

BEHAVIORAL SCIENCES REGULATORY BOARD ANNUAL BOARD PLANNING MEETING AGENDA September 27, 2021

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://youtu.be/cQdwnvSebw0>

To join the meeting by conference call: 877-278-8686, 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

Monday, September 27, 2021

9:00 a.m. Call to order and Roll Call

I. Opening Remarks, Board Chair

II. Agenda Approval

III. Annual Planning Discussion Topics

- A. BSRB Website Posting Policy
- B. “Merit the Public Trust” Requirement for Licensure
- C. Continuing Education Requirements in Diversity, Equity, and Inclusion
- D. Records of Deceased Practitioners
- E. “In Residence” Educational Requirements
- F. Board Governance Policy
 - 1. Overall Governance Policy
 - 2. Guidelines for Board Members
 - 3. Guidelines for Staff
 - 4. Advisory Committee Process
- G. 2020 Legislative Special Committee on Mental Health Modernization and Reform Recommendations
 - 1. Workforce Recommendation 1.1 – Clinical Supervision Hours
 - 2. Workforce Recommendation 1.4 – Workforce Investment Plan
 - 3. Telehealth Recommendation 10.1 – Quality Assurance
- H. Allowing Master’s Level Practitioners to Test for a Licensed Addiction Counselor License
- I. Clarification on Practitioners Providing Addiction Counseling Services in Facilities Licensed by the Kansas Department for Aging and Disability Services

IV. Adjournment

**KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
POLICY STATEMENT**

SUBJECT: PUBLICATION OF DISCIPLINARY ACTION

ADOPTED: February 11, 2002

AMENDED: June 11, 2002 and August 1, 2008 and July 13, 2015

The purpose of the Behavioral Sciences Regulatory Board is to protect the public health, safety, and welfare. The citizens of the State of Kansas and the individuals that we license have an interest in being informed when serious disciplinary action has been taken by the Board.

Therefore, it is the policy of the Behavioral Sciences Regulatory Board that all disciplinary actions will be published except: 1) An administrative fine *not* connected to the delivery of health care services when the fine is the only disciplinary action taken and 2) Correction plans *not* connected to the delivery of health care services. This specifically includes Continuing Education Unit (CEU) violations. Additionally, non-disciplinary closure letters will not be published.

Publication will be on the website of the Behavioral Sciences Regulatory Board. Publication will identify the name, profession, city of residence of the licensee, the statute(s) and any applicable regulation(s) violated (by number and language), a brief description of the actual occurrence and the disciplinary action imposed.

This policy is not intended to restrict the Executive Director or designee from appropriately responding to inquiries by the press or other persons or to lawful requests for records pursuant to the Kansas Open Records Act.

This policy is effective for all disciplinary actions finalized after August 1, 2015. The previous policy is available on the Behavioral Sciences Regulatory Board website.

Draft Language for
KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
POLICY STATEMENT

SUBJECT: PUBLICATION OF DISCIPLINARY ACTION

ADOPTED: February 11, 2002

AMENDED: June 11, 2002 and August 1, 2008 and July 13, 2015 and September 27, 2021

The purpose of the Behavioral Sciences Regulatory Board (BSRB), *in accordance with the intent of the Kansas Legislature*, is to protect *and serve the consumers of services offered by BSRB licensees, through the issuance of licenses, resolution of complaints and the creation of appropriate regulations accomplished through efficiency, fairness and respect to all those involved.* ~~public health, safety, and welfare.~~ The citizens of the State of Kansas, *the consumers served by BSRB licensees*, and the individuals that we license have an interest in being informed when ~~serious~~ disciplinary action, *including but not limited to, the denial, conditioning or limiting of a license, the revocation or suspension of a license, or the public censure of a licensee*, has been taken by the Board.

Therefore, it is the policy of the Behavioral Sciences Regulatory Board that all disciplinary actions will be published except: 1) An administrative fine *not* connected to the delivery of health care services when the fine is the only disciplinary action taken and 2) Correction plans *not* connected to the delivery of health care services. This specifically includes Continuing Education Unit (CEU) violations. Additionally, non-disciplinary closure letters will not be published.

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This policy is not intended to restrict the Executive Director or designee from appropriately responding to inquiries by the press or other persons or to lawful requests for records pursuant to the Kansas Open Records Act.

This policy is effective for all disciplinary actions finalized *after October 1, 2021*. The previous policy is available on the Behavioral Sciences Regulatory Board website.

Merit the Public Trust

K.S.A. 65-6610. Application for licensure; requirements. (a) An applicant for licensure as an addiction counselor shall furnish evidence that the applicant:

- (1) Has attained the age of 21;
- (2) (A) has completed at least a baccalaureate degree from an addiction counseling program that is part of a college or university approved by the board; or
(B) has completed at least a baccalaureate degree from a college or university approved by the board. As part of, or in addition to, the baccalaureate degree coursework, such applicant shall also complete a minimum number of semester hours of coursework on substance use disorders as approved by the board; or
(C) is currently licensed in Kansas as a licensed baccalaureate social worker and has completed a minimum number of semester hours of coursework on substance use disorders as approved by the board; and
- (3) has passed an examination approved by the board;
- (4) has satisfied the board that the applicant is a person who merits the public trust; and
- (5) has paid the application fee established by the board under K.S.A. [65-6618](#), and amendments thereto...

K.A.R. 102-7-1. Definitions. (m) “Merits the public trust” means that an applicant or licensee possesses the high standard of good moral character and fitness that is required to practice addiction counseling as demonstrated by the following personal qualities:

- (1) Good judgment;
- (2) integrity;
- (3) honesty;
- (4) fairness;
- (5) credibility;
- (6) reliability;
- (7) respect for others;
- (8) respect for the laws of the state and nation;
- (9) self-discipline;
- (10) self-evaluation;
- (11) initiative; and
- (12) commitment to the addiction counseling profession and its values and ethics.

“In Residence” Regulatory Language for BSRB Disciplines

Addiction Counseling

K.A.R. 102-7-3. Educational requirements.

(a)(1) “Core faculty member” means an individual who is part of the teaching staff of a program covered by this regulation and who meets the following conditions:

(A) Has education, training, and experience consistent with the individual’s role within the program and consistent with the published description of the goals, philosophy, and educational purpose of the program;

(B) has primary professional employment at the institution in which the program is housed; and

(C) 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 or at any other location approved by the board for the purpose of completing coursework, during which the student and one or more core faculty members, adjunct faculty members, or agency internship supervisors are in face-to-face contact.

(3) “Primary professional employment” means at least 20 hours each week of instruction, research, or any other service to the institution in the course of employment, and related administrative work.

(4) “Skill-based coursework” means those courses that allow students to work on basic helping skills including open-ended questions, clarification, interpretation, response to feelings, and summarization.

(c) Each applicant for licensure as an addiction counselor shall have satisfactorily completed formal academic coursework that contributes to the development of a broad conceptual framework for addiction counseling theory and practice. This formal academic coursework shall be distributed across the substantive content areas specified in this subsection. For applicants who graduate on or after July 1, 2013, two of the following courses shall be completed while the student is in residence: methods of individual counseling, methods of group counseling, practicum one, or practicum two. A maximum of three semester hours, or the academic equivalent, may be completed in independent study. Except for the required courses in a practicum or its equivalent, there shall be at least three discrete and unduplicated semester hours, or the academic equivalent, in each of the following content areas:

Marriage and Family Therapy

K.A.R. 102-5-3. Education requirements.

(a) Definitions. For purposes of this regulation, the following terms shall be defined as follows:

(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.

Marriage and Family Therapy - K.A.R. 102-5-3. Cont.

(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 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.

Master’s Level Psychology

K.A.R. 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.

Professional Counseling

K.A.R. 102-3-3a. Education requirements. To qualify for licensure as a professional counselor or a clinical professional counselor, the applicant’s education shall meet the applicable requirements provided in the following subsections.

(a) (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.

Professional Counseling - K.A.R. 102-3-3a cont.

(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 face-to-face contact.

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

Psychology

K.A.R. 102-1-12

(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.

Social Work

K.A.R. 102-2-6

(a) Definitions. The following terms shall be defined as follows:

(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 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.

Behavioral Sciences Regulatory Board

BOARD GOVERNANCE POLICY

I. 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.

II. 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.

III. 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

IV. Code of Conduct

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

B. Conflict of Interest

A member of the BSRB shall 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 member of the BSRB shall have no personal financial benefit as a result of service to the BSRB except sustenance and mileage;
- b. A member of the BSRB who may have a conflict of interest according to stated criteria shall refrain from voting on the matter;

- c. A member of the BSRB shall disclose any relationship with any other agency or individual involved with the BSRB and be excluded from matters involving such a conflict;
- d. A member of the BSRB serving as part of an organization working in any way with the BSRB shall inform the Board Chair;
- e. A member of the BSRB or staff shall not accept any gifts or promotional items received as part of their affiliation with the agency for personal use;
- f. A member of the BSRB or staff shall not use the agency's name or agency information for personal gain;

C. Definitions

- 1. Direct financial interest — is any situation that will result in a pecuniary benefit in the form of cash, salary, or property to the person or their spouse.
- 2. Indirect financial interest — is any situation that will result in a financial advantage to another person or organization with which a person has a relationship or association.
- 3. Pecuniary benefit — is any benefit in the form of property, but does not include:
 - 1. Property with a value of less than twenty dollars (\$20.00);
 - 2. Food or drink or entertainment authorized as a property deductible expense for income tax purposes under the U.S. Internal Revenue Code up to an amount of one hundred dollars (\$100.00) per year; or
 - 3. Contributions to a political campaign as a public servant.

D. 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;
- 2. Any discussion concerning actual or potential litigation;

V. Board Meetings

A. Board Composition

Quote K.S.A.

B. Meeting Schedule and Agenda Formation

Board meetings shall take place the second Monday of each 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. Chairman Authority/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
 - 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.

VI. Board-Executive Director Relationship

A. Organizational Structure

1. Staff will communicate personnel issues to the Executive Director;
2. The Executive Director will communicate matters that should be addressed by the Board to the Chair of the Board;

3. The Chair of the Board will present these Board related issues to the Board;
4. 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 monthly report to the Board, 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 Executive Director on an annual basis, with emphasis on whether set outcomes are attained.

VII. Advisory Committees

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 Chairperson or the Executive Director. A Committee may suggest issues it believes the Board should consider by referring those through the Chairperson 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: The Chairperson of the Committee will be a Board member licensed in the discipline of the committee. A public member of the Board will also be a member. There will be a minimum of three additional members appointed. These 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 Executive Director will be a non-voting, ex officio member. The Credentialing Specialist and the Assistant Attorney General representing the Board are encouraged to attend. Former BSRB Board members may serve on the Advisory Committee.

Terms for Advisory Committee members will be two years. They will be appointed by the Chairperson of the BSRB and can serve up to four terms. Appointments to the committee should be staggered so that approximately one third of the committee terms will be expiring each year. The policies and procedures under which the BSRB Board Members are expected to operate will apply also to the Advisory Committee Members. The Chairperson 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 representation based on geographical, gender, and public vs. private settings.

The 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 Committee will submit the names of the nominee(s) to the BSRB Board Chairperson at the 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.

After the appointment has been approved the Executive Director will inform the Advisory

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Adopted October 2011

Committee appointee by letter. 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.

VIII. Complaint Review Committee Policy

The CRC operates as part of the Investigations Policy document. That document is attached in Appendix A.

**Summary of Board Governance Policy Recommended Changes
and Items for the Board's Review and Consideration**
Behavioral Sciences Regulatory Board

The Behavioral Sciences Regulatory Board (BSRB) was created by the Kansas Legislature in 1980 by combining the then-existing regulatory bodies for social workers and licensed psychologists. In the years that have followed, additional professions have been added under the Board's jurisdiction. As a creation of the Legislature, the BSRB is bound first by statutes, then by regulations, and then by any other policies the Board or the agency chooses to adopt.

In October 2011, the Board of the BSRB adopted a revised Board Governance Policy (Governance Policy), which provides general direction concerning expectations for Board membership, Board responsibilities, advisory committees, and Board staff. The document has not been revised since that time. At the Board meeting on July 12, 2021, the Executive Director noted he would review the Governance Policy for potential updates and changes and would bring recommendations for changes back to the Board for review and consideration.

In Summary, the Governance Policy is divided in the following ways:

- Section 1 – Mission Statement (page 1)
- Section 2 – Guiding Principles (page 1)
- Section 3 – Services (page 1-2)
- Section 4 – Code of Conduct (pages 2-3)
 - A. Integrity;
 - B. Conflict of Interest;
 - C. Definitions; and
 - D. Confidentiality.
- Section 5 – Board Meetings (pages 3-4)
 - A. Board Composition;
 - B. Meeting Schedule and Agenda Formation;
 - C. Chairman Authority/Responsibility; and
 - D. Emergency Executive Succession.
- Section 6 – Board-Executive Director Relationship (pages 4-5)
 - A. Organizational Structure;
 - B. Delegation to the Executive Director;
 - C. Executive Expectations; and
 - D. Monitoring the Executive Director's Performance.
- Section 7 – Advisory Committees (pages 5-7)
- Section 8 – Complaint Review Committee Policy (page 7)

In the pages that follow, items the Executive Director has recommended be changed are highlighted in yellow and items for the Board's review and consideration are highlighted in blue. These highlighted items are not meant to be a comprehensive list of items the Board could consider changing, but is meant to aid the Board in evaluating and updating the existing language.

Potential Change #1 – Adding Language to Clarify Authority of Governance Policy (Pg 1)

As was mentioned earlier, as a creation of the Kansas Legislature, the Board of the BSRB is subject first to applicable statutes, then to regulations, then to any other agreement the Board agrees to be bound by.

I recommend adding the following language at the beginning of the Governance Policy to clarify where the Policy fits within the structure of the other rules the Board and the BSRB are subject to: ***“Insofar as the Board Governance Policy conflicts with or limits any federal or state statute or regulation, the statute or regulation controls.”***

Potential Change #2 – Chair Reference (Throughout Governance Policy)

Throughout the Governance Policy, the following names are used interchangeably: Chairperson, Chairman, and Chair.

I recommend that all references to “Chair,” “Chairman,” and “Chairperson” be changed to **“Chair”** and I recommend making this action consistent with references to the **“Vice-Chair.”**

Potential Change #3 – Reference to Frequency of Board Meetings and Corresponding Reports

Language in the Governance Policy states that the Board meets each month and that the Executive Director will issue a monthly report, however the Board currently meets every other month.

I recommend the following language be modified:

On page 4, replace “Board meetings shall take place the second Monday of ***each month***, unless the Board determines otherwise” with ***“Board meeting shall take place the second Monday of every other month, unless the Board determines otherwise.”***

On page 5, replace “The Executive Director shall keep the Board advised of BSRB activities by issuing a ***monthly report*** to the Board, which summarizes pertinent information” with ***“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.”***

Potential Change #4 - Adjust Language on Board Member Code of Conduct

Under Section 4, certain language notes that a Board member of the BSRB “shall” not have certain criminal or professional misconduct, shall not represent their personal opinion as that of the Board, shall reveal any actual or perceived conflicts of interest, etc. A determination of the qualifications for membership on the Board is under the discretion of the Governor’s office, so I would recommend changing the language from “shall” to “should,” to express the expectations of Board membership, while not appearing to limit the authority of the Governor in terms of Board membership. Additionally, to avoid confusion, it may be helpful to replace “A member of the BSRB” with “A Board member of the BSRB.” Also, language under “1” states that a Board member shall not be under investigation or charges or complaints. Anyone can file a complaint against a practitioner and those complaints will be investigated, so the language should reflect avoiding actions that would lead to investigations and complaints.

Recommended Changes to Code of Conduct, Integrity (#4a)

On page 2, “**Section 4. Code of Conduct, A. Integrity,**” the language current states:

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

I recommend the following changes:

- “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 leave 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."

Recommended Changes to Code of Conduct, Conflict of Interest, Compliance (#4b)

On page 2, "**Section 4. Code of Conduct, Conflict of Interest, Compliance,**" the language currently states:

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

a. A member of the BSRB shall have no personal financial benefit as a result of service to the BSRB except sustenance and mileage;

b. A member of the BSRB who may have a conflict of interest according to stated criteria shall refrain from voting on the matter;

c. A member of the BSRB shall disclose any relationship with any other agency or individual involved with the BSRB and be excluded from matters involving such a conflict;

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

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

f. A member of the BSRB or staff shall not use the agency's name or agency information for personal gain;"

I recommend the following changes:

"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 or staff **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. **Staff of the BSRB shall not use the agency's name or agency information for personal gain;"**

Potential Change #5 - Code of Conduct. C. Definitions (Pg 3)

The Definitions section of the document contains definitions of "Direct Financial Interest" and "Indirect Financial Interest," however these definitions are not included elsewhere in the document. The Governance Policy also defines Pecuniary Benefit, though this term is only mentioned in the Governance Policy within the definition of "Direct Financial Interest." Other statutes exist which indicate the limits by which

I recommend modifying the language in this section as follows: **Strike the Definitions section.**

Item for Board Review and Discussion #1 – Yearly Formal Evaluation of Executive Director (Pg 5)

In the Governance Policy, Section 6, Board-Executive Director Relationship, "Monitoring of the Executive Director's Performance" includes language that *"The Board shall also formally evaluate the Executive Director on an annual basis, with emphasis on whether set outcomes are attained."*

Item for the Board's review and consideration: **Is it the will of the Board for this language to remain in the Governance Policy?**

Advisory Committees

Section 7 of the Governance Document includes language on Advisory Committees, including separate sections on the Purpose, Process, Structure of Committee, and Selection of members. Advisory Committee are not mentioned specifically in statute or regulation, though there is reference to subcommittees, which advisory committee should fall under.

Potential Change #6 – Structure of Committee – Professional Board Members

Language in the Governance Policy “Structure of Committee” section states “*The Chairperson of the Committee will be a Board member licensed in the discipline of the committee. A public member of the Board will also be a member.*” No other language is included regarding Board members serving on Advisory Committees. However, two BSRB Advisory Committees, Licensed Psychology and Social Work, have two professional Board members on the Advisory Committee.

I recommend modifying language in this section as follows: “***The Chairperson of the 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.***”

Potential Change #7 – Structure of Committee - References of Certain Attendees

Language in the Governance Policy “Structure of the Committee” section states “*The Credentialing Specialist and the Assistant Attorney General representing the Board are encouraged to attend.*” Currently, no employee for the BSRB holds the title “Credentialing Specialist,” however I believe the current position that most closely would fit this reference is the Assistant Director and Licensing Manager. Additionally, while it may be helpful to have a representative from the Attorney General’s office attend meetings when needed, recommending that individual attend all Advisory Committee meetings would seem unnecessary for most meetings and would likely cause the amount for the yearly contract to escalate quickly.

I recommend modifying the language in this section as follows: “***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.***”

Item for Board Review and Discussion #2 – Number of Non-Board Members on Advisory Committee

Language in the Governance Policy, “Structure of the Committee” section, states (in addition to Board members on the Advisory Committee) “*There will be a minimum of three additional members appointed.*” The Governance Policy does not list a maximum number of non-Board members on the Advisory Committee. I have heard it mentioned that there has been discussion in the past that the number of non-Board members on the Advisory Committee should not exceed 10 individuals, however this language is not in the Governance Policy.

Item for the Board's review and consideration: **Should there be a maximum number of non-Board members on the Advisory Committee? If so, what should the limit on non-Board members be?**

Item for Board Review and Discussion #3 – Former Board Members on Advisory Committees

Language in the Governance Policy, "Structure of the Committee" section, states "*BSRB Board members may serve on the Advisory Committee.*" This sentence appears to be vague. It appears a past practice in certain situations has been that when a Board member ends their service on the Board, membership on an Advisory Committee may be offered. If this is the intent of this phrase, it would be helpful to clarify that understanding in the language of the Advisory Committee policy.

Item for the Board's review and consideration: **What is the will of the Board?**

Item for Board Review and Discussion #4 – Representation of Advisory Committee Members

Language in the Governance Policy "Structure of Committee" and "Selection" sections include three specific statements concerning the criteria that should be considered when individuals are being reviewed for potential Advisory Committee membership:

- "*These 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;***"
- "*In reviewing nominations the Committee should work to ensure that there **is representation based on geographical, gender, and public vs. private settings.***"

While it may be implied that candidates for membership should hold a general level of competence in their discipline and be ethical practitioners, due to language in the "Structure of the Committee" section that states "*The policies and procedures under which the BSRB Board Members are expected to operate will apply also to the Advisory Committee Members,*" it would be helpful to clarify whether this is the intent of the Board by adding such a sentence to the "Selection" of the Governance Policy when discussing the selection process for recommending candidates.

Items for the Board's review and consideration: **(1) should language be added to clarify that the criteria for evaluating candidates for the advisory committee should include the policies and procedures under which the Board is expected to operate? (2) Is the bulleted list of criteria above sufficient or should other areas of representation be mentioned?**

Item for Board Review and Consideration #5 – Two-Year Terms, Four Term Maximum

Language in the Governance Policy "Structure of the Committee" section states that terms for Advisory Committee members will be two years and that members may serve up to four terms. In the past, terms of service have run together, however if the Board would like to keep this language concerning the

length of term being two years, then we will begin submitting all reappointments to the Chair of the Board whenever a two-year term ends.

Item for the Board's review and consideration: Does the Board wish to keep terms at two years in length? Does the Board wish to keep the current limit of four terms?

Potential Change #8 – Staggering of Advisory Committee Terms

Language in the Governance Policy "Structure of the Committee" section states *"Appointments to the committee should be staggered so that approximately one third of the committee terms will be expiring each year."* While staggering of appointments is a preferred practice, if Advisory Committee members serve two-year terms, and members can serve up to four terms, it would be impossible for one third of the committee terms to be expiring each year.

I recommend the following modified language **"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."**

Potential Change #9 – Changing Terminology of "Nomination" to "Recommendation"

Language in the Governance Policy "Selection" section states *"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."* The language further states *"The Committee as a whole discusses the nominations."* The section then states *"The Chairperson of the Committee will submit the names of the nominee(s) to the BSRB Board Chairperson at the Board meeting."* The overuse of the term "nominations," creates some confusion, as in the first two sentences, it is used to identify individuals who were nominated for consideration of becoming Advisory Committee members, but in the last sentence, it is used to mean the recommendations of the Advisory Committee.

I recommend the following modified language **"The Committee as a whole discusses the nominations and reaches recommendations on new members"** and **"The Chairperson of the Committee will submit the Committee's recommendations for new members to the BSRB Board Chairperson at the Board meeting."**

Potential Change #10 – Notification of Advisory Committee Membership

Language in the Governance Policy "Selection" section states *"After the appointment has been approved the Executive Director will inform the Advisory Committee appointee by letter."* Currently, for most licensees, the preferred method of communication is e-mail.

I recommend the following modified language **"After the appointment has been approved the Executive Director will inform the Advisory Committee appointee by letter or e-mail."**

2020 Legislative Special Committee on Mental Health Modernization and Reform

Select Recommendations from Report of the Special Committee to the 2021 Legislature

Workforce Recommendation 1.1 – Clinical Supervision Hours

Where applicable, reduce the number of clinical supervision hours required of master’s-level behavioral health clinicians to obtain clinical licensure from 4,000 to 3,000, similar to the reduction in clinical hours of social workers.

Workforce Recommendation 1.4 – Workforce Investment Plan

The State of Kansas should make a long-term investment plan for the behavioral health system workforce by increasing funding for training, recruitment, retention, and support to effectively attract and retain high-quality staff.

Specific steps include:

- Develop a career ladder for clinicians, such as through the development of an associate’s-level practitioner role; and
- Take action to increase workforce diversity, including diversity related to race/ethnicity, LGBTQ and the ability to work with those with limited English proficiency.

Telehealth Recommendation 10.1 – Quality Assurance

Develop standards to ensure high-quality telehealth services are provided. This includes:

- Establishing consistent guidelines and measures for telehealth in collaboration with licensing and regulatory agencies.
- Requiring standard provider education and training.
- Ensuring patient privacy.
- Educating patients on privacy-related issues.
- Allowing telehealth supervision hours to be consistently counted toward licensure requirements.
- Allowing services to be provided flexibly when broadband access is limited.

The full report may be accessed by clicking the link to the PDF copy of the report “Special Committee on Mental Health on Mental Health Modernization and Reform (PDF)” at

<http://www.kslegresearch.org/KLRD-web/Interim-Committee-Reports-2021.html>