courses other than those designated for writing the dissertation, including both the required graduate coursework emphasizing the practice of psychology and the preinternship training requirements;

(F) provides the intern or resident with a minimum of four hours of general training supervision for every 40 hours of training experience. At least one hour of individual clinical supervision shall be provided for every 10 hours during which the supervisee has direct patient or client contact;

(G) provides the majority of supervision by licensed, doctoral-level psychologists;

(H) exists as a distinct and organized program that is clearly recognizable within an institution or agency, as well as in pertinent public, official documents issued by the institution or agency, and that is clearly recognizable as a training program for psychologists;

(I) identifies interns as being in training and not as staff members;

(J) has a training staff that consists of at least two doctoral-level psychologists who serve on a full-time basis as individual clinical supervisors and who are licensed, certified, or registered as psychologists in the jurisdiction in which the program exists;

(K) is an integrated and formally organized training experience, not an after-the-fact tabulation of experience; and

(L) provides at least two hours per week in didactic activities, including case conferences, seminars, in-service training, and grand rounds.

(12) Before awarding the doctoral degree, the program requires each student to complete a minimum of three full-time academic years of graduate study, or the equivalent, and to complete an internship that meets the requirements of paragraph (b)(11). At least two of the three academic training years, or the equivalent, shall be completed at the institution from which the doctoral degree is granted, and at least two consecutive semesters, or the equivalent number of quarters or trimesters, shall be completed while the student is in residence at the same institution. The program's coursework shall also include the skill courses appropriate for the applicant's major or area of emphasis.

(13) The program has and implements a clear and coherent curriculum plan that provides the means whereby all students can acquire and demonstrate substantial understanding of and competency in the current body of knowledge in the following three substantive areas:

(A) The breadth of scientific psychology, its history of thought and development, its research methods, and its applications. Each student shall have completed a one-semester course consisting of three semester credit hours, or the equivalent number of quarter or trimester credit hours, in each of the following six areas:

(i) Biological aspects of behavior, including clinical neuropsychology and the biological foundations of psychopathology;

(ii) cognitive and affective aspects of behavior, including theories of perception, human learning and memory, cognitive development, and theories and research in human learning;

(iii) social aspects of behavior, including social psychology, advanced social psychology, and social psychology theories, research, and clinical applications;

(iv) the history and systems of psychology, including the history of psychology and theories of personality;

(v) psychological measurement, including an introduction to mathematical methods in psychology, educational measurement methods in psychological research, and research methods in clinical psychology; and

(vi) research methodology and techniques of data analysis, including statistical methods in psychology, research design in education, multivariate analysis, and multivariate statistical methods;

(B) the scientific, methodological, and theoretical foundations of practice. Each student shall have completed a one-semester course consisting of three semester credit hours, or the equivalent number of quarter or trimester credit hours, in each of the following four areas:

(i) Individual differences in behavior, including the basis and nature of individuality, intelligence and cognition, and cross-cultural counseling;

(ii) human development, including advanced child behavior and development, behavioral analysis of child development, the psychology of the adult personality, gerontology, and counseling with adults;

(iii) dysfunctional behavior or psychopathology, including advanced psychopathology; and

(iv) professional, ethical, legal, and quality assurance principles and standards, including professional, legal, and ethical problems in clinical psychology and legal, ethical, and professional issues in counseling; and

(C) the methods of diagnosing or defining problems through psychological assessment and measurement and the strategies and techniques of therapeutic intervention or remediation. A minimum of 24 semester credit hours in this substantive area, or the equivalent number of quarter or trimester credit hours, shall be completed by the student while the student is in residence and shall be distributed between the following two areas:

(i) Nine semester credit hours in assessment, or the equivalent number of quarter or trimester credit hours. Assessment courses shall include theories and methods of assessment and diagnosis, including intelligence testing, behavioral and personality assessment in children, theory and construction of personality tests, and techniques of psychodiagnostic assessment; and

(ii) 15 semester credit hours, or the equivalent number of quarter or trimester credit hours, in techniques of therapeutic interventions and effective therapeutic intervention, consultation, and supervision, including counseling and interviewing skills, theories of group counseling, psychological clinical services, psychotherapy, group therapeutic techniques, and psychotherapy with families.

(14) The program requires at least 90 semester credit hours, or the equivalent number of quarter or trimester credit hours, of formal graduate study in the psychology program. At least 60 of these semester credit hours, or the equivalent number of quarter or trimester credit hours, shall be distributed among the content areas specified in paragraph (b)(13).

(15) At least 60 semester credit hours of the coursework for the doctoral program, or the equivalent number of quarter or trimester hours, are clearly designated on the transcript as graduate-level courses in the program, exclusive of practicum, internship, and dissertation credits. The number of credits received through extension programs shall not exceed 10 semester credit hours or the equivalent number of quarter or trimester credit hours. The number of postdoctoral credit hours from a regionally accredited university or college taken to meet licensure requirements shall not exceed 10 semester credit hours or the equivalent number of quarter or trimester credit hours.

(16) When the program has an applied emphasis, which may include clinical psychology, counseling psychology, or school psychology, the training shall also include a minimum of at least two semesters of a coordinated practicum. The practicum in the application of skills related to the areas of emphasis shall be performed in a setting that is preapproved by the appropriate administrative authorities of the program.

(17) The program advertises in official documents, including course catalogues and announcements, the program standards and descriptions and the admission requirements of the program.

(18) The program has admission requirements that are, in part or in full, based on objective, standardized achievement tests and measures.

(19) The program includes an ongoing, objective review and evaluation of student learning and progress, and the program reports this evaluation in the official transcript.

(20) The program includes a comprehensive examination or an equivalent assessment approved by the board of the applicant's knowledge and progress within the training program, and the program requires that the applicant pass this requirement before awarding the doctoral degree.

(21) As a part of the graduation requirements, each student is required to initiate, prepare, conduct, and report original research or an equivalent project as determined by the program. This original research or equivalent project shall not be substituted for successful completion of the comprehensive examination required under paragraph (b)(20).

(22) The institution offering the graduate program has a library and equipment and resources available that are adequate for the size of the student body and the scope of the program offered, including suitable scientific and practicum facilities.

(Authorized by K.S.A. 2005 Supp. 74-7507; implementing K.S.A. 74-5310; effective May 1, 1982; amended May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended Dec. 18, 1998; amended Oct. 27, 2000; amended March 10, 2006; amended, T-102-4-24-07, April 24, 2007; amended April 11, 2008.)

Expectations of Board Members

Adopted by the Board on January 10, 2022

I. Authority

Insofar as the Expectations for Board Members conflicts with or limits any federal or state statute or regulation, the statute or regulation controls.

II. Mission Statement

The mission of the BSRB, in accordance with the intent of the Kansas Legislature, is to protect and serve the consumers of mental health services and the professionals that offer them, through the issuance of licenses, resolution of complaints and the creation of appropriate regulations, accomplished through efficiency, fairness and respect to all those involved.

III. Guiding Principles

- A. Persons in Kansas shall expect that licensed mental health providers are qualified, competent, and professional.
- B. Persons regulated by the BSRB shall expect equitable and fair treatment in relation to licensing activities, disciplinary processes and administrative regulations.
- C. The BSRB shall provide all services in a manner that is timely, cost efficient, courteous and competent.
- D. The BSRB shall be guided and led by ethical principles, clear policies, progressive thinking and strategic decision making.
- E. The BSRB shall respect the dignity and worth of all individuals.

IV. Services

- A. Process license applications and license renewals in a timely manner as defined by pre-established performance goals. These goals are to be set by the Executive Director and communicated to applicants and licensees at the time they initiate a service request.
- B. Take disciplinary action when appropriate.
- C. Provide timely information to the public (i.e., mailing lists, list of licensees, maintain current website)
- D. Maintain Rules / Regulations and Statutes

V. Code of Conduct

The purpose of the Code of Conduct is to instill and assure the public's trust and confidence in its regulatory board for the licensed professions. That trust must embrace the people who serve on the board, including the qualifications for public service that attracted their appointment.

A. Integrity

1. A Board member of the BSRB should have no criminal or professional misconduct record, nor commit acts that would lead to investigations or complaints.
2. A Board member of the BSRB possesses sound moral principles, e.g. is upright, honest, sincere.
3. A Board member of the BSRB has courage of convictions to withstand pressures to be swayed from the public protection agenda.
4. A Board member of the BSRB should be honest about personal agendas and leaves them outside the boardroom.
5. A Board member of the BSRB should reveal any actual or perceived conflicts of interest and appropriately recuse themselves from decisions or actions in those areas of interest.
6. A Board member of the BSRB should not represent their personal opinion as that of the Board.
7. A Board member of the BSRB should be limited to one unexcused absence a year.

B. Conflict of Interest

A member of the BSRB should guard against conflict of interests.

1. Compliance

Common components of conflicts of interest policies include, but are not limited to, some or all of the following:

- a. A Board member of the BSRB should have no personal financial benefit as a result of service to the BSRB except sustenance and mileage;
- b. A Board member of the BSRB who may have a conflict of interest according to stated criteria should refrain from voting on the matter;
- c. A Board member of the BSRB should disclose any relationship with any other agency or individual involved with the BSRB and be excluded from matters involving such a conflict;

d. A Board member of the BSRB serving as part of an organization working in any way with the BSRB should inform the Board Chair;

e. A Board member of the BSRB should not accept any gifts or promotional items received as part of their affiliation with the agency for personal use;

f. A Board member of the BSRB should not use the agency's name or agency information for personal gain;

C. Confidentiality

Board discussion involving any of the following matters shall remain confidential, unless the Board expressly agrees to the contrary:

1. Any discussion that occurs during executive session; and
2. Any discussion concerning actual or potential litigation.

VI. Board Meetings

A. Board Composition

Per K.S.A. 74-5401(a), 12 Board members are appointed by the Governor, including: Two licensed psychologists; two individuals licensed to engage in the practice of social work; one professional counselor, one marriage and family therapist, one master's level psychologist, one licensed addiction counselor or licensed clinical additional counselor; and four members of the Board represent the general public.

B. Meeting Schedule and Agenda Formation

Board meetings shall take place the second Monday of every other month, unless the Board determines otherwise.

1. The following items will always appear on the agenda:
 - a. Roll Call
 - b. Approval of Agenda
 - c. Approval of the Minutes
 - d. Public Comments
 - e. Staff Reports
 - f. Complaint Review Committee (CRC) Report
 - g. Reports from Professional Board members

C. Chair Authority and Responsibility

1. Chair — The Chair of the BSRB shall:

- a. Preside at all meetings;
- b. Appoint members of the Advisory Committees;
- c. Appoint members of the CRC; and
- d. Appoint members to other ad hoc committees.

2. Vice-Chair — The Vice-Chair shall discharge the duties of the Chair in his/her absence, disability, resignation, or death.

D. Emergency Executive Succession

1. In the event that the Board Chair is unable to perform the duties of the Office discharge the duties of the Office to the Vice-Chair.

2. In the event that the Executive Director is unable to perform the duties of the office of Executive Director, the BSRB may request an interim Director. If the BSRB is unable to meet immediately, the Board Chair will seek an interim Director until the Board can meet.

VII. Board-Executive Director Relationship

A. Organizational Structure

1. The Executive Director will communicate any personnel matters that should be addressed by the Board to the Chair of the Board;
2. The Chair of the Board will present these Board related issues to the Board; and
3. The Executive Director will communicate to the staff the Board wishes, intentions, policies, etc.

B. Delegation to the Executive Director

1. The Executive Director shall be the administrative head of the organization, serving at all times under the Board. The Executive Director will be responsible for implementing and executing the policies and activities approved by the Board. She/He shall assist in the developing of the over-all program and shall recommend policies and activities for consideration by the Board.
2. The Executive Director shall have sole authority to employ, eliminate, and fix the duties and salaries of other employees or independent contractors of the organization, subject to policies, regulations and limitations approved by the State of Kansas.

C. Executive Expectations

1. The Executive Director shall keep the Board advised of BSRB activities by issuing a report to the Board at each full Board meeting, which summarizes pertinent information.
2. The Executive Director shall prepare the agenda for Board meetings in consultation with the Board Chair.

3. The Executive Director shall prepare the agenda in consultation with the Board Chair for an annual Board retreat which shall allow for issues before the Board that need in depth consideration.

D. Monitoring the Executive Director's Performance

1. The Board shall, when necessary, utilize executive session to discuss issues concerning the Executive Director. The Board shall also formally evaluate the performance of the Executive Director each calendar year and on an annual basis thereafter, with emphasis on whether set outcomes are attained.

Advisory Committee Policy

Adopted by the Board on January 10, 2022

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.

Process: An Advisory Committee fulfills its purpose by addressing issues referred to it by the Board through the Advisory Committee Chair or the Executive Director. A Committee may suggest issues it believes the Board should consider by referring those through the Chair of the Advisory Committee. When the latter occurs the Board has three courses of action from which to choose:

1. The Board can agree the issue needs to be addressed at the Board level.
2. The Board can agree the issue should be addressed and refer the matter to the appropriate person or committee for additional information, review, or analysis, which will then be brought back to the Board.
3. The Board can decide to not address the issue.

Structure of the Committee: Chairs of Advisory Committees will be members of the Board. If the profession is represented on the Board, the Chair of the Advisory Committee will be a Board member licensed in the discipline of the committee and appointed by the Governor to represent that discipline on the Board. Any other Board members appointed by the Governor to represent that discipline on the Board will serve as a member of that advisory committee. A public member of the Board will also be a member. There will be a minimum of three and a maximum of ten additional members appointed. The Executive Director will be a non-voting, ex officio member. The Assistant Director or Licensing Manager is encouraged to attend. The Assistant Attorney General representing the Board should attend meetings when their attendance is requested.

Terms for Advisory Committee members will be two years. They will be appointed by the Chair of the BSRB and can serve up to four terms. Appointments to the committee should be staggered to avoid having too many members of the Advisory Committee reach their maximum length of service at the same time. The policies and procedures under which the BSRB Board Members are expected to operate will apply also to the Advisory Committee Members. The Chair of the BSRB can remove members.

Selection: Members for the Committee may be nominated by anyone, including the public, committee members, members of a professional organization — either the discipline's own or other's — or through self-nomination. In reviewing nominations, the Committee should work to ensure that there is diverse representation including, but not limited to, geographic setting, gender, culture, and ethnicity. Members should provide representation of the levels of licensing for that discipline and those members should be selected from among public and private practitioners and educators.

The Committee as a whole discusses nominations and reaches recommendations on new members. 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 Chair of the Committee will submit the Committee's recommendations for new members to the BSRB Board Chair. The Chair will review the recommendations and may request input before making a decision, which will be announced at a Board meeting.

After the appointment has been approved the Executive Director will inform the Advisory Committee appointee by letter or e-mail. The Executive Director may assist the new member by providing information, which will help orient the member to the Board's, and Advisory Committee's, role and function.

Guidelines for Public Attendees of Meetings

Adopted by the Board on January 10, 2022

Meetings of the Behavioral Sciences Regulatory Board (BSRB) and subcommittee meetings of the BSRB, such as Advisory Committee meetings, fall under the Kansas Open Meeting Act (KOMA) and are open to the public. The KOMA does not require state agencies to provide public comment to individuals, however as part of the BSRB's public protection mission, the agency values the receipt of information and input from members of the public. To ensure that all individuals are treated in a consistent and respectful manner, the agency has created this guidance document to provide general procedures for individuals attending Board Meetings and Advisory Committee meetings as well as general guidance on topics relevant for public comment at these meetings.

Guidelines for Individuals Attending Meetings

In-Person Meetings

When Board and Advisory Committee meetings are held in-person, the BSRB will attempt to provide sufficient physical space for public attendees to be present at the meetings. Unless otherwise noted, in-person meetings will be held in the BSRB Boardroom at 700 SW Harrison St., Ste. 420, Topeka, KS. Additional public access to the meeting will be provided by the agency through the use of a conference call line and by broadcasting the meetings on the BSRB YouTube Channel.

Virtual Meetings

When Board and Advisory Committee meetings are held virtually, public access to the meeting will be provided through the use of a conference call line and by broadcasting the meeting to the BSRB YouTube Channel. If the Board Chair or Advisory Committee Chair permits time for public comment, presenters will be provided a Zoom link to log into the meeting. Individuals presenting information to the Board over Zoom should provide sufficient information to the Executive Director prior to the meeting so that the attendees may be identified in the Zoom waiting room. To ensure the security of the Board and Advisory Committee meetings, if individuals cannot be identified in the Zoom waiting room, they will not be admitted into the Zoom meeting. Individuals who have not received a specific Zoom link to attend the meeting will not be granted access to attend the meeting over Zoom.

General Guidance for Attendees

When attending meetings of the Board or Advisory Committees, cell phones and other devices which create noise should be turned off or disabled during meetings to avoid disruptions. Attendees should avoid side-conversations that could cause distractions during meetings.

Guidelines for Presentation of Information at Meetings

Procedure for Public Comment

The Chair of the Board and Chairs of Advisory Committees will determine whether public comment will be allowed at each meeting. If time for public comment is permitted, the Chair will have authority to determine the amount of time available for public comment. Any individuals wishing to provide public comment at Board or Advisory Committee meetings should contact David Fye, Executive Director for the BSRB, no later than 48 hours prior to the meeting, by sending an e-mail to david.fye@ks.gov. Information in the e-mail to the Executive Director should make clear that the individual is seeking to provide public comment, the specific meeting being referenced, and should indicate the general topic on which the individual wishes to provide public comment. Written comment is not required to be submitted to the Executive Director, but it is strongly encouraged so that members of the Board or Advisory Committees may read the information ahead of the meeting and be better prepared to communicate with the individual providing comment. After receiving requests to provide public comment, the Executive Director will speak with the Chair to determine if public comment will be permitted. If public comment is permitted, the Executive Director will communicate the decision of the Chair and time limit to individuals requesting public comment.

At the meeting, the Chair will recognize the presenter at the appropriate time identified on the agenda. While receipt of public comment is not preceded by the formality of an oath, by appearing before the Board or an Advisory Committee, the presenter hereby certifies that the information is presented truthfully, based upon facts that are capable of verification, and offered in good faith. Presenters should promptly bring to the Board or Committee's attention any necessary corrections to information that they have previously presented. Any individuals presenting public comment should avoid exceeding the time permitted and should conduct themselves in a respectful manner when addressing the Chair and members of the Board or Advisory Committees. At the conclusion of public comment, the Chair may allow time for questions or may move to the next item on the agenda.

Topics Relevant for Public Comment

As a state agency created by the Kansas Legislature, the BSRB is governed by statutes and regulations. Information presented to the Board or Advisory Committees should be relevant to those statutes or regulations governing the agency. The Chair reserves the right to limit testimony that is, in the judgment of the Chair, not relevant to matters germane to the Board or Advisory Committees. Common examples of past public comment topics include requested changes to the statutes or regulations relating to qualifications for licensure, fees, continuing education, or unprofessional conduct of practitioners. The BSRB highly values receipt of information that a licensee may have violated the statutes and regulations for a profession regulated by the agency. However, information on a specific practitioner licensed by the BSRB, information that is relevant to an active investigation, or information that could be grounds for a complaint against a practitioner should be provided to the BSRB through the submission of a complaint/Report of Alleged Violation (RAV), rather than through public comment at a Board or Advisory Committee meeting. Use of a standardized process for receiving this information, investigating allegations, and determining possible discipline helps ensure that both members of the public and licensees are treated consistently and fairly. Instructions on the BSRB's investigation process and instructions on filing a Report of Alleged Violation with the agency can be found on the BSRB's website at <https://ksbsrb.ks.gov/complaints>.